

**The fatal effects of gambling exemplified in the murder of Wm. Weare, and the trial and fate of John Thurtell, the murderer, and his accomplices [Joseph Hunt and William Probert]; with biographical sketches of the parties concerned ... To which is added, The gambler's scourge; a complete exposé of the whole system of gambling in the metropolis. With memoirs and anecdotes of notorious blacklegs.**

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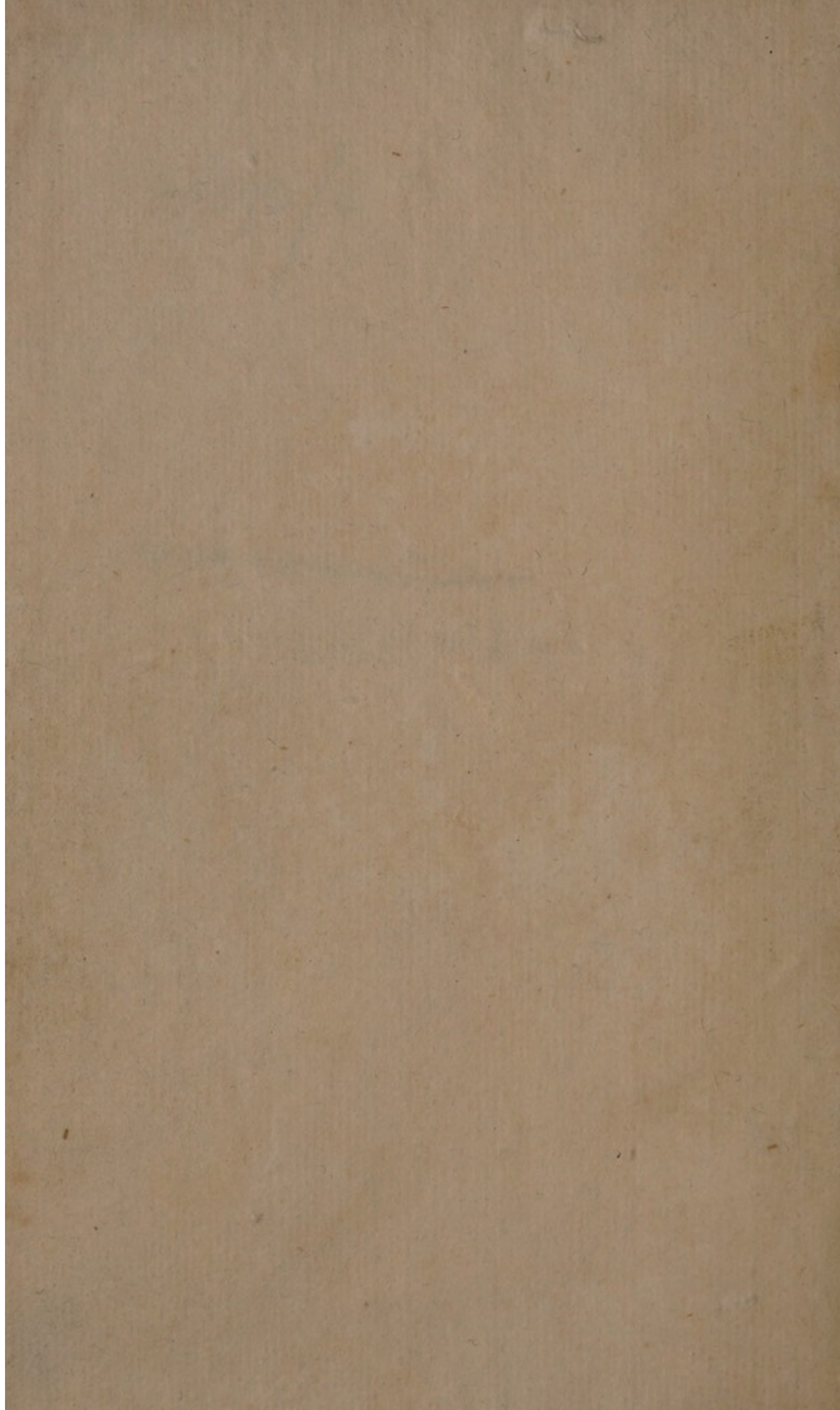


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~~THURTELL, John~~

WEARE, William









by Lett





JOHN THURTELL.

*London: Published, Jan. 1824, by T. Kelly Paternoster Row*

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*The*  
FATAL EFFECTS OF GAMBLING  
*exemplified in the*  
MURDER of WILLIAM WEARE.



LONDON.

*Printed for Tho<sup>s</sup> Kelly, 17, Paternoster Row.*

MDCCLXXIV.

WELLCOME INSTITUTION  
1890-1900  
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1890-1900



THE  
**FATAL EFFECTS OF GAMBLING**

EXEMPLIFIED IN THE

**Murder of Wm. Weare,**

AND THE

**TRIAL AND FATE**

OF

**JOHN THURTELL, THE MURDERER,**

AND

**His Accomplices ;**

WITH

*BIOGRAPHICAL SKETCHES OF THE PARTIES CONCERNED,*

AND

A COMMENT ON THE EXTRAORDINARY CIRCUMSTANCES DEVELOPED IN THE  
NARRATIVE, IN WHICH GAMBLING IS PROVED TO BE THE SOURCE OF  
FORGERY, ROBBERY, MURDER, AND GENERAL DEMORALIZATION.

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TO WHICH IS ADDED, THE

**GAMBLER'S SCOURGE;**

*A COMPLETE EXPOSÉ OF*

THE WHOLE SYSTEM OF GAMBLING IN THE  
METROPOLIS; WITH

**MEMOIRS AND ANECDOTES OF NOTORIOUS BLACKLEGS.**

---

“ ——— Shame, beggary, and imprisonment, unpitied misery, the stings of  
conscience, and the curses of mankind, shall make life hateful to  
him—till at last his own hand end him.”—*Gamester.*

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ILLUSTRATED BY PORTRAITS DRAWN FROM LIFE, AND OTHER COPPER-  
PLATE ENGRAVINGS OF PECULIAR INTEREST.

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LONDON :

PUBLISHED BY THOMAS KELLY, PATERNOSTER-ROW

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MDCCCXXIV.

THE  
FATAL EFFECTS OF GAMBLING

OF THE

TRIAL AND PUNISHMENT

OF JOHN THURTELL, THE MURDERER

His Recollections:  
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GAMBLING  
THE WHOLE SYSTEM OF GAMBLING IN THE  
METROPOLIS AND  
MEMOIRS AND ANECDOTES OF NOTORIOUS GAMBLERS

LONDON

PUBLISHED BY THOMAS AGNEW & SONS, NORTH FLEET

1857

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## INTRODUCTION.

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THE horrid tragedy which forms the subject of the present volume, will be rendered more intelligible by the biographical sketches of the victim, and his assassins, with which we preface the narrative. The characters will thus accompany the reader in "his mind's eye" throughout the tale, and various remarks and allusions, which would otherwise be unintelligible to the virtuous and peaceable portions of society, will be brought to bear upon, and strongly illustrate the feelings and motives by which the respective parties were actuated.

The murder of William Weare will hereafter stand upon record as one of the distinguishing features of the present æra; as a great and painful effort by which society has relieved itself of a huge load of vice and crime. Awful and appalling as are the means by which "a consummation so devoutly to be wished" has been achieved, one source of melancholy consolation remains. Amidst the vast mass of vice and crime with which London abounds, it would be difficult to find four men, moving and acting together, whose removal from the world could confer so much benefit on mankind, as the individuals whose crimes have in this case drawn down the wrath of Heaven on their guilty heads. We, of course assume, that the two miscreants who still survive the act of their accomplice, and the consummation of the law, are, by the characters which with their own hands they have written in letters of fire upon their

brazen foreheads, expelled for the remainder of their wretched existence from all contact with their fellow-men.

The murder of Weare has doubtlessly resulted from an adhesion to the principles engendered in that school of *fraud* and *flash*, to which not only the victim but his murderers also were attached. Weare, Thurtell, Hunt, and Probert, were all *sporting blades*, *ultra flash men*, and gamblers—preying alike upon each other, and upon society in general.

These observations are necessary to elucidate the contents of the following sheets—more would be an anticipation of the sentiments and opinions which are uniformly given with the facts and features of the case to which they apply. We, therefore, proceed at once to the biographical sketches of Weare and his associates.

### WILLIAM WEARE

Was a man of low birth and connexions—of very slender education, and of mercenary habits. Not many years ago he filled the office of waiter at a tavern, from whence he was transplanted in the same character to a gaming-house, where by assiduity and enterprise he got forward as an official, and ultimately as an independent player. Having launched forth as a regular and professed black-leg, he directed his chief attention to billiards, and was also a common attendant at races, and on other sporting occasions, with an E. O. table, of which he was proprietor.

He by no means, however, confined himself to this description of gambling, but was a regular and well-known frequenter of the London *Hells*—in some of which it would appear he made John Thurtell his dupe, and thus excited the vengeance of the disappointed gambler, which was only to be allayed in the blood of

Weare, who had fleeced him in the exercise of his nefarious calling.

In his play Weare was a notorious sharper ; among his gambling associates he was pronounced to be a *dead nail* ! “ Ready at all times,” says a sporting writer, “ to pick up a *flat* ; either to *nibble* for a *sprat*, or to tackle a *heavy jack*. No spider darted with more eagerness on a poor fly, than did Weare pounce upon the unwary. With plenty of money always about him, he was never unprepared ; and it would have broken his heart to have let a *chance go by him*. He was well-dressed at all times ; particularly neat and clean in his person, and rather gentlemanly in his manners.” He had, however, much of the cunning look of a Jew in his countenance, and there was a peculiar hardness in his physiognomy. His cheek-bones stood out so much, and his chin was so small and pointed, that his face below the eyes was precisely triangular-shaped. He was diminutive in stature, but his person was well-knit, active, and enured to fatigue.

Next to his love of gaming, was his fondness for sporting, and the only charm that could win his mercenary soul from the gaming-table was the expectation of a few days’ shooting. Thurtell well knew of this fondness of Weare for the sports of the field, and as it will be seen in the course of the succeeding narrative, made it the lure by which he entrapped his devoted victim.

Weare resided in chambers in Lyon’s Inn, where he used to keep some fine sporting dogs. He was frequently to be seen airing and exercising his dogs about the Inn.

So great a dotard of his money, and so narrow-minded, was Weare, that he would not intrust his cash in the hands of a banker, but kept it in his own possession, and always carried a large sum about his person, in an old

pocket-book, between his flannel shirt and his skin. At one time, it is said, his solicitor succeeded in persuading him to open an account at the banking house of Morland and Co. where he lodged five hundred pounds, but very soon drew it out, and continued his old plan.

At the period of his assassination he was paying his addresses to a young lady at Bayswater, who was reputed to have an income of three hundred a year.

### JOHN THURTELL

Was the son of a highly respectable and opulent merchant of Norwich: a man no less distinguished for the constant exercise of every virtue, than for the high and important office to which he had been elevated by his fellow citizens. At the time of the disgraceful death of his lost and wretched son, the father was one of the aldermen of the ancient and important city of NORWICH!

Early in life John Thurtell obtained, through the influence of his respected father, a commission in the Royal Marines, in which service he continued till the peace, when he was, among a multitude of other young men, thrown back upon the world, and returned to the more tranquil pursuits of commerce. He was established as a Bombazin Merchant at Norwich, but in the course of business had occasion to make frequent visits to London, and thus became acquainted with what is called the *Sporting World*—a connexion that ultimately led him on to his destruction.

He first made his appearance in this connexion about the years 1818 and 1819, and being known as the son of Alderman Thurtell, of Norwich, a man of respectability, of property, and of influence, soon acquired a certain ascendancy among the loose and adventurous characters who comprise the greater portion of the sporting fraternity.

Thurtell's habits of dissipation, of extravagance, and

of neglect of business, increased in proportion as he mixed among his new connexions in London—the natural and inevitable consequences of which were loss of credit, and complete failure in business at Norwich.

He came to London to receive several hundreds of pounds for goods which he had sold to a respectable house in London Wall; and on his return, was to pay the money amongst his creditors. Instead of doing so, on his arrival at Norwich, for the purpose of applying the money he had received to his own use, he propagated a story that on his return from London, as he was walking across a lonely spot near Norwich, with the money in his pocket, he was stopped by footpads and robbed of it, after a desperate resistance. In support of this tale, he appeared with a black eye, and his head much cut and bruised. This story, in consequence of his bad character, gained no credit in Norwich; his creditors did not hesitate to tell him that he had invented a plausible tale for the purpose of defrauding them of their just claims; and to avoid their importunities and unpleasant observations, he left the place and set off for London, in the company of a very pretty girl (with whom he has lived till a short time before the murder) of the name of Miss D——.

After this circumstance, his character being gone in Norwich, he hoped to be more at his ease in London. Reports, injurious to his fame, however, followed him to the Metropolis: business was at an end: and how his time was for a long period occupied, it would be, perhaps, difficult to describe.

The link of respectability as a merchant, was now broken, and he plunged headlong into the dissipated scenes which the great city of London affords to every adventurer; mixing at all hours in all sorts of company,



and visiting without thought or reflection, houses of every description.

He set forth upon a hunt after fame ; *i. e.*, to obtain the title of a leader in the sporting circles : his acquaintances soon multiplied ; and, unfortunately for himself and his pocket, Thurtell, like a number of other foolish young men from the country, flattered himself that he was a *knowing, clever* fellow. It was on this rock that he split. “ Among the *Legs*, he was picked up as a *good flat* ; and the rolls of country *flimseys* \* which he brought with him to town, were soon reduced to a small space in his pockets. The *Swell Yokel* † as he was first termed, before the familiar name of Jack Thurtell was known to his *pals*, ‡ was hailed as a rare customer ; and numbers were on the look out to have a *slice* of his *blunt*, § till he was ultimately cut up in so many slices, that not the smallest *taste* of his property remained.” Unhappily for Thurtell, Weare was one of this number.

Either from accident or inclination, however, Thurtell was always more conspicuous in London as an amateur of boxing, and an associate of prize-fighters, || than as a regular gambler, although he certainly mixed among the black-legs, to a very considerable extent.

Being a man of superior education to those among whom he stooped to herd, he was looked up to as a sort of oracle by most of his unlettered companions, and

\* Bank-notes.

† Gay, or dashing fellow.

‡ Associates.

§ Some of his money.

|| While Hickman, the notorious fighting gasman was in training, for one of his pitched battles, at Wade's Mill, in Hertfordshire, Thurtell, in company with one Elliott, of sporting notoriety, spent a good deal both of time and money with him. The fate of these three men is at once singular and awful. In less than thirteen months, Elliott died by his own hand ; Hickman, returning from a prize-fight, in a state of intoxication, was thrown from a chaise, and his head literally crushed to atoms—and Thurtell died by the hands of the common hangman for a cold-blooded and deliberate murder.

his name was occasionally affixed to the articles of some of the great boxing matches\*.

After various vicissitudes, Thurtell made a bold endeavour to gain a permanent footing in London, by taking a public-house in Long-acre. He established an ordinary, and evening singing parties, which were attended by a great number of such persons as usually flock to houses of this description, all desirous of serving the landlord, for he had the name of being a good-humoured, affable, and social man†. The principal attraction of his house, however, was the handsome Miss D——, who, as we have already stated, accompanied him in his disgraceful flight from Norwich, and now presided nominally as his bar-maid, but was in reality his kept mistress.

The scenes of dissipation, riot, and annoyance constantly acted at this house, led to a suspension of the license, and thus in a very short time, this public-house speculation proved abortive—the concern broke up—Miss D—— was abandoned—and Thurtell was again lost sight of for a time in the vast chaos of crime and folly of which the element in which he delighted to move was composed.

Thurtell at length appeared again upon the stage, on

\* On one occasion, Abraham Belasco, the Jew boxer, upbraided Thurtell with having tampered with his brother, Israel Belasco, to fight a *cross*, or, in other words, to defraud his backers, by selling the fight. Thurtell was so much enraged at this insult, that he offered Hudson, another boxer present, five pounds if he would well chastise Belasco for the affront. The chastisement was not given, and the triumphant Jew retaliated in a strain of prophetic irony, by declaring that he was sure he should live to see John Thurtell hanged!

† At one period of his life Thurtell was greatly attached to theatricals, and prided himself in no small degree upon his imitations of Kean, the actor. He was also very fond of recitations, and would frequently indulge his friends by repeating scenes or passages which he considered as possessing any peculiar beauties.

the occasion of the destruction of his brother Thomas Thurtell's stock and premises in Watling-street, by fire, under circumstances of strong suspicion. John was his brother's manager, and also his principal witness in an action brought against the County Fire Office, for the sum of 1900*l.*, as the value of the property alleged to have been destroyed, for which sum Thomas Thurtell obtained a verdict. The payment was disputed by the County Fire-Office, and a rule for a new trial obtained, but the evidence offered on the second trial was not sufficient to disturb the original verdict in favour of Thomas Thurtell. The information obtained by the director of the Fire-Office was, however, of such a nature as to induce him to prefer an indictment against John and Thomas Thurtell and others for a conspiracy to defraud the office, and a true bill was found by the Grand Jury, under which Thomas Thurtell is now confined in Newgate, awaiting his trial on the charge\*.

Such is a brief sketch of the life of the late John Thurtell, up to the period when he committed the murder, from which he has derived his infamous immortality, and the particulars of which are disclosed in the ensuing narrative.

### JOSEPH HUNT

Is said to have belonged to a respectable family. He has a brother who appeared some time since at Covent-garden Theatre, as a first-rate singer, and who has the reputation of being a well-conducted person. One of his sisters was married to a Captain O'Reilly, of the Austrian service, who died a few months ago.

Very little is known of the early life of Hunt, but for

\* It has been reported that the information on which this indictment was preferred, was furnished by Miss D—, in revenge for the treatment which she had received in being abandoned and left destitute.

the last ten or twelve years he has been more publicly observed as a sort of *flash* and *sporting* character at the public-houses frequented by persons of that class, and was very fond of being hand-and-glove with stage-coachmen and stable-people, among whom he was considered as a good-natured but half-witted fellow.

A few years ago he took the Army and Navy Coffee-house in St. Martin's Lane, but the business was conducted by an antiquated spinster of the name of J——n; Hunt himself being but very little to be seen there, except now and then in the evening as chairman of the free and easy singing meetings, for he was, in fact, a very good singer. But when a tradesman's bill was to be settled, Mr. Hunt was decidedly invisible—for, although Miss J——n could *receive* money with the greatest readiness, her instructions never went the length of authorizing her to make any thing like a disbursement.

This sort of proceeding could not, of course, last long. The Army and Navy Coffee-house was shut up, and Mr. Hunt decamped. From that period he may be said to have been living at *hide and seek* under the most suspicious circumstances. He generally dressed in a very flashy style, wearing large whiskers and mustachios, which bore evident marks of peculiar care and attention in their adjustment. In this costume he was a constant visiter at the theatres and other public places of amusement; and the natural inference is, that in the intervals of his raising the ways and means by some pretended pursuit in business, he lived by his depredations at the gaming-table.

Hunt married a respectable young woman, whose sister is the wife of Mr. Mountain, landlord of the Northumberland Head, travellers' house, in St. Martin's Lane, Charing-cross. He is about thirty-three years of age; a well-proportioned, and rather handsome-looking man. His complexion is dark, and his eyes and hair black.

The shaving-off of his whiskers after the murder so materially altered his appearance that it became difficult at first sight to recognise him.

### WILLIAM PROBERT

Is the son of a respectable farmer, formerly of Ross, in Herefordshire, where this worthless man was born, about the year 1782. His mother, who has remarried since the death of his father, still resides in the same county; and he has a brother, a farmer, in Gloucestershire.

Of the pursuits of his early life but little is known; they are supposed to have been passed in a more humble sphere than that in which he has since moved.

The character in which he figured when he first came within observation was as clerk to a wine-merchant, at Pimlico. This was about the year 1813, in the December of which year, he married a daughter of Mr. Noyes, formerly a brewer at Foxfield, and afterwards farmer of his own freehold estate at Tangley, from whence he retired with a handsome fortune to Hampstead, where he lived for some years highly esteemed and respected.

Probert received a handsome property with his wife; and soon after his marriage commenced business as a wine-merchant, taking apartments in Coventry-street, and opening extensive wine-cellars in the Haymarket, where he continued till about the middle of 1818, carrying on business with apparent credit. He removed from thence to High Holborn, where he remained rather more than twelve months; when he appeared in the Gazette as a bankrupt towards the end of the year 1819. He failed for 22,000*l.*, not one shilling of which have the creditors ever recovered!

In his examination before the Commissioners, his

behaviour was such that he would have been committed to Newgate, had he not previously have taken the precaution of placing himself in the custody of the Marshal of the King's Bench. He had a still narrower escape from detection in an offence against the bankrupt laws, which, if discovered, would have been attended with the most serious consequences. The Commissioners having heard that he was living at a very extravagant rate in the King's Bench, paid him a visit without giving him any previous notice of their intention. On their arrival, the messengers under the commission seized, as they thought, upon all the property in his room. Unfortunately, however, for the creditors, the messengers were not sufficiently on the alert to prevent Probert's landlady from walking off with his writing-desk. In this desk, he afterwards confessed, there was a considerable sum of money in bank notes, bills, &c. After the desk had been cleared of its pecuniary contents, which for better security were then concealed in the sacking of a chair, it was placed in the way of the commissioners. Of course, it was immediately opened, but, as might be expected, nothing was found in it but a few memorandums. To mislead the commissioners, he offered them a few pounds which had escaped their notice. On their departure, he took measures to guard against any future surprise; and he used to boast, that, as he had thus *done* the commissioners, when he was unprepared for them, he defied all their efforts now that he knew that they had their eyes upon him.

From the quantity of wine which was repeatedly brought into the prison to him, and which he was known to sell, it was suspected that he had a large quantity concealed in some part of the town, which he had withdrawn from his stock, to the injury of his creditors.

Before his bankruptcy he kept an elegant establishment, and drove about town in a tilbury, attended by a

servant in livery. One of his creditors was so much taken in by his manners, his equipage, and his apparently extensive dealings, as to declare after his bankruptcy, that he would have given him credit, had it been asked, for as many hundreds of pounds as he had obtained of tens. On this declaration being communicated to Probert, his expression was, "what a cursed fool I was not to know my own value, and to stick it in the fellow for a few thousands. Alas! alas! a man never knows what he is worth, until he is ruined."

While he was in the King's Bench prison, he was distinguished for the general profligacy of his conduct. It is said that he debauched both the wife and daughter of one of the unfortunate inmates of the prison. It was a common boast with him that no woman whom he wished to possess could escape him, for if he could not gain her by fair means, he would not scruple to assail her by foul. He was a constant inmate of the coffee-room in the prison, and ingratiated himself into the confidence of the family of its proprietor. At length a breach took place, and Probert was charged with robbing the till. He was indicted, tried, and convicted at the Sessions House, Horsemonger-lane, for the felony, and imprisoned for six months in the House of Correction at Brixton.

He has since carried on business in the wine trade; but being an uncertified bankrupt, it was probably under another name, or merely on commission.

Probert is a man of colossal stature; he is bony, muscular, and powerful, with a short neck and round shoulders. His hair is black; his complexion swarthy; his features are not large for so large a man, and his countenance is rather heavy and inanimate except about the eyes, which are very dark. His gait is slovenly, and his general appearance, though assuming in his manner, such as comes within the description of being, neither prepossessing or repulsive.

Such were the men whose horrid crimes have, happily for the peace of the metropolis, and the preservation of innocent families from ruin, broken the guilty compact by which they were held together, and freed the world from the effects of their diabolical machinations. If it were possible that the murder of Weare, as perpetrated by these men, could by any possibility be exceeded in ferocity and revenge, the standard by which to decide such doubt is furnished in the confession of the criminal Hunt, published after his condemnation\*. In that document of infamy seems concentrated all that the most depraved of mankind could conceive, or the most heartless and abandoned debate—deeds of blood and horror could only be perpetrated by the demons whose minds had given them birth.

In that portion of the present volume devoted to the *GAMBLER'S SCOURGE*, we have, by a great body of information and remarks quite new to the public, shown that the Gaming-houses of London—most appropriately denominated *HELLS!*—are calculated to convert the weak and the naturally vitiated into such men as Weare, Thurtell, Hunt, and Probert! We have exhibited their worldly effects in the ruin, misery, and general demoralization produced by such accursed means—we have traced to their doors deeds of darkness and of blood—and we have traced to the gaming-table, the footsteps of the despairing suicide and the reeking murderer.

After rendering this acceptable service to society, we might rest content, in a full consciousness of the important duty we have performed, both in a civil and religious point of view. But we go farther;—we call upon the legislature and the judges of the land—upon the magistrates of the police and their subordinate agents—upon parochial officers, and the acting members of asso-

\* Vide Appendix, p. 475.



ciations for the prevention of crime and the protection of property—upon fathers of families and the employers of clerks and apprentices—in short, upon each and every member of society, who values not only the happy institutions under which he lives, but the temporal and eternal happiness of his children, his friends, his dependants, and his fellow-creatures in general, to aid and assist us in the destruction of this master-vice—in the annihilation of this all-devouring monster, which now stalks abroad with impunity, and threatens to undermine by slow but certain means the very key-stone of society. Every man, whatever may be his rank and station in life, is interested in the destruction of the vice of gambling; and having in the present volume, not only exhibited in a clear and intelligible point of view the whole system of fraud and chicanery by which it is supported, as well as furnished a clue to the means by which it may be entirely eradicated, we place the matter in the hands of the public, in the full assurance that we have done our duty towards the effectual accomplishment of so important an object.

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# MURDER

OF

WILLIAM WEARE,

THE GAMBLER.

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SINCE the detection of the notorious Cato-street conspiracy, no occurrence of a similar nature has so much agitated the public in general as the recent atrocious murder of the ill-fated gambler, WILLIAM WEARE. Both these events burst in alike upon the uniformity of civil life, and awakened the drowsy sensations of the world into feelings of horror. Public attention will hereafter pass from one to the other of these dreadful tales, without reference to all the intervening occurrences of robbery, murder, and suicide.

With the similarity of the effect produced upon the public mind, however, the parallel ceases. Even the wretched sophistry by which the deluded beings in the former case attempted to reconcile assassination with the public good, is unavailable to the perpetrators of the recent murder. It is to the utter annihilation of feeling, the destruction of moral principle, and the demoniacal state of mind produced by the horrid vice of GAMBLING, that we are bound to attribute this new outrage upon the feelings of society, this new libel upon human nature.

Numerous as are the instances of the ruin of families, the gross and barefaced robberies of the young and inexperienced, the despair and desperation produced thereby, and the appalling cases of madness and self-destruction that follow, still this pernicious practice is suffered to exist—still is GAMING, with all its frightful consequences, permitted to rankle and fester

in the heart's core of society, and, like the deadly Upas, to shed its baleful and destructive poison upon all who have the misfortune to be entrapped within its unhallowed precincts.

What a complicated and frightful picture of crime and misery does this one transaction, out of multitudes of almost daily occurrence, present! A flinty-hearted gambler, a robber by profession and by practice, reeking from the midnight stews of rapine and of fraud, and panting for new victims to his nefarious arts, is hurried "in the blossom of his sin" into the presence of his Maker;

No reckoning made, but sent to his account,  
With all his imperfections on his head!

by the hand of his companion and his friend.

On the other side of the picture we behold, in the prime of manhood, and in the vigour of health and intellect, the desperate assassin, the lost, the wretched, the undone son of parents valuable to society, virtuous in conduct, unsullied in reputation, and gifted with affluence;—parents, whose circumstances might fairly induce the hope that their children would be the prop and comfort of their declining age, and the respected possessors of their property and fame. How bitterly are their just hopes blasted and destroyed! The retributive hand of outraged justice has arrested the career of crime, and the worthy parent of an unworthy son may well exclaim, in all the bitterness of heart-felt grief, "Who would be a father!"

It is needless to anticipate the tale of blood and horror, upon which we are bound to enter, by expatiating on the crimes and sufferings of the other persons involved in this dreadful transaction! It is sufficient for our present purpose to have connected cause and effect, and to have briefly pointed out to our readers the GAMING-TABLE AS THE SOURCE OF DISGRACE, OF ROBBERY, OF MURDER, AND OF EVER-LASTING RUIN, which we shall proceed to exemplify by a digested narrative of the whole transaction, and

shall hereafter add such information and remarks as we trust will tend, in no small degree, to the total annihilation of this pernicious vice.

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### NARRATIVE OF THE MURDER.

Philip Smith, a farmer, was proceeding from Batler's Green, to his own residence at Kemp's Row, Aldenham, in Hertfordshire, about fifteen miles from London, between eight and nine o'clock in the evening of Friday, the 24th of October, when he heard the report of a gun or pistol, and immediately afterwards groaning, which continued for three or four minutes. His wife was with him in a donkey chaise, and he would have gone to the spot from whence the noises proceeded, but was afraid to quit her, she being greatly agitated. The same night, a man named Freeman, who was on his way to meet his wife, saw a gig, in which were two men, driving towards the lane, at a very rapid pace, the horse seemingly much out of wind. He accosted them, observing, that they were driving hard; to which one of them made a slight answer, which Freeman could not distinctly hear. The gig stopped just as Freeman entered the lane. At daybreak, on the following morning, a quantity of blood was found in a lane, in the same neighbourhood, by two labourers, who were going out to their work in the fields. The ground, for a considerable distance around the puddle of blood, was torn up and trampled, as though several persons had been violently struggling there, and near it was found a silk handkerchief, a small knife, and a pistol clotted with blood and with a substance which an eminent surgeon pronounced to be human brains. The men were much alarmed at the sight of these things; and, not doubting but some person had been murdered there, they determined to conceal themselves, and watch the spot, naturally supposing that the murderers would be

anxious to recover the pistol, &c., lest they should lead to their detection. Presently, whilst it was yet twilight, two persons approached the spot where the blood lay, and appeared to be anxiously searching for something on the ground. When they had searched some time, the men left their hiding-place, and going towards them, carelessly inquired whether they had lost any thing? To which one of the strangers as carelessly answered that they had lost a penknife; and in answer to further questions put to them by the labourers, they replied, that they had been upset from a gig, in a bit of a lark, near that spot on the preceding night. They then went away towards Gill's Hill cottage occupied by Mr. Probert, and the labourers made the best of their way to communicate what they had seen.

An inquiry took place in consequence, from which it appeared that the two strangers, whom the labourers had seen searching the scene of the supposed murder, were John Thurtell and Joseph Hunt. It was ascertained, also, that these two persons, together with Thomas Thurtell and some others, were on a visit at Probert's cottage on the night in which the murder was supposed to be committed. No person, however, was apprehended, but the inquiry was continued throughout the Saturday, Sunday, and Monday—diligent search being made at the same time after the murdered body without success; and, at length, on Tuesday afternoon, information of all the circumstances was transmitted to the magistrates at Bow-street. It was received about four o'clock in the afternoon of that day, and in half an hour after Ruthven was authorized to take John Thurtell, Thomas Thurtell, Joseph Hunt, and William Probert, into custody. He left town immediately for Aldenham, and the same night lodged Thomas Thurtell and Probert in St. Alban's gaol; and before six o'clock in the morning he apprehended the other two in town—John Thurtell at a public-house, in Conduit-street, Bond-street, and Joseph Hunt at his lodgings, at

No. 19, King-street, Golden-square. Ruthven took Thurtell in bed, and on searching his apparel the cuffs of his coat were found very much stained with blood on the inside; his waistcoat-pocket seemed to have had a bloody hand thrust into it, and the edges of his hat were marked with blood. Besides these suspicious appearances, his right hand was much scratched and bruised, and his upper lip was swelled and lacerated as if by a violent blow. The two prisoners, after being examined at Bow-street, were conveyed, in separate chaises, to Watford, where they arrived between five and six o'clock on Wednesday afternoon. The magistrates, meanwhile, had been most actively engaged in procuring evidence, and by ten o'clock that night were prepared with a mass of testimony of a very strong nature. The investigation commenced at half-past ten. The prisoners were not brought into the room, it being thought best to keep them ignorant of the entire evidence against them, at least for a short time.

After the testimony of several witnesses had been taken, whose evidence we shall give in detail in our account of the proceedings before the Coroner's Inquest, the prisoner Hunt was called in, and Mr. Noel, who attended as solicitor for the prosecution, told him that the magistrates and he would feel it their duty to put some questions to him, but it was fit he should be warned that he was not bound to answer a single one unless he chose, and, above all, to say nothing tending to criminate himself. With this warning, he, of course, would exercise his own judgment.

John Thurtell was next called, and received the same warning, and also underwent a long interrogation. When it had nearly closed, he was asked if he ever carried pistols, and he said he never did; being pressed, he said he found a small pistol on a bank near Probert's house on Sunday morning last. Ruthven had found it upon him, and produced it.

Mr. NOEL said, he had already cautioned the prisoner as to his answering questions, and he was now

about to put to him some of a very important nature. "Do you," said Mr. N. suddenly, "do you know Mr. Weare?"—*Prisoner (firmly)*, I do.

Do you know where he is?—I do not.

When did you see him last?—On Tuesday, last week, was the last time.

Did you see him last Friday?—No, I did not. I did not meet him by accident on Friday in the Edgware-road.

Now, Mr. Thurtell, you have said you found this pistol near Probert's; what would you say when I tell you I can produce the fellow to it, found within a few yards of the same spot?—I know nothing about that.

The pistol, with the blood and hair adhering to it, was then slowly exposed to the view of the prisoner, from the paper in which it was wrapped, and his countenance and manner underwent a change too striking to escape the notice of the most careless observer. His complexion, naturally sallow, assumed a deadly pale, and he appeared to shudder and shrink backwards at the sight of the weapon; the state of which, however, was such as to be likely to produce a strong effect upon a perfectly innocent man. The pistols were then compared. They were of the same size; each had "Hill, London," engraved on it, and they were numbered 2 and 3. In the make, ornament, and every part, they exactly resembled each other.

*Mr. Noel.*—I can tell you, Thurtell, Mr. Weare is is not to be found.—I am sorry for it; but I know nothing about him.

The prisoner was removed, and other evidence heard; after which Thurtell was recalled, and persisted in saying that he had never seen Weare since Tuesday, or Wednesday at the latest.

Hunt was then recalled, and, after some questions, was shewn the two pistols. Mr. Noel, after acquainting him with the manner in which they were found, addressed him at some length, and desired him to retire. In a few minutes he sent for Mr. Noel,

and shortly after he was again conducted in before the magistrates, and made a very long Confession. When he had finished it was past nine o'clock on Friday morning, the investigation having continued, without intermission, through the night. He concluded, by offering to conduct the proper persons to the spot "where the body of Mr. Weare would be found."

When Hunt had made his confession, the magistrates requested Mr. Noel the solicitor, Ruthven, and a number of officers, to attend him to the pond, where the corpse was concealed. Hunt went in a post-chaise, accompanied by Ruthven; and on arriving near a pond, on the side of the road leading from Radlett to Elstree, Hunt put his hand out of the chaise, and said, "That is the place." A drag was provided by Mr. Field, the landlord of the Artichoke, at Elstree, and a man threw it into the water, and drew it out without finding any thing. Hunt called out of the chaise, "It is not there, but further that way" (pointing on one side of the water). The drag was again thrown in, and the body of a man, enveloped in a new sack, was drawn out, placed on a ladder, and carried to the Artichoke public-house. The head, and as far as the abdomen, were enveloped in the sack, the body having been thrust into it head foremost; the feet were tied together with a piece of cord, to which were appended a pocket-handkerchief, filled with flint stones, about thirty pounds' weight. Another cord was tied over the sack, round the waist of the deceased, to which was affixed a very large flint stone, and in the end of the sack a great number of stones had been placed before the body was put into it. The magistrates gave orders for the body not to be examined till the jury were impanelled.

When Hunt was returning from the pond, he addressed himself to Mr. Field, the landlord of the Artichoke—"I and Probert were sitting under the tree in front of your house for an hour, on the night of the murder, drinking: you know this?" Mr. Field replied in the affirmative. Hunt continued: "Pro-



bert wanted me to sing, but I was so very 'muzzy' (drunk) that I could not." Hunt was then conveyed to St. Alban's gaol, and the Coroner issued summonses for a jury to assemble on the following morning.

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### CORONER'S INQUEST.

On Friday morning, October 31, at eleven o'clock, Benj. Rooke, Esq., Coroner, R. Clutterbuck, J. F. Mason, and T. Haworth, Esqrs., Magistrates, together with a great number of gentlemen of the first respectability, assembled at the Artichoke Inn, at Elstree.

Between eleven and twelve o'clock, Hunt, Probert, and Thomas Thurtell arrived at the inn in different post-chaises, accompanied by police-officers. Hunt and Probert appeared to feel very little. The arrival of a brother of the deceased excited a considerable sensation; his distress was so extremely great, that during the whole of the inquiry he was weeping and excited the sympathy of every one present.

The following respectable inhabitants of the neighbourhood were sworn on the Jury:—Robert Field, foreman; Rich. Parker, Rich. Brown, W. Masters, W. T. Harrold, John Brown, John Stacey, John Young, Wm. Eames, John Morris, and Joshua Molineux.

The Jury, after being sworn, viewed the body; and Mr. *Rexworthy*, proprietor of the Billiard-rooms, Spring-gardens, was called. He was a friend of the deceased, and had seen the body: he knew it to be the remains of Mr. W. Weare, of London, who took leave of him on Friday morning, the 24th instant, and then had, to the knowledge of witness, about 24*l*. Previously, deceased possessed bank post bills and other bills to a considerable amount. Witness left London as soon as he heard of the murder of a man whose body was not found, as he knew that Mr. Weare had been invited to accompany Thurtell on a shooting excursion.

*P. Smith* deposed to the facts which we have pre-

viously related ; and added that, prior to hearing the report of the pistol, he heard a chaise coming in the direction from High-cross to Radlet.

*James Freeman* sworn.—He was going on the evening of Friday across a field leading into Gill's Hill-lane, by Probert's house, about eight o'clock, and saw two gentlemen in a gig ; one of them alighted. Witness said to the gentlemen, " You have driven your horse very fast ; it is very much out of wind." They gave no answer. Witness then said, " This is a very dark, crooked, bad lane to go down in the evening." No answer was made to that, and witness walked on. The man had a light great coat on, buttoned with a loop ; there were no lights to the gig ; it was a clear star-light evening, so that he could distinguish persons very plainly ; it was a bay horse in the chaise, with a light face : the men had both black hats on ; he followed them for some distance, and then returned to meet his wife.

*Elizabeth Freeman*, the wife of last witness, sworn. She met two gentlemen, on the night of the murder, travelling in a chaise, along Gill's Hill-lane. On Sunday she met Probert's boy, and having heard that some gentlemen had met with an accident in the lane, she asked him if his master had met with a misfortune in his gig, and the boy said that the gentleman was overturned, and came home very dirty, and with spots of blood on his coat.

*John Hetherington*, a labourer, sworn.—Was at work in Gill's Hill-lane, about six o'clock on Saturday morning, and saw two men walking up the lane from Gill's Hill. One had a white and the other a black hat on : the former was a tall man, with black whiskers ; and the other shorter, with a white coat. They grabbed in the hedge ; witness, and a fellow-labourer named Hunt, spoke to the gentlemen, and one of them said, " I was thrown out of my chaise here last night." Witness was sure he should know the tallest man with a white hat, if he were to see him again.

The witness, by order of the Coroner, was taken into the rooms where Probert, Thomas Thurtell, Hunt, and other persons were, and pointed out Probert as one of the men; but could not identify amongst them the man with black whiskers, who answers the description of John Thurtell.

Witness heard his fellow-labourer, Hunt, ask the gentlemen if they were hurt, and the tall one replied that he was capsized; but neither horse or gig were overturned. After witness had breakfasted, he walked up the lane again, supposing, if the gentlemen had been overturned, that some money might have been thrown out of his pocket, and, on searching, he found a knife, which was covered with blood. The knife was produced. About ten o'clock the same morning, he found a pistol in the hedge, near the spot where he had previously seen the gentlemen "grabbling." The pistol was bloody. Witness gave the pistol to Mr. Nicholls, his employer, who told him that Mr. P. Smith had informed him that he had heard the report of a gun in the lane on the over-night. On the spot where the pistol was found, witness kicked the leaves, and the more he kicked them the more blood was found; and Mr. Nichols said, "I am afraid that something very bad has been done here." Witness told Mr. Nicholls, who was at that time in his chaise, that he had seen two gentlemen "grabbling" there. Mr. Nicholls told him not to divulge any thing that he had seen. About eleven o'clock the same evening, witness saw the same two gentlemen come down Gill's Hill-lane, in a chaise; they were then neatly dressed, and both had black hats on. One of them (the same person who, about six o'clock in the morning, had a white hat on) asked witness how he did? This person was John Thurtell, whom he saw on Thursday last at Watford. These were the only two persons who came down in a chaise that day. A man came down with a large dog soon afterwards.

*William Hunt* corroborated the testimony of his

fellow-labourer Hetherington; and added, the shortest of the two men who came in the morning, stooped in the hedge, and returned with something which he appeared to have picked up, and which he carried in a yellow handkerchief on the end of a stick, when they went away.

*Mr. Nicholls*, a farmer, also corroborated the evidence of his tenant, Hetherington, as to receiving a bloody pistol from him, and discovering a "sprinkling" of blood in the hedge. He received the pistol on Saturday morning, and did not give it up to the Magistrates till Tuesday. Did not know that the Magistrates sat at St. Alban's on a Saturday, or he should have given information to them. Was in company with Probert on Sunday, at his house, on private business; remembered saying on that occasion to Probert, "What the devil manœuvres were you at last Friday evening?" Probert replied, "What manœuvres do you mean, I know nothing of it?" Witness replied, "I suspect some one at your house fired a pistol in Gill's Hill-lane on Friday night." Probert said, "What time was the pistol fired?" Witness said, "Eight o'clock." Probert said, "It was not me, or any one at my house, for I did not arrive at home till long after that time." Witness had this conversation with Probert before his making any communication to the Justices, and previous to this time he had received the pistol from Hetherington, which had blood upon it. Had seen a bloody knife found upon the spot, and had seen the blood on the ground, and heard of the groans, and yet he did not suspect that a murder had been committed. Did not see the brains, or the hair on the pistol, till Monday morning. Witness had not wilfully done wrong in not communicating these facts earlier to Mr. Mason, the Magistrate; for he thought that as there was a good deal of drinking going on at Probert's, that some of them were going to London, and that some one belonging to the family had concealed themselves in the hedge, and fired to alarm their companions as they passed.

*Coroner.* You have told us part of what passed between you and Probert on Sunday evening, tell the remainder.—He was not there above half an hour with Probert.

*Coroner.* Was not something said by Probert about dragging a pond?—There was. A Mr. Heward was present, and Probert spoke about filling up his pond. Witness said it would be a pity to have the pond filled up. To this it was replied, jokingly, “It shall be dragged first, and some large fish will be found in it.” At the time, it appears, the body of the deceased was in this pond. Witness wrote on Monday, the 27th, to Mr. Mason, and informed him he suspected a murder had been committed. The road to Probert’s cottage was unfrequented by almost every one but Probert and the persons at Probert’s house. Witness had for some time had a bad opinion of the persons frequenting Probert’s, but he did not suspect that they would murder one another. The Coroner reprehended the conduct of this witness, in not giving earlier information to the Magistrates, and was surprised that after he had received the bloody pistol, heard of the groans, &c., that he did not instantly give information, instead of visiting Probert.—Mr. Nicholls regretted that he had delayed making the communication to the Magistrates.—The Coroner said, that he acquitted him of any intentional wrong.

*Susan Ann Woodroofe*, servant to Probert, proved that her master came home on Friday, about nine o’clock at night, with two other persons, viz., Hunt and John Thurtell, both of whom had white hats on when they arrived. Probert gave witness some pork chops to cook, and told her not to get them cooked till he came back; and he then went out with the other two gentlemen, with a lantern and candle. Mrs. Probert told witness that they were gone to Mr. Nicholls’s on business. They left the house about ten o’clock, and returned about eleven; and when witness took the chops into the parlour, all three were there, and supped. Hunt and John Thurtell sat up all Friday night, smok-

ing and drinking; whether they went out in the night she could not say. On Saturday morning she saw John Thurtell sitting on a sofa in her master's room with her master's white hat on, and Hunt was asleep on a chair? Hunt and John Thurtell left the house about six o'clock, and Probert followed them; they returned before Probert, and were absent about half an hour. Probert has a large dog; she could not say that the dog went out with him on Saturday morning. Mrs. Probert and her sister, Miss Noyes, were at Probert's cottage on Sunday, and also the two Thurtells, Hunt, and Noyes, Mrs. Probert's brother; Mrs. Probert was with the company in the parlour the greater part of the day; and on Monday morning, Thomas Thurtell and James, Probert's boy, went away in a chaise; witness had seen John Thurtell with a yellow handkerchief. On Monday evening the Thurtells and Hunt came to Probert's again, and left soon afterwards in the chaise; Mrs. Probert let them out at the gate; she did not observe any thing particular about the fish-pond; she did not hear a report of a pistol on Friday night; Thomas Thurtell did not arrive at Probert's till Sunday last.

*James Haddis*, aged thirteen, sworn.—Had lived with Probert seven months, and looked after his horse and gig. Last Friday about ten o'clock at night, John Thurtell came to his master's house in a gig alone. It was a dark grey horse, and a dark green and-black gig. He had a great coat on of a light colour. His outside clothes did not appear to be dirty. In half an hour Probert came in with another man. The gentleman with Thurtell had large black whiskers. The gig in which Thurtell came appeared very heavy, as if it had luggage in it. Thurtell never said any thing to him about an accident. On Sunday, as witness was coming from Mr. Nicholls's, he saw several "lumps" of blood on the dirt heaps, and two holes in the hedge in Gill's Hill-lane. Thurtell brought a sponge with him. Probert, Hunt, and John Thurtell, went out on Friday night, about ten o'clock, and were

absent about three quarters of an hour, with a candle and a lantern; they all returned together. Was not aware if Probert, Hunt, and John Thurtell went towards the pond on Friday night at ten o'clock. [A mahogany box, a double-barrelled gun, and a carpet bag used for travelling, the property of the deceased, were shown to witness]; witness saw the gun and the mahogany case at Probert's on Saturday morning, he also saw a bag resembling the one produced. Saw John Thurtell on Saturday morning when he went away with Hunt about seven o'clock; he then wore Wellington boots, very dirty all over, his trowsers were very dirty about the legs, his coat was dirty on the back and arms, and he appeared to have been on the ground. The same morning John Thurtell had his blue dress coat off, and Hunt was sponging it as it hung on the door in the kitchen; there was no blood on the blue coat, but there were spots of blood on his light great coat. [A coat found by Ruthven in Hunt's lodgings was produced.] Witness could not identify it; a large piece of sponge produced was identified by him to be that used by John Thurtell and Hunt, in sponging the bloody clothes. On Sunday, John Thurtell, Thomas Thurtell, Hunt, Probert, Mr. Noyes, Mr. Heward, and Mr. Nicholls, were at Probert's. On Monday morning Probert told him to clean himself to go to town with Hunt and Thomas Thurtell; he did so, and accompanied them to London; Hunt drove them to the Coach and Horses, Conduit-street; left witness there, and told him Probert would come to him in two hours; John Thurtell got out of the chaise, and Hunt drove away. Did not see Probert on the Monday or Tuesday; a Police Officer took him away on Wednesday; witness had never before been taken to town.

*Thomas Abel Ward*, of Watford, surgeon, sworn.—I was present at the examination of the body of the deceased person. The immediate cause of death was a wound on the anterior angle of the parietal bone, given by some instrument, which, from the marks, I am in-

clined to believe was the barrel of a pistol. Part of the skull was beat into the brains. There was another wound under the protuberance of the right cheek-bone, which had the appearance of a common gun or pistol-shot wound, and the ball repelled by the cheek-bone. I am of opinion that the wound on the right cheek was not of a nature to cause death; but that the deceased died from the beating on the skull with the pistol barrel. The injury was of that nature, that I conceive the pistol barrel must have been *punched* with desperate violence into the skull of the unfortunate man.—[Witness here produced a piece of deceased's skull bone, which he had extracted from the brains of the deceased on opening the head.] I also observed a wound cut by a sharp instrument on each side of the throat; the jugular on the left side was divided, and the wound was sufficient to occasion death. The wound on the right side of the throat did not injure any parts of vitality, but merely severed the flesh under the ear.

*Coroner.*—It seems that after the deceased was shot, he was able to struggle with his murderer, and that he received the blows on the head when resisting, and to make sure, as "dead men tell no tales," his murderers completed their horrid work by cutting his throat.

*Thomas Joseph Ruthven*, an officer of Bow-street, sworn.—In consequence of information which caused me to suspect he was concerned in the murder of Mr. Weare, I apprehended J. Thurtell at Mr. Tetsall's, the Coach and Horses, Conduit-street, and found a pistol on his person, which I produce. It is the fellow to the one produced by Mr. Nicholls, found in the lane near Probert's house. In his waistcoat I found ten swan shot, a penknife, and a pistol key. When I entered his apartment, he knew me, and began to talk about the bill found against him and his brother for a conspiracy to defraud the Fire-office, and I did not undeceive him as to the nature of my errand till I had put the handcuffs on him. He offered no resistance. I found a muslin neckerchief



also in John Thurtell's lodgings [he produced it]; it is bloody, and is marked "T. Thurtell." He told me that he sometimes wore his brother's things. I also produce a shirt, with no marks on it, and a black waistcoat, which I took off his back; it is bloody, particularly about one of the pockets, as if a bloody hand had been thrust into it. I also produce a coat, which I took off his back, which is very bloody in several places. [These articles were exhibited to the Jury]. I also produce a horse pistol, which I found at Mr. Tetsall's, and Mr. Tetsall told me that he had lost the fellow to it. On searching Hunt's lodgings I found a double-barrelled gun, maker's name "Manton," and a mahogany backgammon-board, containing two dice boxes and a pair of dice, also a large sponge, and a shooting-jacket, with a call or whistle. I also found a travelling bag containing shirts, marked "W. W.," the initials of the deceased; a variety of shooting implements, and a piece of cord.

The cord was produced by Ruthven, and on examination was found to correspond exactly with that with which the legs of the deceased were tied together. Mr. Rexworthy identified several of the articles found by Ruthven in Hunt's lodgings, as the property of Weare, and Mr. Ward, the surgeon, was of opinion that the wounds in the deceased's throat were inflicted by an instrument similar to the knife produced.

*Ruthven*.—Mr. Coroner, I am requested by Probert, to say that he wishes to make some communication to you; he says "that he will not die with lies in his mouth."

*Coroner*.—If he has any thing to say I can have no objection to hear him; but he must be warned that he does it at his own peril, without any promise or request on the part of the Magistrates.

*Thomas Bate*, a boy in the employ of Mr. James Wardall, (the owner of Gill's-Hill Cottage,) deposed that he was clearing out Probert's stable, and under a heap of dung found a torn and bloody shirt, and a sack tied in a bundle. The shirt found in John Thurtell's

lodgings by Ruthven, on being compared with the bloody shirt, were of the same make, and marked with the deceased's initials. The sack was soaked with wet.

Ruthven entered the jury-room, and stated to the Coroner that he had been with Probert again, and had told him that he understood that he (Probert) wished to make some communication. Probert replied, "I have no objection to see the Coroner and Magistrates." He (Ruthven) told him that he might have no objection; but the question was, did he wish to see them or not? Probert said, "What had I better do, can you advise me?" He answered that he could not advise, for he must know his own situation best. Probert then expressed a decided wish to see the magistrates, and they went to him, and were with him for a considerable time; and he confessed all he knew of the matter. He stated that his was not the hand that committed the murder, and that after it was perpetrated, John Thurtell threatened to murder him if he opened his lips on the subject, and told him that he had picked out seventeen persons of substance that he intended to rob and murder, and that the deceased was one of them.

The evidence was then read over to the different witnesses, and most of them were bound over to appear at the next Hertford assizes.

The *Coroner* said, that it was impossible to go through the whole of the evidence that day, and he therefore adjourned the inquest.

On the following day, at twelve o'clock, the Coroner and Jury re-assembled, and the prisoners, Probert, Hunt, and Thurtell, who had been confined during the preceding night in St. Alban's Gaol, arrived in three chaises, attended by the local police. A considerable crowd was collected in front of the inn, whose expressions evinced the strong indignation which this foul murder had excited. The prisoners were conducted into separate rooms, under the care of the officers. They were relieved from their irons, and from all unnecessary coercion. Soon after the Magistrates

had taken their seats, Mr. Noel, the solicitor, entered the room, and said that Thomas Thurtell had expressed a wish, before the examination proceeded, to have some communication with him (Mr. Noel,) and the Coroner. To which the Magistrates said they saw no objection, if the prisoner wished it.

The new sack, in which the body was found, was then produced before the Jury, and laid on the table. It was split from top to bottom, and at the bottom there was a large stain of blood—this was where the head had rested. A plan of Probert's cottage and grounds was then produced; it was neatly executed, and gave a complete key to the circumstances detailed by the witnesses.

Information was now given to the Magistrates, that Hunt and Probert, on their way down on the night of the murder, had purchased half a bushel of corn at Edgware, and that they had also stopped at the house of a publican of the name of Clarke, at Edgware, with whom they were acquainted. This intelligence led to the following explanation:

Hunt entered into conversation with Clarke, on the subject of the bill of indictment which had been preferred against the Thurtells, for conspiring to set their house on fire in Watling-street; Clarke, who knew the Thurtells, said it was a bad business; on which Hunt took out a newspaper, containing a contradiction to the statement that the bill had been found. Probert now seemed very impatient to be off; and Clarke, while they stood in the house, heard another chaise and horse drive by. They at last set off towards Elstree at great speed. On the Sunday morning, Thurtell called at Clarke's, as he was going down to Probert's to dine; he asked, if Mrs. C. had any lemons (Clarke being out), and took some with him, as he said, to make punch. He afterwards met Clarke in Edgware, and shook hands with him: Clarke remarked, that he looked very ill, and he assigned his agitated appearance to the pressure of his own private affairs: he then drove on. Clarke saw Hunt on

Friday at Elstree; and in consequence of some suspicion that he had been conveying information from one prisoner to the other, he was called before the Magistrates; but, upon being questioned, he stated, that he had been merely speaking to Hunt of the atrocity of his conduct. The Magistrate asked what he had said to Probert? Clarke said, that the words he used were these: "Good God! how could you call and drink and joke the way you did at my house, when you had concerted, and were about to commit such a horrid murder?" The Magistrate asked, if that was all he had said? Clarke replied, that he believed he said to Probert, "that it was a horrid and brutal piece of business, and he believed they were all in it." Clarke declared that he had not spoken to the other prisoners. The Magistrate then dismissed him, expressing satisfaction at his explanation. On Friday, Hunt was spoken to by a person who had been an acquaintance of the deceased, who asked him, how he could have joined in such a horrible transaction? Hunt replied, "I did not do the act; I certainly knew of its being concerted for some time before it took place; and a fortnight before, I went to Mr. Rexworthy's, to inform him of the intention to murder and rob his friend Weare; but when I was about to communicate the fact to him, I had not the heart to do it."

The Coroner gave orders that no person whatever should be admitted to the prisoners.

The Inquest then proceeded; and *Mr. Charles Lewin* and *Mr. George Jones* proved the finding of the body in the pond in the way already described.

*Mr. Heward* was called in. He was proprietor of the cottage occupied by Mr. Probert, at Gill's-hill; it was a leasehold, and he let it furnished; witness lives at 68, Hatton Garden; had known Probert for four years; on Wednesday last had Probert's goods seized for rent; witness saw a caravan in the yard on Tuesday morning before he had the seizure made, and understood Probert was going to move.

After the examination of this witness, some conversation took place between the Magistrates, the Coroner, and Mr. Noel, as to the course which it might be expedient to take with respect to the confession of Hunt.

The Coroner said, it was his duty to inquire into all the circumstances of the murder, and use every exertion in his power to unravel the whole affair; he should, therefore, have Hunt brought before him, and whatever he thought proper voluntarily to state, it was his duty to hear; but he would hold out no promise, nor would he give him any hope from any disclosure he might choose to make.

The prisoner Hunt was then called in. He usually wore very large black whiskers, which had been shaved off, and he came forward apparently not much affected by his situation.

The Coroner then addressed him to the following effect:—"I have thought proper to send for you, Hunt, to ask you, whether you choose to make any statement to the Inquest which is now assembled? I think it my duty, however, in the first instance, to explain in what manner I shall receive what you may think proper to say: I shall not receive it as evidence, nor shall I examine you on oath; if you think it right to say any thing, I am ready to hear you; but from me you are to understand that you have no sort of promise either of reward or otherwise. I have nothing to do but to receive your voluntary account of the horrible transaction, to which our attention is now directed." Hunt said he was ready to repeat what he had already said.

*Mr. Noel*, who appeared anxious that the prisoner should not act under a misapprehension, interposed, and said, that the confession made by him before the Magistrates, could not in any way interfere with the proceeding in which they were engaged that day. The Magistrates would, in good faith, and at the proper time, submit the confession he had made to them to the consideration of the Court. What he might now

say in no way compromised the Magistrates, and must come from himself on the terms stated by the Coroner.

*Hunt.*—Thank you, Gentlemen: I am ready to answer you any question.

*Coroner.*—I am now ready to hear any thing you have to say touching the death of William Weare.

*Mr. Noel* being still anxious that the prisoner should not be led into any mistake, desired that he might leave the room, and a conversation took place as to the expediency of taking his statement, when the Coroner thought, that with the caution he had received, his story might be fairly heard, and he was bound to receive it. Hunt being again recalled, Mr. Noel addressed him thus:—“Since you have been out of the room, a discussion has taken place on the part of the Magistrates to whom you made a confession under a pledge, and they think it proper that you should understand their pledge does not extend to any thing you may say here. They will state your confession to the Under Secretary of State, with the circumstances under which it was taken, and it will no doubt receive a fit consideration. You will now use your own discretion, and either tell your story to the present Jury or not, as you think proper.”

*The Coroner.*—We are willing to receive any statement you may give us, but we do not ask you to commit yourself in any way whatever before this Jury.

*Hunt.*—I perfectly understand, and I shall tell the whole truth. He then proceeded to give the following Statement in a cool, collected, and precise manner, sometimes sighing heavily, as he paused for it to be written down.

### HUNT'S STATEMENT.

“In consequence of an indictment against John Thurtell and Thomas Thurtell, for defrauding the County Fire Office of 1900 and odd pounds, Thomas and John Thurtell left the Cock Tavern in the Hay-

market, and took their residence at a Mr. Tetsell's, (the Coach and Horses,) in Conduit-street, Bond-street. I was invited to dine with them. I called there on the Friday morning, Oct. 24, when John Thurtell invited me to take a walk. I walked with him as far as High-street, Mary-le-bone. We stopped at a jeweller's shop; while we were looking there, John Thurtell observed a pair of pistols, which he said he would go and look at, for he wanted to purchase some. They were marked *1l. 17s. 6d.*

“John Thurtell asked me after dinner, if I knew where I could get a gig. He gave me *1l. 10s.* for the gig. He told me not to say that the gig was going to Hertford, but to Dartford. I returned with the gig to the Coach and Horses about a quarter before five. John Thurtell immediately got into the gig, said he could not wait any longer, as he had a gentleman to meet. After he was gone, Probert said to me, ‘As John Thurtell has gone down to the cottage, have you any objection to take a seat in my gig, as he (John Thurtell) is obliged to be out of the way in consequence of the warrant out against him for the conspiracy; most likely we should spend a pleasant evening together.’

“About six o'clock on Friday evening, Probert's gig was brought to the door of the Coach and Horses; I took a seat in the gig: we proceeded as far as Oxford-street. Probert said we must take something home for supper: we stopped at a pork-shop, where I got out and purchased a loin of pork. We proceeded from there as far as Mr. Harding's, a publican in the Edgeware-road, where we had a glass of brandy and water. From thence we proceeded as far as a Mr. Clarke's, another publican, and had two more glasses of brandy and water; from there we proceeded to this house (the Artichoke.) We had three, but from what appears from the landlord, Mr. Field, we had five more glasses. We did not get out of the gig here.—Probert observed to Mr. Field, that the friend that was with him could sing a very excellent song.

Probert wished me to sing a verse, but I declined. We proceeded from this house about a quarter of a mile. Probert stopped the gig, and said to me, 'Hunt, you get out, and wait my return:' I did so. About half an hour or more might have elapsed when Probert returned, and desired me to get into the gig.

"When we arrived at the cottage, John Thurtell in the stable. Probert said to me, 'Hunt, take that loin of pork out of the gig.' I took the pork into the kitchen, and remained in the kitchen about ten minutes, when John Thurtell and Probert followed. We went into the parlour; I was introduced to Mrs. Probert. John Thurtell then called me and Probert into the garden, and said, 'I have killed that — that robbed me of 300*l.* at blind hookey. 'Good God;' said Probert, 'John, surely you have not been guilty of so rash an act?' John Thurtell immediately took from his pocket a very handsome gold watch, and said, 'Do you believe me now? and if you will go with me, I will shew you where he lies dead behind a hedge.' Probert then said, 'This has taken such an effect on me, that I must retire and get some brandy.'

"We then went into the parlour; the supper was brought in, which consisted of pork chops, the loin I brought down having been cut into chops. I ate five chops, and so did Probert. John Thurtell declined eating any, as he complained of being extremely sick. Probert and I then went into the garden again, when Probert said to me, 'Surely, Hunt, this man has not been guilty of murder?' I observed it looked very suspicious, he (John Thurtell) having so valuable a watch. John Thurtell followed, and asked Probert and myself if we would accompany and assist him in carrying the dead man. During this time Mrs. Probert was gone to bed. John Thurtell said, if neither of you will assist, I will go myself. He accordingly went by himself, and was gone about ten minutes or a quarter of an hour.



During the time he was gone, Probert said to me, 'If this is the case, Hunt, that John Thurtell has murdered the man, it will, ultimately, be the ruin of me and my family.'

"After this conversation was over between me and Probert, John Thurtell returned, saying — 'This — is too heavy for me; and if you won't assist me, I shall put the bridle on my horse, and throw the dead man across his back.' He accordingly put the bridle on his horse for that purpose. Probert and me, while he was gone the second time, went into the parlour, and he said to me, 'Hunt, this has taken such an effect on me, and I am so agitated, that I don't know what to do?' He said, what will my wife think?' John Thurtell then returned to us in the parlour, and said to Probert and myself, 'I have thrown the dead man into your fish-pond.' 'Then, by —, Sir,' said Probert, 'I insist upon your immediately going and taking him away off my premises, for such conduct will evidently be my ruin.' Me and Probert, and John Thurtell, went to the pond, where we saw the toes of a man. John Thurtell then got a line or rope, and threw it round the feet, then dragged it to the centre of the pond. John Thurtell then said to Probert, 'Don't give yourself a moment's uneasiness, the man shall not remain here long—you well know, Probert, that I would not do any thing that would injure you or your family.' We then went into the parlour; John Thurtell threw himself upon some chairs, Probert went up to his wife, I believe; I sat in an arm-chair. Next morning, after breakfast, Probert said, 'You are going to town,' to me and John Thurtell; "but I shall expect you will return to-morrow (Sunday) to dinner,' which I promised, and did. Probert said to John Thurtell, 'Mind and bring a piece of roast beef with you, or we shall have nothing for dinner.' We then left the cottage and went to London. I left John Thurtell at Mr. Tetsell's, the Coach and Horses, with his brother Thomas.

“On Sunday morning we left Mr. Tetsell’s in a gig, taking with us a piece of roast beef and two bottles of rum. John Thurtell said to me, when we got as far as Tyburn, ‘My brother Tom is a-head and Thomas Noyes.’ (Thomas Noyes is the brother-in-law of Probert.) When we got to the bottom of Maida-hill we took up Thomas Thurtell, who joined us for the express purpose of seeing his two children, that had been on a visit to Probert’s. When we had travelled three or four miles from Maida-hill, we met Thomas Noyes. John Thurtell got out of the gig, leaving me and Thomas Thurtell together in it, to make the best of our way to the cottage, in order that Thomas Thurtell might put Probert’s horse into his gig to fetch John Thurtell and Mr. Noyes. When we arrived at the cottage, the horse that we went down with was taken out of the gig and Probert’s put in. After Thomas Thurtell was gone to fetch Mr. Noyes and John Thurtell, Probert said to me, ‘I have not had a moment’s peace since I saw you last, in consequence of that man lying in my pond.’ My reply was ‘I am sure you have not had a more restless night than myself.’ Shortly after that Thomas and John Thurtell and Mr. Noyes arrived at the cottage.

“We then, I mean the whole four of us, (Hunt, Thomas and John Thurtell, and Noyes,) walked across a ploughed field into a lane, and returned to the cottage. When we arrived at the cottage, there was a gentleman whose name I do not know, but I believe him to be the gentleman that owns the estate, came in.—Mr. Noyes, the Thurtells, and myself, walked about the grounds till we were called in by one of Thomas Thurtell’s children to dinner. After dinner we had some rum and water, and sat for the space of three hours, and then had tea. After tea we had some more rum and water, and then we went to the stable to see the horses. We then had supper. John Thurtell, myself, Thomas Noyes, and Probert sat up till about half-past one. Probert and

Thomas Thurtell then went to bed, leaving me, John Thurtell, and Noyes up.

“About half an hour after they were gone to bed, Thoman Noyes followed, leaving John Thurtell and myself in the parlour. I said to J. Thurtell, I shall lay down on the sofa, He said he would sit up and smoke. I left him smoking by the fire, with his back towards me, and I laid down, pulling my great coat over me. About half-past six in the morning the servant came into the room. J. Thurtell asked if the boy Jem was up. The servant said ‘No.’ During this time, Probert came down stairs, and the boy followed. He desired the boy to put the horse in his own gig, which was done immediately, and Thomas Thurtell and myself came to town, bringing with us the boy called ‘Jem.’ When we got as far as the Bald Face Stage, we breakfasted. From thence we went to Mr. Tetsell’s, where Thomas Thurtell was informed, that the bail he had put in was not accepted. About half-past eleven I called at my mother’s, in Cumberland-street, New-road. After I had seen her, going from the New-road toward the Yorkshire Stingo, I met John Thurtell, Thomas Noyes, and Miss Noyes, his sister. John Thurtell asked me if the bail was accepted? I said ‘No.’ He then got out of the gig, and T. Noyes and his sister drove away. I and John Thurtell walked to Mr. Tetsell’s. T. Thurtell asked me if I would return on that day and inform Probert that his bail had been refused, to which I consented; about half-past four I started; as I was going along, John Thurtell came to the end of the street to me, and said, ‘If you are going to Probert’s I may as well go with you, and get that man away,’ (meaning the man that was left in the pond). I said, ‘If you are going upon that business, don’t expect me to aid or assist in any way.’ We came and stopped at this house; and went to Probert’s. I informed Probert, in the presence of his wife, that Thomas Thurtell had requested me to come down, as that evening, to know whether he could appoint any other

person to become bail? Probert said it was useless for him to write, for that he would be up in town as early as possible the following morning; we then had part of a cold duck and some ale. J. Thurtell then called Probert out; Probert was absent about ten minutes, and then returned by himself; shortly after that, J. Thurtell asked me and Probert if we would put his horse in the gig, and take it round to the second gate? We put the horse to, and did so. John Thurtell then came across a small field, with a dead man in a sack, with his legs hanging out; he then asked Probert to assist him to put the dead body in the chaise, which Probert refused to do; Probert immediately ran away, and said I cannot stop any longer, my wife will think it very strange; he then asked me to assist him; I refused, saying, the sight of a dead man was quite enough, without touching it. John Thurtell then put the corpse in the chaise, and tied the feet to the dashing iron; he asked me if I would get into the gig, but I declined, and told him that I would walk on, and he would overtake me; when I got within a short distance of this house, John Thurtell told me that he had thrown the corpse into that marshy pond I had just passed. I then got into the gig, and left John Thurtell about two o'clock that morning, at the house where he then lodged, and went home myself immediately. That, gentlemen, is the whole of the evidence I have to give to-night."

Hunt, at a subsequent period, communicated the following particulars:—"On the return of Thurtell, after the body was removed from the lane, and sunk in Probert's pond, Thurtell produced the *reader* (the flash term for note-case), out of which he took three five pound notes, and also a purse, from which he took four sovereigns. He gave Probert and myself six pounds each, as our share of the property found; he then burnt the note-case and the purse; he also burnt a betting-book—a red one. At the request of John Thurtell, I purchased in Hind-street, Bloomsbury, a sack and some cord, which went down in

Thurtell's chaise. Further J. Thurtell told me, when describing the manner in which he had tackled with Mr. Weare, that at one time he had nearly mastered him, and got above him, upon which he took out his knife and cut his throat. The blood of Mr. Weare in consequence came on his face and into his mouth in such quantities that he was nearly choked. It was in consequence of this, that he was seized with sickness at supper, and could not eat any pork. After he cut Mr. Weare's throat, the unfortunate gentleman's strength failed, and he threw him off. He then took his own shawl, and wrapped it round the neck of the corpse, to prevent the effusion of blood."

This shawl was found round the neck of the deceased when he was taken out of the pond.

*Coroner.*—Now, Mr. Hunt, I will ask you a few questions arising out of your statements, which I think I have a just right to do. I do not observe that you stated that any property was divided between you?

*Hunt.*—There was six pounds given to me, which I considered as paying me for my professional duties.

What professional duties? I was taken down there to sing to Probert and his company.

Who gave you this sum? John Thurtell.

Did he give money to any one else? He gave the same sum to Probert.

Was any agreement made with you by Probert, before you went out of town; did you go down to the cottage for the purpose of singing? Yes, Sir, certainly.

Where was this agreement entered into? It was talked of when we were at Mr. Tetsells, at the Coach and Horses. Myself and John Thurtell and Probert were present.

Did you observe Probert lend John Thurtell any money that afternoon? No, Sir.

Then when Probert asked you to go down to the cottage, you considered you were going down for the purpose of singing? Certainly.

Did you sing? Yes, Sir.

To whom? To Mrs. Probert, her sister, Thomas and John Thurtell, and Mr. Noyes.

Were Probert and John Thurtell in the room? Yes, Sir.

What day was this? This was on the Friday night, or more properly speaking, early on the Saturday morning. It was after twelve.

Was that after John Thurtell came into the room and informed you and Probert that the murder had been committed? Yes.

Did you hear John Thurtell say he kept six pounds for himself? No, Sir.

Then after John Thurtell had called you and Probert out, and told you of the diabolical deed, you returned quietly to sing in the parlour? Yes, Sir.

How long were you absent? About ten minutes.

You did not say any thing in your statement to-day of your being employed to sing? No, I did not.

Did you not go out with a lantern? No.

Did Probert go out with a lantern? Not to my knowledge. I never saw any lantern, with the exception of that in the stable.

Who was in the stable? The boy cleaning the horses.

And no further conversation passed about the murder? None whatever. I was introduced to Mrs. Probert, she knew very well on what business I had come down.

You were fully aware of the murder? I was not fully aware of it. I was told of it by John Thurtell.

You saw the watch? Yes, and I thought that was suspicious.

In the presence of John Thurtell, Probert, &c., and after the former had told you he had murdered this unfortunate person, you amused yourself singing? Yes, Sir.

And you made yourselves merry during the evening? Yes, Sir.

And you considered that the six pounds you received was for your exertions on this evening? I was there on the Sunday.

Did you consider that you received the six pounds for no other reason? No, certainly not.

You have stated that you saw the pistols bought. After he bought them, did nothing pass between you and him? Nothing whatever.

Do you know where the sack was bought? Yes.

Who bought it? I did.

Do you know where the cord was bought? Yes.

Who bought it? I did.

Where did you buy the sack? In Broad-street, Bloomsbury.

After you bought the sack, what did you do with it? I took it to John Thurtell. He said it was for the purpose of putting game in.

The cord, what was that for? I am sure I can't tell you, to tie up the game, I suppose.

Did you see him start? Yes, Sir.

Where from? The Coach and Horses.

Where did he say he was going to? He said a gentleman was to meet him, but he did not say where he was going to.

Did he say any thing about Mr. Probert's house at the time? No.

You received the six pounds from John Thurtell? Yes.

Where did he take it from? From a pocket-book.

Were you going away after you got the six pounds, and finished your professional labours? No, Sir; it was too late an hour. It was one or two in the morning. It was after Mrs. Probert had gone to bed.

He did not take the money from his pocket? No; it was from a sort of note case. He paid Probert with a five pound note and a sovereign.

Do you know what he gave Probert money for? No, Sir; I do not.

Was there any observation made by John Thurtell when he paid this money? No.

Nothing respecting the murder? Nothing passed the whole of the evening about that business.

You were all extremely cheerful? Yes, Sir.

Did you see a purse? John Thurtell had a brown silk purse, as well as the small note case.

What did he do with the note case? He threw it in the fire.

What did he do with the purse? He threw that in the fire also.

Did you see any papers put in the fire? There was a little betting book put in the fire.

There was nothing of this in your statement to us? No, Sir.

Were the six pounds given to you and Probert as your shares of the money found? Yes, Sir, it was.

What passed? I do not recollect.

Where did you hire the horse? At Probert's at the Golden Cross-yard; no relation to the prisoner Probert.

Do you know where the clothes of the deceased were put? Not of my own knowledge; I wish I did; but I considered near the pond.

Had he any clothes on? No, Sir, they were cut off. The clothes were taken off, for he was naked when he was brought into the lane and put into the gig.

Then you do not know from your own knowledge, or from information, what became of the deceased's clothes? I have not the slightest knowledge.

Had you ever any of the clothes of the deceased on your own back? Never.

What became of them after he was dead? That I don't know.

How do you know they were cut off? Because I was told so by John Thurtell.

On Sunday evening had you any other person's clothes on except your own? On Sunday evening I had a suit of black clothes on of John Thurtell's.

For what purpose did you exchange your dress? As it was Sunday I wished to appear decent and respectable.

What dress had John Thurtell on? A blue coat, light waistcoat, light small clothes and gaiters.



Where did you change your clothes? In a little room by Mr. Probert's bed-room.

Were you given to understand the clothes you put on in Probert's house on the Sunday were the property of the murdered man? Why, yes, I have since been given to understand so, for I told the officer where to find them.

When did you give the information? When I was at Watford.

After you were in custody? Yes, on Wednesday last.

Had you any reason to believe that the property belonged to John Thurtell? Yes.

Did you go up with John Thurtell when he went to London? Yes, Sir.

Was there not a carpet bag put in the gig? When we left Probert's, there was a carpet bag put into the gig, and a box coat, and a gun and a powder horn, with a shooting jacket.

Were there any other things in the gig when he left the Coach and Horses on the Friday night? No, Sir.

If you did not know what these things were, how did you know how to give a description of them when you ordered them to be given up? I did not say I had not seen them.

Then you knew the contents of the carpet bag? Yes, John Thurtell sorted them up, and put them into my drawers, and desired them to be taken care of. The bag was left in the gig all night, and was brought to my house in the morning. I and John Thurtell walked on Saturday morning through a ploughed field, and broke through a hedge into a lane; it was not so late as seven o'clock. We saw two men in the lane, to whom John Thurtell said, he had lost a handkerchief and a knife: the lane was a quarter of a mile from Probert's house; after leaving the lane we went to breakfast; I saw no handkerchief; I did not sponge my clothes, but I brushed John Thurtell's clothes, at his request; I took a spade down in the chaise with me; I was requested to do so, but don't

know for what purpose. Thomas Thurtell threw it over a hedge near the gate, where the body was brought out by him naked; I did not see it used: I suppose it was brought for Probert's use.

What is become of the box coat? It ought to have been found at my lodgings by the officer, and also a backgammon board, which was left there.

Were you and John Thurtell down a lane near Probert's house on Friday night? No, I was not; we walked on Saturday morning through a ploughed field, and broke through a hedge into a lane.

What time was this? Not so late as eight o'clock.

Did you see two men in the lane? Yes; John Thurtell spoke to one of them.

What did he say to the man? He said he had lost a handkerchief and a knife in the lane.

How far was this from Probert's house? About a quarter of a mile.

Had you and John Thurtell been looking about the lane for the knife, &c. for some time previously to his speaking to the man? No; I didn't know that he had lost a knife till he spoke to the man.

Were you in that lane at any other time, with John Thurtell, after the murder? No.

Have you told all the conversation that has taken place between you and John Thurtell in the parlour of Probert on the night of the murder, and elsewhere since the murder? Every word that I recollect.

Did John Thurtell not say to you before he went with you down the lane, what he was going to look for? No, he did not.

Where did you go after you left the lane? To breakfast at Probert's.

*By a Juror.*—What did John Thurtell say that he was going to do, when he left you for a quarter of an hour on the night of the murder? He did not say where or what he was going to do; he merely asked me to wait there till he returned, and I did so.

Was the sack you bought in St. Giles's the one the

body of Mr. Weare was put in after his murder by John Thurtell? I presume it was.

*Coroner.*—What did Thurtell mean when he said 'That is your share of the money found;' where was it found? I can't say, I was not present when it was found; I was not very *compos mentis* on that night.

When you went down the lane with John Thurtell, you returned with a handkerchief? No, I saw no handkerchief.

Did you see a large piece of sponge at Probert's? Yes, I did; it belonged to John Thurtell; he bought it, I suppose; I saw it in the pail in the stable.

Did you not sponge some clothes? No; I brushed John Thurtell's clothes.

*By a Juror.*—When you came down to Probert's on Friday you wore black whiskers and mustachios? Yes.

What has become of them? Why, you must see that they are cut off?

Why did you cut them off? I have a hard beard, and cut them off for my own pleasure.

Have you been in the habit of cutting off your beard and whiskers? Yes, I have.

Where did you cut them off? At my lodgings in London, prior to my apprehension.

*Coroner.* Have you any objection to sign this as your voluntary statement? None whatever.

Hunt then signed the statement which he had given, and retired.

During the whole of the above extraordinary detail, Hunt was as cool and collected as possible; he never changed countenance, and while every one shuddered with horror at his dreadful narration, he betrayed not the least emotion. After the examination was over, the handcuffs were put on him; and having thick wrists, as they were being screwed on by the gaoler, he cried out, "Curse it, don't torture me—don't put me in purgatory;" and appeared very angry.

Probert was then brought handcuffed into the room, and the Coroner said, that as Hunt had made a statement, he would be allowed also to make any confession he might think proper to the Jury; but at the same time he (the Coroner) thought proper to inform him that no promise was made, or threat used, on his part, to elicit any thing from him.

*Probert.*—Have you received a note I sent to you by Drayton, the officer, three hours ago? No.

Drayton then produced the note to the Coroner, who read it.

*Coroner.*—I now repeat, that you may make any statement you think proper, but you will not expect any favour from so doing.

*Probert.*—I am ready to make a statement of what I know of the transaction.

*Coroner.*—You do it at your own responsibility.

*Probert.*—I shall speak the truth.

The handcuffs were then taken off him, and he proceeded.

### PROBERT'S STATEMENT.

On Friday afternoon I dined at Mr. Tetsell's, the Coach and Horses, Conduit-street, with the two Thurtells, Hunt, Mr. Noyes, and one or two more gentlemen, whose names I do not recollect. John Thurtell asked me to lend him five or six pounds; I borrowed five pounds of Mr. Tetsell, and Mr. Tetsell gave the five pounds to John Thurtell; I also gave Hunt one pound for John Thurtell, which made six pounds. I think about six o'clock I left to come down to Aldenham to my house. Thurtell asked me if I would drive Hunt to my home; if not, he said he would hire a horse for him: I said, that as I was going home, I would drive him. John Thurtell said, 'I am coming to spend the day with you, and shall bring a friend with me;' I said, 'Very well; and I should be happy to see them.' I then left Mr. Tetsell's, and came with Hunt to the Baldfaced Stag in the Edgeware-road; Hunt said, 'I must not go in there, as I have not

returned the two horse-cloths I borrowed,' He walked on to Mr. Clarke's, the tavern-keeper, which is near the Edgeware turnpike, where I stopped and took him up, and drove him very near to Mr. Phillimore's lodge, and Hunt then said, 'I must wait here till Thurtell joins me, according to appointment.'

*Coroner.*—Did you not call on the way at this house?

*Probert.*—I beg pardon; yes, I drove Hunt to this house, and we drank several glasses of brandy and water, and remained here about an hour, we left this house about nine o'clock; I went from here to Mr. Phillimore's Lodge, and Hunt got out and said, 'I must wait here for John Thurtell, and you may go on.' I went on till I was within one hundred yards of my house, and then I met John Thurtell. He said, 'Where is Hunt?' I said I had left him on the road waiting for you. He said, 'You must turn back then, and fetch him, for I have killed my friend, and I don't want him.' I said, 'Good God, I hope you have not killed any person;' he replied, 'I have, and now I am happy, for he has robbed me of several hundreds.' I then returned with Hunt, and at my gates Hunt said to John Thurtell, 'Where could you pass me?' John Thurtell replied, 'It don't matter where I passed you, for I have done the trick.' I said, 'for God's sake who is the man you have killed?' John Thurtell said, 'It don't matter to you, you don't know his name and never saw him, and if you ever say a single word about him, by G—d you shall share the same fate, for Joe and I (meaning Hunt and John Thurtell) meant to have had your brother-in-law that is to be the other day (Mr. Wood), only that he run so fast when he saw the house, and escaped;' he also said, 'I have more to kill, and you will be one of them if you don't do what is right.' We then went into my parlour, and had something to eat and drink; afterwards John Thurtell pulled a purse out of his pocket, and said, 'this is all I have got for what I have done.' How much was in the purse I do not know: A gun and a watch he

also produced, and several papers. John Thurtell and Hunt both examined the papers, and handed them from one to the other, and afterwards threw them into the fire. I had occasion then to go up stairs to Mrs. Probert, and I did not see any thing more of the papers. John Thurtell said, 'Now we must go and fetch the body, and throw it into your pond.' I said 'that you never shall do.' He said, 'you must do as I tell you, and I will come and fetch it away to-morrow.' John Thurtell and Hunt then went and fetched the body, and threw it into my pond. I saw them throw it in. John Thurtell after that produced a note case made of silk or stuff, and took out of it three five pound notes, and said to me 'here is the six pounds I borrowed of you yesterday,' and he gave me a five pound note and a sovereign. I am positive he said on giving me the money, here is the six pounds I borrowed of you yesterday, for which you are answerable to Mr. Tetsell.' That is all the money I saw, though there were some sovereigns in the purse. I believe in the course of half an hour I went to bed; I left both Hunt and Thurtell in the parlour, with a bottle of brandy on the table. Mrs. Probert and Miss Noyes had then gone to bed an hour and a half. Mrs. Probert pressed them (Hunt and John Thurtell) to go to bed half an hour before she went to bed, and she said Miss Noyes would sleep with Thomas Thurtell's two children. One of them replied, 'We have got a good deal of night work to do, and want to use ourselves to it.' When I went to bed, I thought my wife had been in bed at least an hour and a half: as I entered the room she was not undressed; she was crying; and she said, 'For God's sake, what is it that Mr. Hunt and Mr. Thurtell and you are doing up? If I knew, I would inform against you.' This was about one o'clock in the morning. I said, 'My dear, I am doing nothing that will hurt me; I am not guilty of any thing.' We both then went to bed, and I think I lay till past nine on the Saturday morning, but not an hour did I sleep the whole of the night, nor did Mrs. Probert, for she was fretting all night.

I did not tell Mrs. Probert any thing about the murder; I said to her, that I had done nothing that would injure me. When I came down to breakfast, I found Hunt and John Thurtell standing up in my parlour, and the cloth laid for breakfast. About ten o'clock my boy put my horse to the chaise, and they left my house about half-past ten. The boy put the gun in the chaise, and one or two bundles of clothes tied up in handkerchiefs, and a striped carpet bag with a padlock; I can't say if it was locked up; I can't say who these things belonged to; I suspected they belonged to the deceased, but was not certain. As they went out of the yard, they said, 'We shall come down and dine with you to-morrow, and bring Thomas Thurtell and Noyes most likely.' They all four, John and Thomas Thurtell, Hunt, and Mr. Noyes, came down next day as we were sitting down to dinner. John Thurtell and Hunt both observed that I did not eat two mouthsfull. John Thurtell said, 'You will never do for a Turpin.' This was said before Mrs. Probert and Miss Noyes, who did not know what it meant.

*Coroner.*—They must have known what was meant; Turpin was a notorious highwayman and murderer, and what John Thurtell meant was obvious.

*Probert* continued. After dinner we walked in the garden; John Thurtell, pointing to Hunt, said, 'See how my Joseph is dressed up to-day, don't he cut a good figure?' He meant by this that Hunt was dressed in good clothes. He had on a buff waistcoat, and a black handkerchief; they were the deceased's clothes I was told. I said to Hunt, 'if they are the deceased's clothes, good God! how can you wear them?' Hunt said, 'what is that to you whose clothes they are? they are not your's.' This was on the Sunday after the murder.

*Coroner.*—I advise you, though I am not bound to sit here to give advice, that you should not say any more, for what you say of occurrences after this can only injure you.

*Probert.*—I thank you, Sir; I will only say, that

I am not the murderer, and I declare solemnly before my God and Saviour that I never knew the man, or saw him, nor even knew the name of the man, or that he was coming down from London; God Almighty knows I am not guilty of this horrid murder. I knew of John Thurtell coming down, and, as he said to me, with a gentleman, but I did not know who the person was; he said they should shoot on Lord Essex's estate.

*Coroner.*—I have one question or two to ask. Did you take part of the deceased's money? No, I did not.

Did you see the deceased's clothes taken out of your house? No, my boy put the gun into the chaise.

Did Hunt come down to sing professionally? No.

Did he sing on the Friday night, after you had been informed of the murder, in your parlour? I rather think he did sing one song, but I cannot swear.

Did Hunt receive any money from John Thurtell on that night? I think he did, but I am not positive.

Did you order John Thurtell to bring you a new spade down from London? Never.

Did you ever see a spade that he brought down? Yes, I found one on my grounds after the murder.

*By a Juror.*—You called at this house on the Friday night with Hunt about the time of the murder? Yes, I did.

You said to the landlord that Hunt was a good singer? Yes, I did.

Were you both inebriated? A little.—He then withdrew.

*Mr. Noel* said, that the confession of Hunt was disproved in many important parts; that he had grossly prevaricated; and though he had been admitted a witness for the crown by the Magistrates, yet the Court of King's Bench had the power by law, upon proof of such confession being false, to reject it, and put the man upon his trial. This question was however, quite distinct from the present inquiry.



The Coroner asked if a gentleman named Wood, from London, was in the room? The Coroner was informed, that he had waited for some hours to give evidence, but supposing, from the length of time occupied in taking Hunt's evidence, that the inquiry would not terminate that night, he had returned in a chaise to London. One of the Magistrates regretted the circumstance, as his evidence would have developed a most atrocious system, which had been planned in London for a series of murders.

*Foreman of the Jury.*—It would be a pity if this cold-blooded villain (Hunt) should escape justice, for, in my mind, he is the most guilty of all; he evidently assisted in planning the murder, he bought the sack in which the victim was to be deposited after his murder, and also the spade to dig his grave, and the cord to tie up the sack, and assisted in buying the pistols. I consider Probert an innocent person in comparison with Hunt. The manner in which he made his statement to the Jury, proves him to be the most unfeeling, cold-hearted, wretch alive; he showed no signs of compunction for the horrid deed, no regret that he had assisted in the murder of a fellow-creature.

The Coroner then proceeded to deliver the following

### CHARGE TO THE JURY.

Gentlemen of the Jury, such a body of evidence affecting the persons who are in custody, charged with the crime which you have, with such extraordinary patience, been employed for the last two days in investigating, has been laid before you, that it will be quite unnecessary, in my opinion, to detain you long in commenting upon the facts which have been detailed; for a more horrid, more cruel, more premeditated case of assassination and robbery, I think, never took place in this or any other country. Your first inquiry is this—are you of opinion that John Thurtell is the person who committed the murder? Of this fact, I

think, there can be but one opinion. The second inquiry is—were Probert and Hunt accessaries *before* the fact?

Gentlemen, I will offer a very few words upon the law of murder, as laid down by the most eminent authorities; I shall take the opportunity of stating that a coroner's jury cannot take cognizance of a party accused who are accessaries *after* the fact; you must come to the conclusion, that Hunt and Probert were accessaries *before* the fact, before you can return a verdict of murder against them; and I think that you, wishing, as you evidently must do, to put these parties on their several trials, will not be long in coming to that conclusion. It is not necessary to make them accessaries before the fact, that they should be on the spot, or near the place where the murder was committed, at the time of its perpetration; it is enough if they have in any way aided, or countenanced the commission of the crime.

That Hunt premeditated and concerted the assassination and robbery with John Thurtell cannot be doubted by any rational and thinking person. What could have been his object in purchasing the pistols, sack, cord, and spade, on the day of murder; and why should Hunt have been set down by Probert, from his chaise, near Phillimore Lodge, but for the purpose of joining John Thurtell, to aid him in murdering Mr. Weare? That such was their object, Gentlemen, that such was the previous agreement between Hunt and John Thurtell, I think is evident from the language used by Hunt and John Thurtell, at Probert's gate, directly after the murder was committed; and also from Hunt, stating to Probert, 'that he had to wait for John Thurtell by appointment.'

The language used at Probert's cottage gate is this:—Hunt said to John Thurtell, 'Where could you pass me?' Thurtell replied, 'It don't matter where I passed you; I have done the trick.' What was meant by, the trick, is evident enough; it could mean

nothing else but the murder and robbery previously planned.

Now, Gentlemen, what are the facts that inculpate Probert in this foul proceeding? These, Gentlemen, are in my opinion the main facts, besides many circumstances of less prominence in the plot of this singular drama. First, his dining with the party in their lodgings in London, on the afternoon, and only a few hours before they left London with their victim. In the next place, Probert says, in his statement to you, 'that he agreed with John Thurtell to bring Hunt down to his cottage;' but instead of bringing him down *to* the cottage, he puts him down from the chaise, at some distance from it, with the avowed purpose of waiting for John Thurtell. Why should he wait for John Thurtell? Was it possible that Probert could be ignorant of the intentions of the party? Did he not know that the intention of Hunt was to assist in despatching Weare? Is it possible he could be ignorant of it? I think not; and I think I am justified in that opinion, by an admission of Probert's, which I have a right to take advantage of, as he made it, after repeated warnings, given by me and Mr. Noel, *viz.*, that Thurtell said to him, 'this is all I got by the job;' after which he receives part of the money. Hunt also stated in his confession, that on Probert receiving the 6*l.*, John Thurtell said, 'This is your share of the money found.' Found where, Gentlemen? found on the man for whom he had 'just done the job,' as he had previously asserted to Probert.

Gentlemen, the actual spot where the murder was committed, I think, is clearly identified. The place was in Gill's Hill-lane by the side of the hedge which was broken, and where the blood was found in streams; in the ditch, adjacent to which, the pistol and knife were found; and I think it very likely, that after the deceased was murdered, he was dragged by his murderers, through the hedge into the ploughed field, where the body lay, till Hunt, Probert, and John

Thurtell, left the cottage while supper was being prepared (as is sworn to by Probert's cook and his boy, Haddis) with a lantern, when they no doubt removed it to Probert's pond. In fact, Gentlemen, Probert admits that he saw it put into his pond, and this is in less than an hour after the man was murdered.

Another fact I will just advert to, affecting Probert. It is this: The men who saw John Thurtell and Hunt in the lane, looking about the spot where the pistol and knife were found, stated, that they saw a tall man come down the lane after Hunt and John Thurtell, with a large dog; and Probert's servants stated that Probert was in the habit of going out with his dog, and I draw this inference from that fact, that Probert's object in going down the lane at that time in the morning was the same as that of Hunt and Thurtell, *viz.*, to recover possession of the lost pistol and knife left there by the murderers. That it was Hunt who accompanied John Thurtell early in the morning down the lane, is proved by the witnesses stating that he had large black mustachios and whiskers, which he wore at that time, and has admitted he since shaved them off. And I must remark that Hunt went too far when he stated, "that the clothes were cut off the dead body," for that proves that he participated in its removal, which is further confirmed by the fact of his discovering the pond, or pit, to which he states that John Thurtell removed the body, and in which the police officers, by him directed, found it.

In addition to these strong circumstances, all tending to shew that Hunt, John Thurtell, and Probert were participators in the murder, we have another fact of very considerable importance—I mean the fact of the bloody shirt and handkerchief, cut off the deceased's body, in Probert's yard, after the body was taken out of the pond, being found under a heap of dung in Probert's stable. From the whole of these facts, developing an act of more than fiend-like bar-

barity, you can come but to one conclusion, in my mind, that John Thurtell is a principal in the murder, and that Hunt and Probert are accessaries before the fact. If such be your opinion, you will say so; and if you cannot at present arrive at that conclusion, it will be necessary for me to read through the whole of the body of evidence, making such comments thereon as the case may require.

*Juror.*—If we should be of opinion that Probert was only an accessary after the fact, or, in other words, that he did not know of the murderous intention of Hunt and John Thurtell, till after the deed was done, have you no power to send him for trial?

*Coroner.*—I cannot commit him under the Coroner's Inquest without you find that he was an accessary *before* the fact, though, of course, the magistrates have the power to commit him for trial.

The Jury consulted for a few minutes, and returned a verdict of WILFUL MURDER against JOHN THURTELL, as a principal, and against HUNT and PROBERT as Accessaries before the fact.

The verdict being recorded, and the presentment signed by the Jury, warrants were issued by the Coroner to commit the parties to take their trials at the next Assizes for the county of Hertford, and they were conveyed the same night to Hertford Gaol. The evidence was read over to the different witnesses, and most of them were bound over to appear at the next Hertford Assizes to give evidence against the two Thurtells and Probert for the murder of Weare.

After the verdict was returned, the Coroner and magistrates assembled gave orders to Thomas Thurtell to be brought from the apartment where he was confined before them. He was brought into the Jury-room in handcuffs, which were ordered to be taken off. The Coroner then congratulated him that he was not inculpated in the dreadful transaction that had alarmed the whole county.

THOMAS THURTELL, who has an impediment in his speech, endeavoured to reply, but, for some time, such was his agitation, he could not give utterance to a syllable. At last he said, "It was a horrible transaction; but I thank God I had not the remotest idea of the dreadful intentions of my brother or that the murder was committed, till it was communicated to me after my apprehension."

The county magistrates then informed him, that they were about to commit him to the county gaol, upon a warrant brought from London, on a charge of conspiring to set fire to some premises in Watling-street.

He declared, that however guilty his brother might be, and he admitted that his brother had led a life the most wicked and dissolute for several years, yet he was himself innocent of the charge upon which he was about to be committed. He stated that his brother forged his acceptance to bills to the amount of six hundred pounds, only eight months ago, and he was compelled to pay the money to save his life.

The magistrates lamented that the person who was related to one of the most respectable families in Norwich should have been implicated in such a dreadful accusation.

Upon which Thomas Thurtell burst into tears, and said, "Good God! what misery must my poor father and mother endure on hearing of the situation of their children; my brother's fate, I suppose, is sealed; pray God support my father and mother!"

The reporters for the public journals were requested to insert in the papers for which they were respectively engaged, that the coroner, and, the magistrates were all fully satisfied of Thomas Thurtell's entire innocence of the crime of murder.

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### FUNERAL OF WILLIAM WEARE.

It having been arranged that the body of the deceased should be interred in Elstree church-yard, immediately after the rising of the Coroner's jury, the coffin

was screwed down about ten o'clock, and shortly before eleven, the tolling of the church bell announced that every thing was prepared for the melancholy ceremony.

The coffin was borne on the shoulders of six men; the brother of the deceased, and most of the jurors attended as mourners; several persons carried lanterns before, and on either side of the coffin; and in this manner the funeral train, followed by a considerable crowd, proceeded up Elstree-hill towards the church, which is about a quarter of a mile distant from the house at which the inquest was holden.

The coffin, was, as in ordinary cases, first carried into the church, which was lighted up for the occasion, and then to the grave; the funeral service was read in both places by the Rev. Mr. Addow, the clergyman of the parish.

As the coffin was being lowered into the grave, the rope which was placed round the foot broke, and that part of the coffin fell suddenly to the bottom of the grave, whilst the head being sustained by the other rope rested against the side of the grave, so that the coffin stood nearly upright. This accident, as might be supposed, created some confusion: but the sexton immediately descended into the grave, and by great personal exertion, in a short time succeeded in getting the coffin level at the bottom of the grave, which was about twelve feet in depth.

The clergyman then proceeded to read the remainder of the funeral service, and the crowd stood uncovered.

The scene which now presented itself was one which can never pass from the recollection of those who witnessed it. The unusual hour of interment—the horrible and extraordinary manner in which the man whose corpse had just been consigned to the grave had lost his life—the solemn stillness of the night, for the wind which had been loud and boisterous during the day, had now fallen, and did not even shake the branches of the high trees with which the church-yard is surrounded—the impressive nature of the beautiful and

affecting composition which was read by the clergyman who stood conspicuous, in his white gown, at the head of the grave, whilst all around him was darkness except where the faint light of a lantern happened to fall on the countenances of some of the mourners—all these circumstances produced an effect on the beholders which we think can hardly be surpassed.

The service being finished at about half-past eleven o'clock, the mourners retired from the church-yard, and the grave-diggers proceeded to fill up the grave.

Elstree church is an object of peculiar interest from its commanding situation, its picturesque form, its hoary antiquity, and its primitive rudeness. It stands on the brow of a very considerable eminence, and, saving a few stunted trees, every where exposed to the action of the weather.

The whole fabric is composed of a number of little patches and compartments, which seem to have been built at different times. Part of the walls is of immense thickness, and antecedent, apparently, to the use of bricks of the present form. A good part of the walls also is composed of wood, and the steeple is of the latter material.

The monuments of the dead, scattered around the venerable pile, are nearly of the same materials with the church, being slabs of timber supported by posts of the same, and having the names of the tenants below rudely painted upon them.

Within the church there is a fount of very antique workmanship, and this is perhaps the most interesting thing about it. The body of the unfortunate Miss Ray\*, lies under the brick pavement, without any mo-

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\* Miss Ray, *chere amie* to the late Lord Sandwich, was the daughter of a tradesman in the parish where the old people still speak of her as having been handsome. A clergyman of the name of Hackman had vainly paid his addresses to her, and mortified at beholding the woman whom he loved to distraction the mistress of another, he formed the determination of destroying first the object of his romantic affection, and then himself. With this dreadful purpose in view he way-laid her on her return from Covent-garden theatre, and but too



nument or inscription; and the body of the murdered Weare lies in the church-yard without any memorial—even without the shelter of a green sod.

Still in spite of the extreme rudeness and simplicity of this little church and its adjoining burying-ground, it might be a place of favourite though of melancholy resort. There is a calmness, a repose, and a venerable expression of Eld about it, which carry one back to primitive times, and force one, whether one will or not, to take notice of the vicissitudes of churches and of states. Nor is the reflection without its touch of melancholy. The church tells us of forty generations, of whom not a trace now remains, while the lovely country upon which one looks down from its grave-furrowed tracing, looks as young, as green, and as lovely as ever. Even thus in the lapse of ordinary events, and without casualty or crime, “man and his marvels melt away,” while nature returns annually into new life, and bears no trace of decay.

When from the soft melancholy excited by these considerations we turn to the lowly grave of Weare, a more bitter tone of anguish mingles with our feelings.

From that grave we can see almost the very spot where he was murdered, and the whole track by which he went from Elstree a living man, in the anticipation of enjoying the sports of the field, and the festivities of the board—and also that by which he was borne to this place a mangled and lifeless corpse.

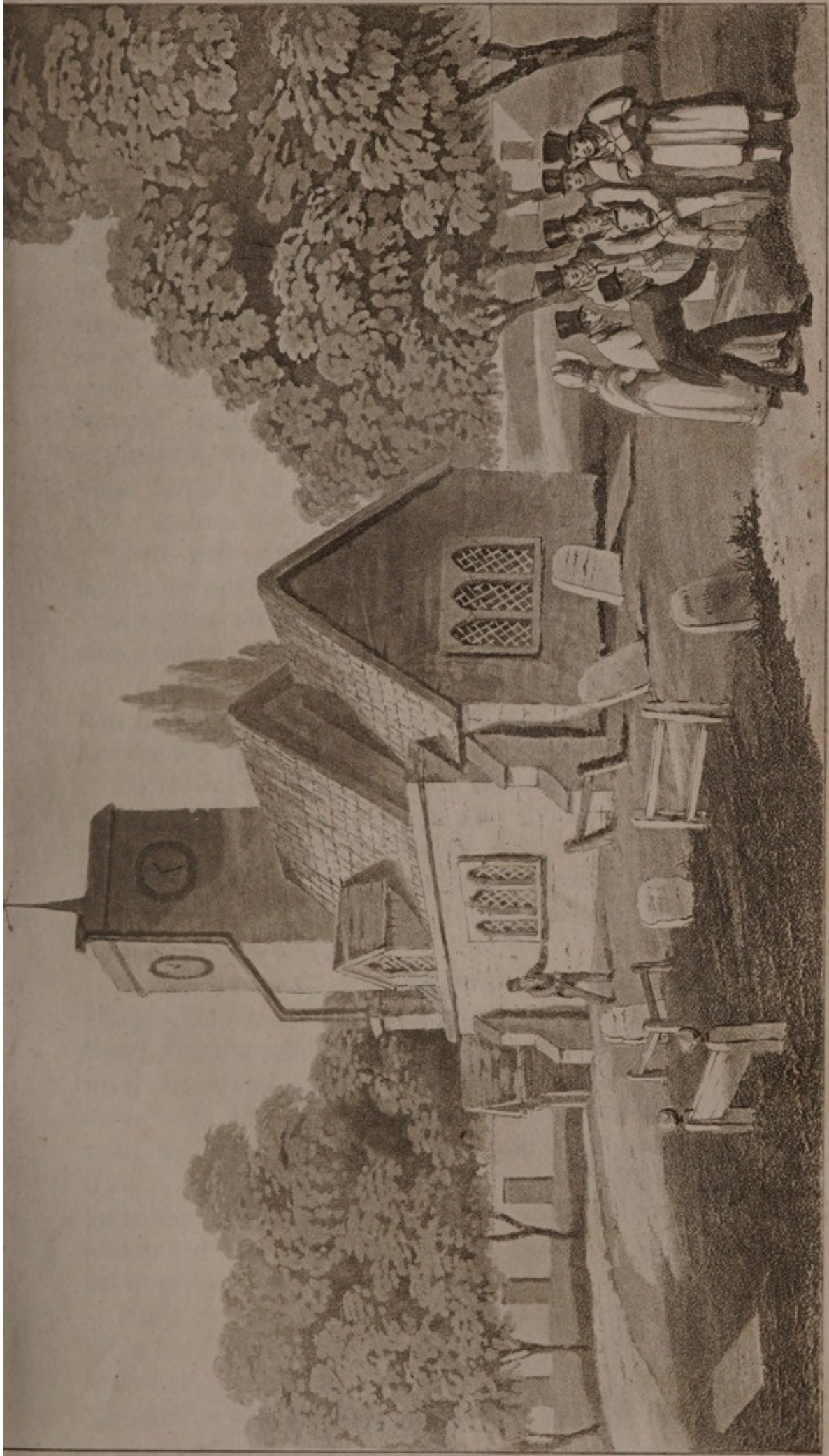
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### THOMAS THURTELL'S STATEMENT.

On the same day on which the Coroner's jury was held, Thomas Thurtell delivered to the magistrates a

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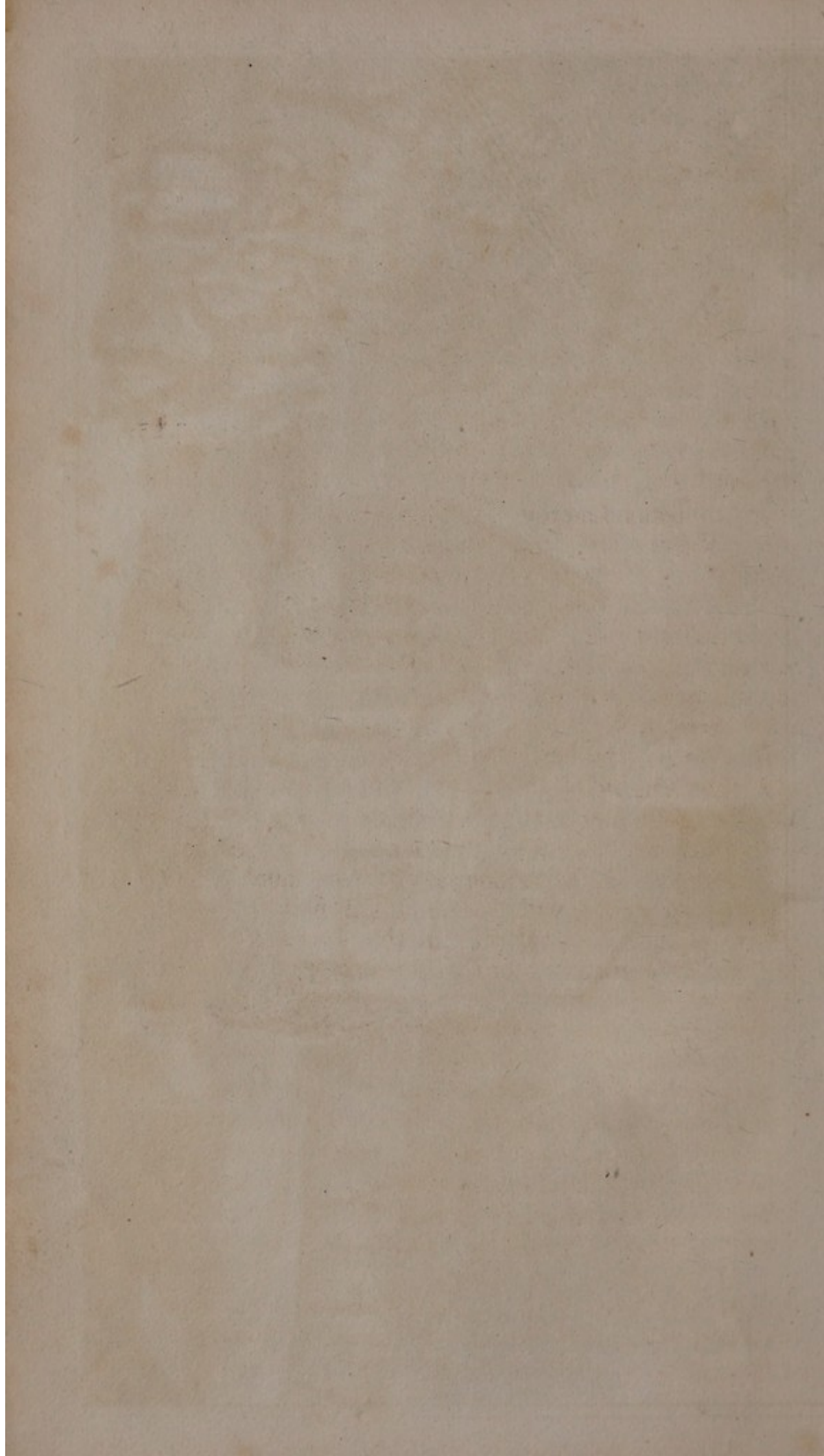
completely effected his purpose, by shooting her dead upon the spot, after which he made an abortive attempt upon his own life. For this crime he was tried and executed. See an affecting account of the whole affair in *Wilkinson's Newgate Calendar Improved*, published by Mr. Kelly, of Paternoster Row, London.



ELSTREE CHURCH,

and

THE GRAVE OF WEAVER.



written statement, of which the following is the substance:—

It commences by stating, that, on the day of the murder, he met his brother and Hunt at the Coach and Horses. In the evening Hunt came up to the door in a gig, drawn by a grey horse, into which John Thurtell, his brother, got, and drove away; Hunt went away with Probert. He saw two pistols with his brother John, and asked him what he wanted with them? Hunt made use of a dreadful expression, and asked him what was that to him? and then turning to Probert, said, 'Bill, will you be in it?' Before they went away Probert smiled.

Hunt had previously brought a sack and some cord, which he put into John Thurtell's gig, and then said, 'Jack, it's all right, drive away like ----.' Hunt said, before they left the house in the evening, addressing himself to John Thurtell, 'Jack, our friends had better be civil, or they will get served out,' following this threat up with the most horrid oaths.

Both John Thurtell and Hunt were constantly talking of ripping people up, and shooting them; but he (Thomas Thurtell) thought it was only their idle bravado. He (Thomas Thurtell) was engaged the whole of the Friday night. This has been confirmed by creditable witnesses.

On the Saturday morning he went to the Coach and Horses, and remained there all day; John came about three o'clock, and was in excellent spirits. He (Thomas) remarked, that his brother's hands were much scratched, and asked him how it happened? John said, he, Probert, and Hunt, had been netting partridges, and that his knuckles were scratched by the brambles. He observed a gold watch in John's hand, and asked him where he got it? John told him to ask no questions, as it was no business of his.

Hunt came in shortly after with a bundle, containing a blue coat, a buff waistcoat, and a pair of leather breeches, which he had taken out of pawn for J. Thurtell. On putting down the bundle, he pulled

out of his pocket three sovereigns, some silver, and a five-pound note, and said to Mr. Noyes, who was present, 'Now you ——, do any of you want change for a fifty-pound note, for if you do, I'm your man? We are Turpin-like lads, and have done the trick;' and then he laughed heartily, and winked to John. After Noyes went out, he (Thomas) feeling surprised at such declarations, said to his brother, 'what have you been doing?' When Hunt exclaimed, 'why, committing b——y murder, to be sure.' These being words of ordinary use in Hunt's mouth, he did not believe him, and took no further notice. Hunt then went on to say, 'we have been shooting game, and Probert has been holding the bag;' he (Thomas) did not for a moment believe they had been committing murder.

In the evening he (Thomas) went again to the Coach and Horses, and saw Hunt and his brother at supper; they were eating oysters. Hunt repeated that they had been Turpin-like lads, and addressing John, said, 'we must have a bottle of wine, nothing else will do now,' and then laughed. He said, in continuation, 'that the old woman (meaning his wife) was in a precious rage with him for stopping out all night, but when he pulled out the money she was satisfied. He gave her a sovereign, and told her to get a pair of fowls and a piece of pickled pork.'

The statement then went on to detail the circumstance of Thomas Thurtell walking down to Probert's on the Sunday morning. He was overtaken on the road by his brother and Hunt, who took him up. On their reaching Edgware they met Noyes, and John alighted and joined him. He went on with Hunt to Probert's, and he observed a new spade in the gig: Hunt threw the spade over the hedge, saying, 'Probert did not wish his wife to know he was extravagant.'

They all dined together on that day; Probert, Mrs. Probert, her sister, Miss Noyes, Mr. Noyes, John Thurtell, and Hunt: nothing particular occurred

He remembered somebody calling on Probert and accompanying him on business to Mr. Nicholl's. When Probert returned he appeared extremely agitated. He, T. Thurtell, went to bed with his children early, and neither heard or saw more.

Such is the substance of this man's statement. It appeared that he was in the habit of going down to Probert's every Sunday to see his children.

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### STATEMENT OF MR. TETSALL.

Mr. Tetsall, the landlord of the Coach and Horses, in Conduit-street, attended the Coroner's jury, with a number of other persons, to give evidence, that Thomas Thurtell could not by possibility be actually concerned in the murder; but, as there was no evidence brought forward to involve Thomas Thurtell in the affair, and as the rest of Mr. Tetsall's evidence affected the other persons accused, it was thought proper by the magistrates to reserve his evidence (sufficient having been adduced before the Coroner's jury) till the trial of the parties. The following is the statement of Mr. Tetsall, of his knowledge of John Thurtell and his coadjutors:—

Last Tuesday week was the first day the Thurtells came to my house. Probert, whom I had known before, introduced them. A true bill of indictment had then been found against them for setting fire to their house, and Probert urged me to become one of their bail, but I declined. They stopped for some hours drinking, and having paid for the reckoning went away.

On Wednesday they came again to my house; Probert and T. Thurtell then had some tea. On Wednesday night J. Thurtell came and slept at my house. I knew that they wished to be as private as possible, because they had not been able to get bail, and were keeping out of the way. On Wednesday

night Probert said to me, you have a private room, which we should be glad to have the use of, to transact business which requires privacy. I told him they might have it, and it being prepared they retired to it; and persons frequently visited them whom I did not know.

On Thursday they dined at my house; T. Thurtell paid for the dinner. Probert, who had exerted himself to get bail for the Thurtells, again urged me to come forward; but I told him it was very troublesome, and refused. On the Friday morning (on which night the murder was committed), T. Thurtell, J. Thurtell, Hunt, Mr. Noyes, and Probert, breakfasted at my house, in the private room, and paid seven shillings and sixpence; and on the same evening, between five and six o'clock, they all left my house, and I understood that they hired a gig at Probatt's, the Golden Cross, Charing-cross. I do not know where the other gig was procured, but I understood it was Probert's.

On Friday evening T. Thurtell was at my house, and slept there the same night.

On Saturday T. Thurtell and Noyes dined at my house, and after dinner Hunt arrived, and partook of what they had left; he arrived about three o'clock.

On Saturday night both J. and T. Thurtell slept at my house; and on Sunday morning, when John Thurtell came down stairs, he was dressed in a new pair of leather small-clothes, new gaiters, and waistcoat, with a double row of buttons on it; he then had no coat on; his shirt was open at the front, and thrust under his waistcoat collar, so that his neck was bare. He looked extremely wild; I thought he appeared like a madman. In this state he went out of my house, and crossed the street to Collis's, the hairdresser, to get shaved. On his return he finished dressing; he put on a new blue coat, and new hat, and appeared very elegantly dressed. Thomas Thurtell was in my house at the time John was dressed, and he remarked to me 'How fine my brother is to-day.'

Both John and Thomas Thurtell ordered breakfast that morning; they drank only one cup of tea each; they ate nothing at all, but each of them took a glass of brandy. They had a piece of roasting beef at my house, which they said they were to take with them in the chaise that morning down to Probert's, where they were to dine. Noyes was also present at my house, and was to accompany John and Thomas Thurtell. Noyes said, 'Mind the beef is taken, or we shall get no dinner when we get there.'

About half-past ten o'clock on Sunday morning Hunt and John Thurtell left my house in a chaise. Hunt brought the chaise to the door. Noyes walked on two hours before, and J. Thurtell said, 'We shall overtake him on the road.' Hunt and John Thurtell put the beef and some clean linen in the chaise, and I remarked that a new spade or shovel was in the chaise at the time. I observed to a Mr. Price, who was in my house when they drove off, 'What the d—l can they want with a shovel, on a Sunday, when they are going out in a chaise on pleasure?' I also remarked, on the Sunday morning, the contrast between Hunt's appearance and John Thurtell's. I also observed that Hunt's coat was dirty and torn under one arm, and that his small-clothes were torn by the side from the pocket. I thought, from the appearance of the back of Hunt's coat, that the wheel of the chaise had been against it, and as he was not shaved, and his clothes shabby, I said, 'if I were Thurtell, I would not ride with him in that condition.'

At that time (Sunday morning), Hunt had not shaved off his whiskers, and he returned with Probert's boy, Jem, on Tuesday to my house, and then his whiskers were on. He left the boy, and when I saw him the same morning, he was well dressed, and his whiskers were shaved off close.

John Thurtell slept at my house, and also Hunt and another man on Tuesday night. The last person was a man about fifty years of age, pock-frecken.

On Wednesday morning an officer of police ar-



rived, and took Thurtell and Hunt; and the third person who slept in the same room with Thurtell, whose name I do not know, hastily dressed himself, and left the house.

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### COMMITTAL OF THE PRISONERS TO HERTFORD GAOL.

John Thurtell having been fully committed by the magistrates at Hertford on the charge of murder, was sent to Hertford gaol immediately after his examination, and it was not necessary to bring him up before the Coroner.

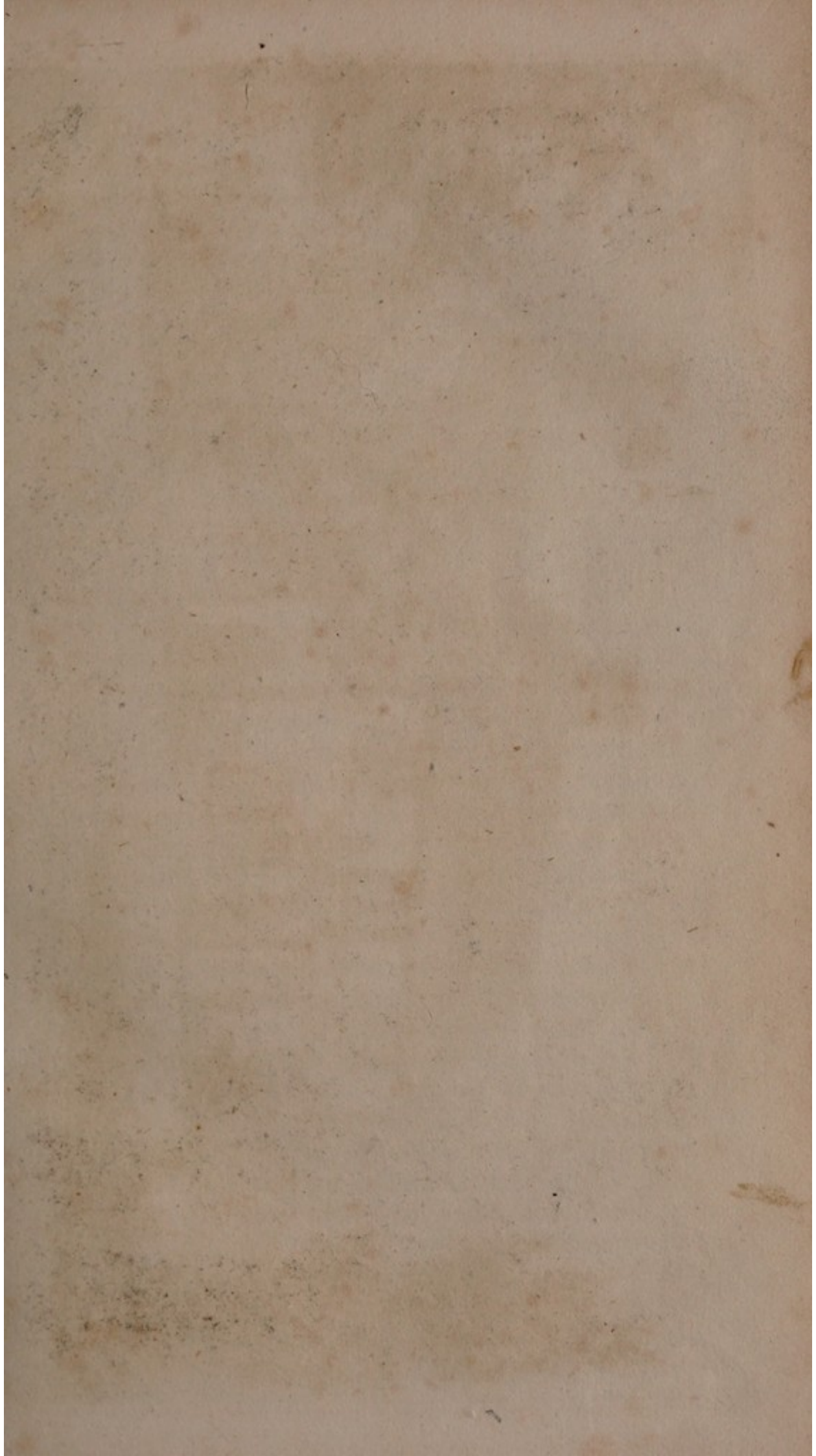
In consequence of the verdict of the Coroner's inquest, Hunt and Probert were also committed to the same gaol, where they arrived between four and five o'clock on Sunday morning, in two post-chaises, and well guarded.

The visiting magistrates ordered the three prisoners to be kept separate; that they should be double-ironed, and no person whatever permitted to see either of them, unless by the special order, or in the presence of a magistrate, excepting the chaplain to the gaol.

The arrangement of cells was discussed in the presence of Hunt and Probert on their arrival. On the magistrates' order being alluded to, Hunt betrayed considerable alarm, and entreated that he might not be kept in solitary confinement. 'Why should you fear being alone?' was asked; the reply was evasive—Hunt only observing, that he should greatly prefer the company of three or four persons.

Although it was determined to keep the prisoners apart from each other, it was nevertheless ordered, that two men should always be with each, and Hunt's desire was complied with.

He was first lodged in one of the rooms usually devoted to female prisoners, of whom there were none in the gaol at this time.





The three prisoners attended divine service; they were in three distinct pews; the text was appropriate: "Do justice, love mercy, and walk humbly with thy God."—A pin might have been heard drop during the sermon. Beyond mute attention, nothing peculiar was observable in the conduct of the prisoners.

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### GILL'S HILL COTTAGE, AND THE SCENE OF THE MURDER.

The house is well situate for being the haunt of outlaws. Placed upon an eminence, it commands a wide view, while it can be overlooked from no quarter, and approached only by two close and frightful lanes. Even from these it is apparently shut up; a high and close railing, in which the door is not distinguishable, runs along the whole front of the house, and hides it save the antique roof, from the view. This cottage is an old farm-house, in a very decayed and crazy state; and till within the last six or seven years, it was the residence, for half a century, of a man as decayed as itself, who lived in seclusion, and conducted himself as a miser. About six years ago, Probert obtained a lease of the cottage, without the farm; and it is supposed that it was at that time used for the purposes of illicit distillation. When Probert became a bankrupt, he let the cottage, and again obtained possession of it a few months before the murder.

The cottage itself is a a rude though rather picturesque fabric; this is heightened by its peculiar form, its turret-looking chimney-stalk, the dark ivyed roof of the kitchen, the tall slender chimney-stalk upon that, and the thin spiry poplar over the roof of the cottage. The place is wild, is romantic, and associated with innocence it would be beautiful.

Notwithstanding the desolation with which it is clad, the undressed walks, and the unpruned trees, surrounding the pond, the view of the cottage is un-

questionably fine ; and if the view of one side of the house inspire those feelings of aversion with which all must contemplate the frousy scenes of lawless revel, the other side of it, associated as it is with the circumstances, brings across one's mind a chilling fore-taste of the mansions of the dead. The half-formed grave, in which the earth herself had refused to cover the blood of the murdered,—the tranquil and secluded pond in the centre, with its mourning willow and its gloomy cypress, cold and dripping to the view, as if they had hung their branches over the river of oblivion,—the clumps of shrubbery, run wild for want of training, seared by the nippings of the frost, and scattering their leaves as the blood of the slain was scattered upon the ground,—and the window-less and gaol-like aspect of the house—accounted for the gloom and melancholy which came over the beholder with a power that no one could resist. Nature had been there in her beauty ; but the hand which had been destined to share in the fruits, if not in the deed, of violated hospitality and brutal assassination, could not be expected to attend to the beauty of inanimate and irrational nature. There hung something sickening over the scene—one shuddered, turned, and was gone.

Passing the cottage, and close by the farm-yard, on the other side of the road, you enter the dismal ravine of Gill's Lane. The very approach to it looks as if one were threading the mazes of those subterranean labyrinths, in which banditti were used to dwell. Beneath hedges which meet over head, and through which there is hardly one point of escape, it twines along for about three quarters of a mile, at the end of which it assumes a character even more dark and gloomy.

Well might the honest rustic, who found the bloody knife and the brain-bespattered pistol, upon the morning after the murder, say to his companion, as at day-break they begun their work in Gill's Hill Lane :—"It is a fearful place this—it is a place for black deeds—even now it is dark, as dark as *the grave* ;" for never

in a rich, beautiful, and well-peopled country, was there a lane more dismal and gloomy. It is so narrow that one can with difficulty pass, so crooked that one cannot see backwards or forwards, so overshadowed that the beam of heaven lights not upon it, so tangled that there is no lateral escape, and so remote from the dwellings of men that the loudest cry could not be audible.

Gill's Hill is about fifteen miles northward of London—three miles into Hertfordshire; and, in passing northward, about a mile to the left of the road from Elstree to St. Alban's. The surrounding country is very irregular in its surface; the villages and farm-houses are comparatively wide of each other; and the fields are intersected by narrow and crooked lanes, fringed on both sides by thick and shaggy hedges. On a spot where one or two bushy trees form a canopy almost impenetrable—it was that the murderer, after having promised entertainment, and pledged his safe convoy—after having been left to cool deliberation for hours—after having passed the preconcerted place of assassination—after having passed the cottage to which he had pledged to conduct his companion, and where he had promised to entertain him with festivities and songs—after, in short, having had that pause, that resting-place, that *locus pœnitentiæ*, in which there are few consciences that would not awaken—after having every facility given him to repent—after having the abomination of the deed reiterated, as it were, in the numerous points at which he had been balked of his diabolical coadjutors—after having remorse, as it were, to threaten him in the awful gloom and the death-like solitude, and Pity, to peep through the curtain of the night, and cry “hold! hold!” It was here—here, that this most atrocious deed was perpetrated; it was here that he, who up to that period had put on the guise and worn the smile of a friend and a protector, turned round upon the man who had trusted to him—upon the man, who, good or bad, had reposed in him, that under the pledge of which a

starving Bedouin would do no murder, and drawing from his bosom the fatal pistol, (fit companion of the heart within!) discharged it in the face of the unsuspecting victim; dashed him out of that vehicle which had been offered for his safe conveyance; pounced upon him like a wild beast—dashed the discharged fire-arm literally through his brains; struggled and struggled; was almost mastered; drew forth his knife, and with the coolness of an anatomist at a dissecting table, felt for the vein, divided it, and tiger-like drank the very blood of his victim.

From this scene we are glad to turn (would that we had not so to describe, or our readers so to think upon it!) but turn where we will, every scene is filled with more horror than another. We pass in the mean time the removal of the body—the attempt at inhumation, which, from the resistance of the parent earth herself, failed—the tearing off the apparel—the clotted blood—the concealment in the pond—the talk of filling it up—the dividing of the spoil—the putting of the murdered man's clothes upon the back of Hunt—the jeers and levities at Tetsall's—the brandishing of a pistol by Hunt at the bar of the Golden Cross—the return to the cottage—the dinner—the songs—the profane jests on the Sabbath—the twinge of remorse (rather perhaps the touch of cunning) which led to the removal of the body to

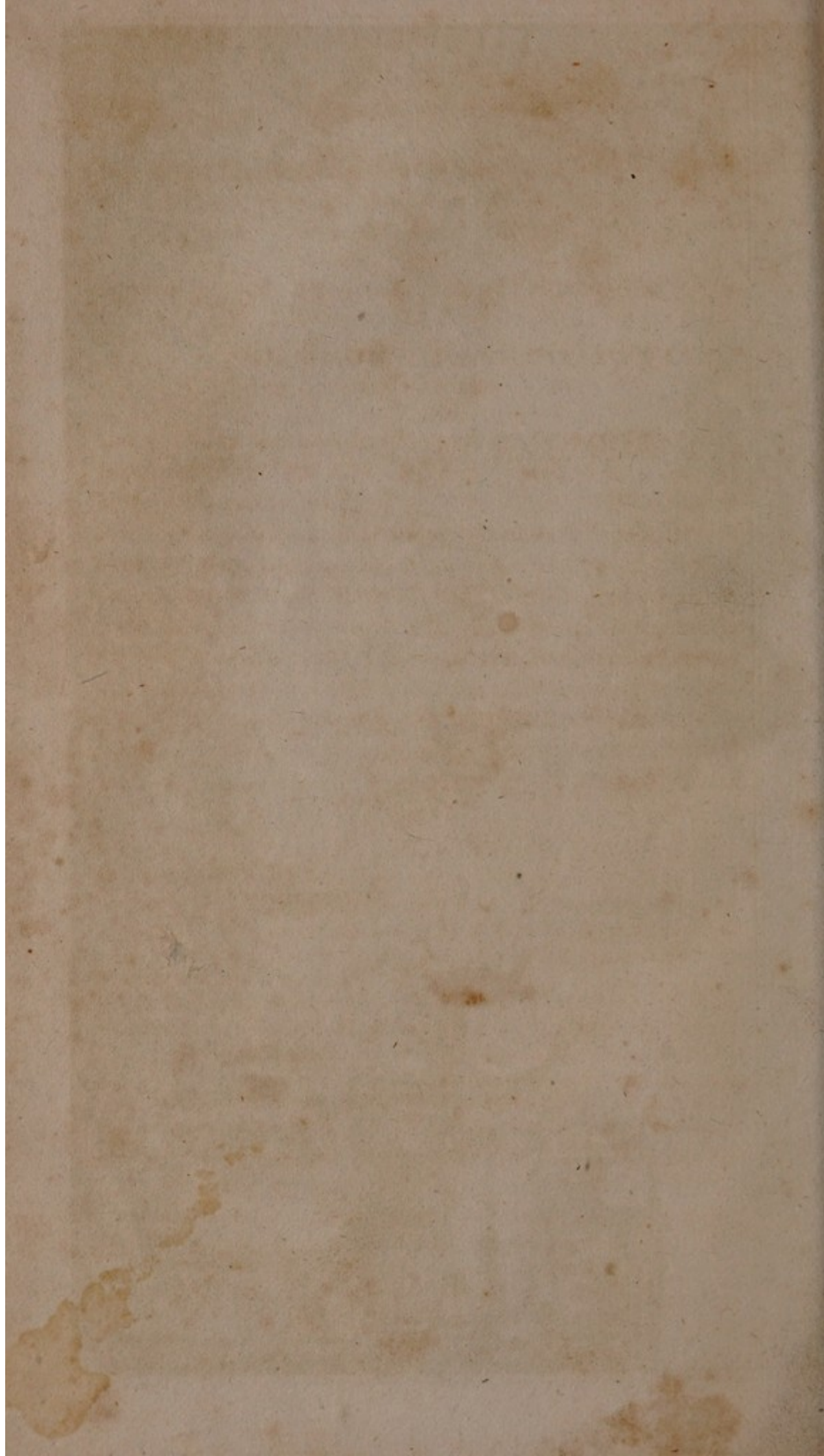
### THE POND NEAR ELSTREE.

This pond is situate close by the side of the road. It is formed by a little brook, which comes from the right-hand, in proceeding northwards. It is bounded by the hedge, and juts, as it were, into the road, which is defended by a slight railing seen in the foreground. Within the pond there are many shallows and clusters of rushes, and there is only one small space of it which suited the purposes of the murderers, and to this Hunt guided the dredgers with more certainty than that of instinct. "A little this way,"



POND IN WHICH THE BODY OF WEARE WAS FOUND





said he to them, after the first unsuccessful trial, and "you may depend upon finding the body." There is nothing peculiarly interesting about this pond.

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### EXCLUSION OF PROFESSIONAL ADVISERS.

Among the anomalous circumstances growing out of this extraordinary murder, was the regulation laid down by the magistrates at Hertford, that no professional person should be suffered to visit the prisoners, without previously satisfying the magistrates they were actually engaged for the defence of their respective clients, and that when any such persons had once been admitted to a conference none others would be allowed to enter the prison. The following is a copy of the singular resolution, and which has, as we shall hereafter show, been productive of some very important measures.

At a meeting of the magistrates, holden this 8th day of November, 1823, it was resolved—

That none but magistrates and the professional advisers of the prisoners be admitted to visit the prisoners; and it is recommended that none but visiting magistrates shall avail themselves of their right to visit the prisoners until after the next gaol delivery. And it is further resolved, that no professional adviser shall be admitted to see any prisoner until he has satisfied a visiting magistrate that he is employed as a professional adviser of such prisoner, and that he claims to see such prisoner with the sole view of supplying his professional assistance; and it is intended by the above to include within the description of professional advisers none who are not admitted attornies of one of the courts of law, or solicitors in the Courts of Chancery, or barristers at law.

(Signed	Dacre	Geo. Brossey,	E. Bouchier.
	Henry Cowper	H. Ridley,	C. Chester,
	William Dent,	J. Pordoe,	C. Brown,
	Samuel Smith	John Green,	P. Haddon,
	Thomas Daniell,	Thomas Lloyd,	R. Calvert,
	Chas. Ross,	Rowland Alston,	R. Segar Parry.
	F. Calvert,		

It excited great surprise, and called forth no small portion of public animadversion, that so rigid a plan of exclusion should have been adopted, as absolutely to deprive the prisoners of the advantage of the benevolent presumption of the law, that every accused person is to be considered legally innocent until his guilt has been pronounced by a jury of his country. The obstacles thrown in the way of legal advisers, whom the prisoners were anxious to communicate with during the short time in which they had to prepare their defence, were not at all consistent with the maxims of law, and the right which every British subject has to clear impartial justice. When persons charged with the foulest deeds are tried under the immediate exasperation of the public mind, they can hardly be said to have the benefit of a fair trial. If, on the other hand, it should happen that extreme harshness and unnecessary rigour in the treatment of prisoners should produce a re-action of feeling in the public mind, and excite sympathy as for the victims of persecution, public justice, instead of being served will be defeated, and the accused, although they should be guilty, will escape punishment, through the effect of the commiseration which the needless severities and hardships to which they are exposed naturally excites many people after the first sensations of terror and alarm.

The system adopted in this instance, is, in its very nature so arbitrary and inquisitorial, as to be totally incompatible with the principles of English law; and it is, at the same time, capable of being made subservient to the worst purposes of personal malice or political revenge. That the magistrates who so strictly guarded the prisoners, in this instance, from the necessary communication with their legal advisers, contemplated the consequences of such a precedent cannot be believed. A mistaken sense of duty, and an injudicious zeal, must have given rise to the vexatious course adopted by them, and which could only have the effect of rendering the due investigation of truth

still more difficult than before. All the magistrates, however, are not deserving of the blame of such transactions. The High Sheriff (Mr. Sutton, of Ross Way,) did not at all approve of the system of extreme exclusion put in practice.

The High Sheriff resided about twenty-five miles from the county town, and had authorized the Rev. Mr. Lloyd, his chaplain, and who is also a magistrate, to do all that was requisite, for the united object of the safe custody of the prisoners, and the allowance of the proper facilities of defence. But this clerical magistrate, who liked, it would seem, to be master of the ceremonies, chose to deviate from the kind and liberal intentions of the superior authority of the High Sheriff, and thereby put the unfortunate men in danger of being unprepared to meet the awful array of justice on the day of their trial. That he could have been actuated by any improper and uncharitable motive, we are not inclined to suppose, but certainly his officious zeal in this instance partook neither of the justice of the law, nor of the merciful spirit of the Gospel.

The High Sheriff, actuated by those motives which make official power the instrument of law, and not the engine of passion or caprice, went to the gaol, and broke through the offensive regulations, by causing two gentlemen to be admitted to see and converse with the prisoners.

The friends of Thurtell, however, who had been most annoyed by this prohibitory regulation, had resolved upon an appeal to higher authority, and accordingly, on the 19th of November, the very day on which the High Sheriff took upon himself the responsibility of breaking through the obnoxious order, the following

#### PROCEEDINGS IN THE COURT OF KING'S BENCH

took place.

Mr. CHITTY moved for a rule, calling on the keeper of the gaol of the county of Hertford, and the

visiting magistrates of the said prison, to shew cause why a *mandamus* should not issue to them, commanding them to admit Mr. Fenton, an attorney, into the prison, for the purpose of receiving instructions necessary to the defence of John Thurtell, committed to the said prison, to take his trial at the approaching assizes, for the wilful murder of the late Mr. Weare. He founded his motion on the statute 4th Geo. IV. c. 64, "An Act for Consolidating and Amending the Laws relating to the Building, Repairing, and Regulating of certain Gaols and Houses of Correction in England and Wales;" by section 10 of which, certain rules and regulations to be observed in all gaols were ordained. One of the rules declared, that due provision shall be made for the admission at proper times, and under proper restrictions, of persons, with whom prisoners committed for trial may desire to communicate; and such rules and regulations shall be made by the justices in General Quarter Sessions assembled, for the admission of the friends of convicted prisoners, as to such justices may seem expedient; and that justices shall also impose such restrictions upon the communication and correspondence of all such prisoners with their friends, either within or without the walls of the prison, as they shall judge necessary for the maintenance of good order and discipline in such prison. In this case, the learned counsel said, he complained of the total exclusion from the prison of the professional gentleman, to whom the prisoner was desirous of communicating instructions for his defence.

The CHIEF JUSTICE.—The first question is, whether we have the power of interfering in the way suggested, or whether the legislature has delegated the whole power to the visiting justices.

Mr. CHITTY pointed out to the attention of the Court the rules and regulations authorized by the statute referred to.

The CHIEF JUSTICE.—Must not the rules and regulations required to be made by the statute, be such as the justices shall think fit and proper?

Mr. CHITTY submitted, that independently of the statute, the Court had authority to grant a mandamus in a case of this description, inasmuch as they had a superintending control over every gaol in the kingdom. Here the justices had ventured, contrary to the first principles of justice, to make an order denying to the unfortunate prisoner the opportunity of conferring with his legal adviser, as to the course to be adopted for his defence against a charge for an offence of the most heinous description.

Mr. Justice BEST.—The jurisdiction seems to be given to the justices, who are to make regulations as to the admission of persons with whom prisoners committed for trial may desire to communicate.

Mr. CHITTY still urged, that without any regard to the statute in question, this Court had authority to direct what persons should or should not be admitted to the gaol. This was a case of extraordinary hardship. There was no desire to interfere with the jurisdiction of the justices in the regulations of the prison; but this was the case of a man merely committed for trial, who must be presumed to be innocent until a jury of the country pronounced otherwise, and yet the justices had thought proper to deny him the assistance of his legal adviser, to prepare him for his trial on an accusation of the most serious complexion.

Mr. Justice BAYLEY, after referring to the regulation, asked whether it appeared from the affidavits that the magistrates had refused to allow any professional person to attend the prisoner in gaol?

Mr. CHITTY said the affidavit did not go that length. The fact was, that the attorney of the prisoner's family, who were persons of the highest character, and of some consequence in the city of Norwich, had been sent up to London for the purpose of affording him every assistance in the awful situation in which he was placed. An order had been made by the justices for the admission of this gentleman to the prison, with the concurrence of the prisoner; but, inasmuch as Mr. Jay, the gentleman alluded to, re-

sided at Norwich, and had public duties to discharge in that city, which would render it inconvenient to him to remain so long from home as was necessary to the conduct of the prisoner's defence, he was desirous of assigning the task to his town agent, Mr. Fenton, a respectable London attorney, who was at the same time more conversant with proceedings of this nature. Mr. Fenton had applied to the justices to substitute his name in their order, in lieu of that of Mr. Jay, but the justices declined complying with this request.

Mr. Justice BEST.—The question is, does the prisoner desire Mr. Fenton to attend him as his attorney?

Mr. CHITTY said, that the prisoner in his affidavit distinctly expressed his wish that Mr. Fenton should attend him, inasmuch as Mr. Jay's avocations in the country rendered it inconvenient for him to conduct the defence. The order of the justices had only authorized Mr. Jay personally to attend the prisoner; and as they had refused to allow Mr. Fenton to enter the gaol, it became necessary to make the present application. The object of the motion was for a mandamus to allow Mr. Fenton to visit the prisoner, at all seasonable hours, for the purpose of receiving professional instructions.

Mr. Justice BAYLEY.—You do not wish to continue the first-named party in the order, but merely to substitute the name of Mr. Fenton?

Mr. CHITTY.—We only want one person to be admitted to the prisoner. Mr. Fenton is a highly respectable attorney, and the prisoner desires that he may be admitted to the gaol to receive his instructions.

The CHIEF JUSTICE.—In what terms do you propose to frame your motion?

Mr. CHITTY.—I humbly pray your Lordship for a rule to shew cause why a mandamus should not issue to the visiting justices, and to the gaoler, requiring them respectively to afford access for Mr. Francis Fenton to John Thurtell at all seasonable hours.

The Court deliberated a few minutes—when The CHIEF JUSTICE said, the writ of mandamus, if it issues in the first instance, will in its nature operate as a rule to shew cause, if cause can be shewn. We are of opinion, that you had better take the writ in the first instance, and not merely a rule to shew cause why a writ should not issue; for, if cause can be shewn, it may be made matter of return to the writ. You had better, therefore, take a writ, directed to the justices, to the sheriff, and to the gaoler, commanding them respectively that due provision be made for the admission, at proper times and under proper restrictions, of the person you have named, to John Thurtell, a prisoner committed for trial, and who has desired to communicate with Mr. Fenton.

Mr. CHITTY then prayed, that, as Mr. Jay had seen the prisoner once or twice, and had received some communications from him, that that gentleman's name might also be inserted in the rule, in addition to that of Mr. Fenton, inasmuch as it might be important that both gentlemen should communicate with the prisoner.

The CHIEF JUSTICE.—Be it so. The word in the statute is “persons,” and I see no objection to what you suggest.

The following peremptory *Mandamus* was accordingly granted.

“The Fourteenth Day of Michaelmas Term, in the Fourth Year of the Reign of King George the Fourth.

“George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to the sheriff of our county of Hertford, and to the keepers of our peace and justices of our said county, being visitors of our gaol of our said county, and also to the keeper of our said gaol at Hertford, in our said county, and to every of them greeting: whereas we have been given to understand, in our Court before us, that one John Thurtell is confined in our gaol at Hertford, in and for our county of Hertford, on a charge of murder; and whereas we have been further given to understand, in our said Court before us, that one George Jay, of the city of Norwich, gentleman, one of the attorneys of our said Court, and also one Francis Tarrant Fenton of Austin Friars,



in the city of London, gentleman, one other of the attorneys of our said Court, have, and each of them hath, by the concurrence and wish of the said John Thurtell, been applied to, to prepare materials and collect evidence for the defence of the said John Thurtell, for the said supposed offence; and whereas we have also been given to understand in our said Court before us, that the said George Jay, and the said Francis Tarrant Fenton have, and each of them hath, applied to you, or some of you, for their admission respectively to the said gaol, at proper times, and under proper restrictions, to see and communicate with the said John Thurtell as his professional advisers, for the purpose of receiving instructions from him from time to time to prepare materials and collect evidence for the defence of the said John Thurtell against the offence of which he is so charged as aforesaid; yet you, and every of you, well knowing the premises, but not regarding your duty in this behalf, have wrongfully refused the admission of the said George Jay and Francis Tarrant Fenton to communicate with and see the said John Thurtell for the purposes aforesaid, and to make due provision for their respective admission as aforesaid, in contempt of us, and to the great damage and prejudice of the said John Thurtell, as we have been informed from complaint made to us in this behalf; we, therefore, being willing that due and speedy justice should be done in this respect as it is reasonable, do command you the said visiting magistrates and every of you, firmly enjoining you, that you or some of you do immediately, upon your receiving this our writ, make due provision for the immediate admission, at proper times, and under proper restrictions, of the said George Jay and Francis Tarrant Fenton respectively into the said gaol, for the purpose of communicating with the said John Thurtell, a prisoner in the said gaol, committed for trial on a charge of felony and murder, who hath desired to communicate with the said George Jay and Francis Tarrant Fenton; and we also command you the said sheriff, and also the said keeper, immediately to admit the said George Jay and Francis Tarrant Fenton into the said gaol, and to continue such admission according to such provisions, or show us cause to the contrary thereof, lest by your default the same complaint should be repeated to us; and how you shall have executed this our writ, make known to us at Westminster, on Thursday next after fifteen days of St. Martin, then returning to us this our writ; and this you are not to omit.—Witness, Sir Charles Abbott, Knt., at Westminster, the 19th day of November, in the fourth year of our reign.

“ By the Court,                    “ LUSHINGTON.”

“ By rule of Court.

The magistrates immediately complied with the *Mandamus*, and the prisoners were thenceforward

suffered to communicate with their legal advisers, subject only to the usual and necessary restrictions which circumstances justified.

On the 27th of November, just as the judges were about to retire at an unusually late hour,

Mr. PLATT rose in the *Court of King's Bench*, and presented a large and closely-written skin of parchment to the officer annexed to the writ of *Mandamus*. The learned counsel said, this was the return of the magistrates of Hertfordshire to the *Mandamus* issued respecting Hertford gaol, and prayed that it might be read.

The LORD CHIEF JUSTICE.—Have the magistrates obeyed the writ?

Mr. PLATT.—Yes, my Lord, they have; but they wish——

The LORD CHIEF JUSTICE.—If they have obeyed the writ, why do they make any return?

Mr. PLATT.—My Lord, they are anxious to state the reasons of their conduct, and they have set them forth at length in this return. Imputations have been cast on them, and they are desirous of showing that they are groundless.

The LORD CHIEF JUSTICE.—No imputation has been cast on them in this place.

Mr. Justice BEST.—I am sure I cast none.

Mr. PLATT.—No, my Lord; but their conduct has been impugned, and therefore I thought it my duty to move it.

The LORD CHIEF JUSTICE.—The magistrates have obeyed the writ, and, therefore, we can hear no return. It is not necessary to the purposes of justice.

The return was not read, and the judges soon after left the Court.

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## THE SURREY THEATRE.

When we reflect on the intense excitement produced on the public mind by the dreadful events at Gill's

Hill Lane, it is rather to be lamented than wondered at that advantage should have been taken of the state of popular feeling by some mercenary and unfeeling individuals.

The most flagrant instance of such disgraceful conduct was exhibited in the production of a melo-drama at the Surrey Theatre, on Monday, the 17th of November, under the title of "THE GAMBLERS," of which the following is a programme:—

"Mordaunt, at whose cottage the murderers are secured, is described as a victim of the seduction of Woodville and Bradshaw, two notorious gamblers and desperadoes. The former, finding that he is likely to get a large booty by assassinating his acquaintance, Frankly, to whom he owes an old grudge for money lost to him at play, takes him down to 'clean out a flat,' as it is termed, at a short distance from town. This is supposed to be after midnight, previously to which Frankly is seen at hazard winning all the money at the table. No stronger stimulus could be applied to inflame these villains' cupidity. He is hurried down to his ruin in the gig with Woodville, Bradshaw being placed in ambush for him at the entrance of a lane, which is not unlike that in which the murder of Mr. Weare was perpetrated. They are traced from the ruins of a warehouse consumed by fire in Watling-street, where they ascend the gig, to the Bald-faced Stag, at Edgeware, and subsequently to the lane at Gill's Hill. The horse and gig are the self-same, which, in an ill-fated hour, conveyed Thurtell and Weare out of town. The identity of the vehicle and horse formed the strongest feature of interest in the eyes of the audience, if we could safely collect that expression from the applause that followed their appearance. Previously to this, the audience had been introduced to the amiable wife and family of Mordaunt, who, in consequence of being ruined in his prospects by a fatal attachment to play, had been compelled to seek an asylum at a cottage, which the bills assured us was an accurate resemblance of Gill's

Hill Cottage, with its pond and garden. Mordaunt has just tried his all at a common gaming-house, and returned destitute to his wretched home, where he is abruptly broke in upon by the villains, Woodville and Bradshaw, who in the preceding scene were seen completing the murder, as it is supposed, and robbing of Frankly in the adjoining lane, when the explosion of a pistol is heard, and Frankly falls from the gig, and is dragged by the accomplices through the hedge. The object of their unwelcome visit to Mordaunt is announced, by Woodville's informing him he is come to relieve his necessities, and that if he but assists him in one thing his difficulties shall be for ever at an end. He presses money on him, and gives him also a bond of his for one thousand pounds, which he tells him he has forced from the wretch, Frankly, who was in part his ruin. Mordaunt sees blood-spots on the bond, and forces them to leave the place, though he promises to conceal their guilt. Immediately after this, the officers of justice apprehend him; and whilst protesting his innocence, which is vouched for by his unhappy wife, who embraces him, Bradshaw and Woodville again make their appearance, and are recognised by the two men employed in mending the lane where the murder took place. To add terror to conviction, the bleeding body of the unhappy Frankly is borne in, supported by some countrymen, who call on the villains to look on their victim. He is discovered to be still alive, makes a formal recognition of their persons, and expires, whilst the curtain falls."

The allusions in this drama to the dreadful event, which forms the subject of our narrative, were too palpable to be overlooked by the professional gentlemen retained by the family of Thurtell for his defence at the approaching trial. Accordingly, on the 19th of November, immediately after he had obtained the *Mandamus*, commanding the admission of legal advisers to the prisoners, as already stated,

Mr. CHITTY addressed the Court. "It was of importance, he said, that the motion which he was

about to submit should be made as early as possible, for the purpose of checking a most scandalous proceeding, as it respected the due and impartial administration of justice. He was instructed to move for a criminal information against the proprietor and printer of the Surrey Theatre, for an indecent and unlawful excitation of the public mind, by representing, in a dramatic form upon the stage, a tragedy, founded on the supposed incidents of the late dreadful murder.

The proprietor of this theatre had presumed to personify upon the stage the actors in the late alleged murder; he had introduced upon the stage persons representing John Thurtell, and the deceased Mr. Weare; had exhibited the identical horse and gig in which Mr. Weare was supposed to have been driven to the scene of his death, and had actually given a representation to the public of the supposed murderer. A gentleman of great respectability, whose affidavit he had, deposed that he had attended the theatre last night, and saw this shameful exhibition displayed to a crowded house; that it produced extraordinary excitation, and such applause as was disgraceful to a British public, professing the feelings of humanity, and boasting of its justice. He need not suggest to the Court the atrocious and monstrous indecency of such an exhibition, calculated as it was to destroy all hope of a fair trial of a human being, perfectly innocent until the verdict of a jury declared otherwise, and whose life was placed in jeopardy by this and other extraordinary proceedings taken for the excitement and gratification of public curiosity.

The CHIEF JUSTICE.—How do you connect the party against whom you move with the transaction?

Mr. CHITTY.—My Lord, I have an affidavit that one of the persons has admitted himself to be the proprietor of the theatre; and I also move against the printer of the play-bill announcing the disgraceful representation, his name being attached to the bill.

The CHIEF JUSTICE.—Take a rule to shew cause. On the 24th of November, Mr. Denman and

Mr. Barnewell, on behalf of the proprietor, and Mr. Marryatt, on behalf of the printer, appeared to show cause against the rule, obtained by Mr. Chitty on the 19th. The matter underwent a long discussion, and ultimately the rule was discharged as far as related to the printer, and made absolute with regard to the proprietor and manager of the theatre.

### DISINTERMENT OF THE BODY OF WEARE.

In consequence of a supposed defect in the chain of evidence, from which some doubt arose as to the possibility of proving, that one of the parties accused had been seen in company with Mr. Weare on the night of the murder, it was judged necessary to open the grave, in order to afford the ostler at the White Lion, Edgware, an opportunity of seeing the corpse, as two persons, one of them supposed to be Mr. Weare, had called there in a gig on the evening of the 24th of October, and the ostler was of opinion that he should know the face of either of them again.

Before the exhumation took place, some of the parties spoken to on the occasion were in doubt whether it would be of any use to inspect the body in its then state. A medical gentleman overruled this, by declaring it to be his opinion, that the corpse would be found nearly as perfect as when it was originally committed to the earth.

The disinterment having been determined upon, it was judged expedient to avoid giving unnecessary publicity to the proceeding, and it was agreed that the sepulchre should not be re-opened in the day-time. Pursuant to this resolution, the parties who were to perform and witness the disinterment repaired to the church-yard at midnight. The night was dark, and the weather most inclement. Storms of rain and hail

assailed the individuals who had taken upon themselves the unpleasant task; but these did not dispose them to abandon the design. To lift the coffin from its resting-place was a work of no small toil and difficulty. The grave was nine feet deep, and for the purpose now in view it was necessary to dig a much larger pit than had originally been prepared. From this circumstance, though every practicable exertion was made, the work proceeded but slowly. The secret had been so well kept, that none of the neighbours approached while the labourers were seeking the coffin. No one was present but those appointed to conduct the undertaking.

The individuals who attended were, Mr. Clutterbuck, the magistrate: the clergyman of the parish; Mr. Ward, the medical gentleman from Watford, who had given evidence on the Coroner's inquisition; a second medical gentleman, the assistant of the former; Mr. Field, the landlord of the Artichoke at Elstree, who acted as foreman on the Coroner's inquest; the magistrate's clerk; the undertaker, the ostler of the White Lion, the grave-digger, and five or six labourers.

When the men had got almost to the coffin, they had to contend with several impediments, which caused unlooked-for delay. It was found the grave contained a great deal of water, and the earth which surrounded the remains of the deceased was not easily removed out of the way of the labourers. A very spacious hole was at last formed, and a rope was passed under the head of the coffin. It was then supposed that little exertion would be sufficient to remove it; but from the immense pressure which it had sustained, it was so deeply bedded in the soil, and was so heavy from the water it contained, that the efforts of those who at first attempted to lift it were wholly nugatory. It demanded the strength of eight or ten men to raise it on end. By great exertion this was at length accomplished, and the coffin, which had been nearly

full of water, was brought up. The lid was then unscrewed, and the corpse once more submitted to inspection.

We forbear to enter into any minute description of the ghastly spectacle which now met the view, when the lights were brought close to the deceased. The secrets of the charnel-house are too awful for the general perusal of those who yet live, and we therefore draw a veil over the appalling peculiarities of the scene. It is sufficient to say, that when the contents of the coffin were looked upon, it was instantly obvious to every one that recognition was impossible. The ostler approached the much wasted remnant of mortality, but to no purpose. Unusually rapid decomposition, occasioned, it was supposed, by the water in which the body was found immersed, rendered all the toil which had been undergone utterly useless. The lid of the coffin was then replaced and screwed down, and the body was again lowered into the grave.

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Having thus given, in chronological order, a faithful and digested account of all the proceedings in this extraordinary affair, carefully abstaining from a repetition of the many falsehoods and exaggerated statements which were set afloat on the occasion, we shall continue our narrative with an account of the

### PROCEEDINGS AT HERTFORD.

On the 4th of December, a period which had been looked for with so much anxiety by all classes of society, the assizes for the county of Hertford commenced. Mr. Justice Park and Mr. Justice Holroyd were the judges who presided. The usual ceremonies attendant on the arrival of the judges—the procession to church—the opening of the commission—and the proclamation against vice and immorality—having been gone through, the following gentlemen of the



county were chosen the Grand Jury for the present assizes.

#### GRAND JURY.

The Hon. William Lamb, of Hatfield.  
 The Right Hon. Sir G. Ouseley, of Hertingfordbury, Bart.  
 Sir John Sanders Sebright, of Flamsted, Bart.  
 Sir Culling Smith, of Essendon, Bart.  
 Sir George Duckett, of Cheshunt, Bart.  
 The Hon. Baron Dimsdale, of Essendon.  
 Henry Cowper, of Tewin, Esq.  
 William Baker, of Bayford, Esq.  
 Thomas Hope Byde, of Ware, Esq.  
 Nicolson Calvert, of Hunsdon, Esq.  
 Thomas Byron, of Bayford, Esq.  
 Samuel Smith, of Watton, Esq.  
 Thomas Daniell, of Little Berkhamsted, Esq.  
 Daniel Giles, of Standon, Esq.  
 Adolphus Meetkerke, of Julian's, Esq.  
 Patrick Hadow, of Shenley, Esq.  
 Thomas Nash Kemble, of North Mimms, Esq.  
 Jacob Bosanquet, of Broxbourne, Esq.  
 William Robert Phillimore, of Aldenham, Esq.  
 Chas. Edmund Rumbold, of Watton, Esq.  
 William Wilshere, of Hitchin, Esq.  
 John Currie, of Essendon, Esq.  
 William Heygate, of North Mimms, Esq.  
 John Fain Timmins, of Aldenham, Esq.  
 George Palmer, of Much Hadham, Esq.  
 Charles Montgomery Campbell, of Bennington, Esq.  
 Wm. Hale, the younger, of Codicote, Esq.  
 Nicholas Segar Parry, of Hertingfordbury, Esq.  
 Edmund Morris, Esq.  
 Robert Williams, Esq.  
 Samuel Heathcote Unwin Heathcote, of Sheephall, Esq.  
 Claude George Thornton, of Tewin, Esq.  
 George Proctor, of Ware, Esq.  
 Charles Brown, of Amwell, Esq.  
 John Early Cook, of Cheshunt, Esq.  
 Ebenezer John Collett, Esq.

After the conclusion of this ceremony, proclamation was made for silence, and Mr. Justice Park proceeded to deliver the following

#### CHARGE TO THE GRAND JURY.

*Gentlemen of the Grand Jury*—We are assembled here, at this unusual season of the year, under his

Majesty's Special Commission of Oyer and Terminer and General Gaol Delivery, for the purpose of trying such offences as have taken place in this and the neighbouring home counties since the last summer assizes. In this service it becomes our duty to discharge one of the most important functions which can belong to us as members of civil society, namely, the administration of criminal justice. The present appearance of the gentlemen whom I am now addressing, satisfies me that his Majesty's wisdom in issuing these commissions will never be frustrated, as frustrated it would undoubtedly be, if ever the time should come when the administration of justice was not attended by gentlemen of the first dignity, rank, and respectability, because such an event could not but lessen the administration of justice in the eyes of the common people of England. Nothing can be more important and more essential to the interests of the community than that the administration of justice should be maintained in its purity, by the countenance of all honourable and respectable men.

Gentlemen, the calendar now presented to us, contains, undoubtedly, a considerable number of offences. I am sorry to observe a great number of crimes, of various descriptions, set down for trial. What the result of these trials may be, Gentlemen, it is not for me now to judge. Notwithstanding the number, and the variety of these offences, they are not, in general, of such a nature as to render it necessary for me to address to you any particular observations. I am sorry to say, that they are, for the most part, such offences as you, and other magistrates, are weekly, and, I am almost afraid, daily occupied in investigating; and the principles of law applicable to such cases are, probably, as well known to you as they are to my learned brother and myself. I need scarcely add, that if any difficulty should arise in the progress of your investigation of these cases, and you should wish to make any inquiry, my learned brother and myself

will most cheerfully and readily afford you our assistance.

There is one case, however, on which it is necessary that I should say something, because I understand it has made a considerable noise in the world. When I say this, I do not say it idly; for I can assure you, with truth, that I have seen nothing connected with this case, except the depositions which were sent to me when I was appointed a judge of this circuit, and that I have most cautiously abstained from reading one single word which has appeared in any of the public prints. I, for one, therefore, may say, that, as far as any previous opinion of the case is concerned, a more impartial person than myself never entered a court of justice.

I feel it necessary to make a few preliminary observations on this case, with a view to future circumstances. The language of reproach is never pleasant to me; it is hostile to my feelings; but in administering the justice of the country I have a duty to discharge which is paramount to all personal considerations. These depositions have, somehow or other, as I have been informed, been copiously dispersed by means of the public press. The fault certainly originated, though I have no doubt most unintentionally, and I beg not to be understood as throwing out any personal reflection on the conduct of any gentleman, but the fault certainly originated in the magistrates allowing any person whatever to enter their private room during the investigation of the matter, and to take notes of the case. I hold, and I believe I shall be borne out in what I say by my learned brother, that there is a vast difference between the inquisitorial and the judicial power of a magistrate. Where a magistrate is acting judicially, he is liable, like all other judges, to be heard and judged of himself. For my own part, I may truly say, that I wish my judicial opinions to be examined with all possible freedom. I trust that I always mean to do what is right, but I am aware that

I am continually in error, for no human being can doubt that he errs continually, because he is a human being. When a magistrate, however, is inquiring into a crime, to say that all the depositions in such a case should be published generally to the world, is a proposition which cannot be listened to for a single moment. It is his duty to investigate, to inquire; and the statute law prescribes a rule for his conduct in the discharge of that duty.

The statute of Philip and Mary, which was passed upwards of two hundred and fifty years ago, requires that all examinations before magistrates, in cases of murder and felony, shall be taken in writing, and transmitted to the judges of Oyer and Terminer. The constant practice, with respect to these depositions, has been to transmit them directly to the judges, and the party accused, or his advisers, have never been permitted to see them. The depositions have been subject to the inspection of the counsel for the prosecution, and to the officer of the court, as well as to the judges, but they have always been religiously kept from the observation of the accused.

The consequence of the publication of this evidence is, that the accused party knows all that will be produced against him at his trial, and the object of sending the depositions to the judges is in this manner entirely defeated. It occurred to me, while the oath was being administered to the Grand Jury, that there was another strong argument to shew the importance of reserving the depositions for the use of the judges and the prosecutors: the grand juryman swears to keep the King's counsel, his fellows' and his own secret; but by the publication of the depositions, all the evidence is published before it comes to his knowledge. This never can be right under any circumstances. I have said thus much, because I am most anxious to preserve the purity of justice; and because, highly as I esteem the liberty of the press, I hold the trial by Jury, as a palladium of British liberty, in still higher veneration; and I am convinced that that

palladium can only be maintained in its purity, as long as the administration of justice continues pure and uncorrupted.

I mean not to say that the administration of justice has been effected by this proceeding; but it may be put in danger. It is a proceeding which is not only dangerous to the accusers, but it may be so to the accused. Of this I am quite sure, that it is a proceeding most injurious to the administration of justice, and calculated most materially to impede its course. It imposes upon Judges the necessity of addressing even Gentlemen of your high character in the country with unusual energy, in order to prevent any improper bias either on the one side or on the other.

The publication of evidence is, upon the whole, however, more favourable to the accused than to the prosecutor; because it gives the accused a benefit which the law of England never contemplated, namely, an opportunity of knowing beforehand the points which may be brought in evidence against him on his trial. Whether this may be beneficial to one of the parties, or disadvantageous to either or both of them, I will not pretend to decide, but I am quite satisfied that such a proceeding is highly blamable.

In conclusion, I have no difficulty in stating my opinion to you, in the hearing of my Learned Brother—and I believe my opinion is sanctioned by the authority of the Judges of the Court of King's Bench, and by that of all the Judges who have sat on the bench during the last century—that to print evidence *a priori* on a criminal case, which is to form the subject of inquiry in a Court of Justice before a Jury, accompanied with notes and comments, is a high crime and misdemeanour, punishable, on conviction, by fine, and imprisonment. Such, according to my firm belief, is the law of the land with reference to this point. There was one piece of evidence in this case, which, as I have been informed, was published, and of which I cannot but consider the publication as most unadvised. I do not wish to make any harsh observations, but I

cannot help remarking, that the public themselves have in some measure occasioned this mischief. There seems to be a pr<sup>u</sup>iciency, and an appetite for news among the people of this country, such as characterized the Athenians of old, who, as the Grecian historians inform us, were always desirous of reading something new. In fact they seem to be never satisfied unless they are absolutely glutted with things of this sort. The piece of evidence to which I have just alluded is, as I understand, a confession of one of the prisoners; and a very little reflection will enable people to see the mischief which must arise from the publication of such a document. A confession is, of all other things, that of which it is impossible to say, until the period of trial, whether it be or be not admissible in evidence; and nothing, therefore, could be more unadvised, independently of its illegality, than its premature publication.

I shall say no more on this subject at present; but I trust that what I have said will induce Gentlemen to reflect on the consequences of a practice, which they have permitted. I have no doubt, with the best intentions, but from the continuance of which much mischief would arise to the administration of justice.

Gentlemen, the case which has drawn from me these observations is a charge against a person named John Thurtell, and against two other persons, named Joseph Hunt and Wm. Probert, as accomplices, for the crime of murder; a most awful crime, under whatever circumstances it may have been committed, but which appears to have been committed in this case under circumstances of peculiar atrocity.

What the intention of those who prosecute in this case may be—whether to indict all three of them as principals in the first degree, or to indict some of them as principals in the second degree, or as accessaries before or after the fact—I cannot tell. With respect to the three first descriptions of crime, as committed by principals in the first and second degree, and by accessaries before the fact; although the form of stating the offences is somewhat different, the legal result to

the individuals, if convicted, is the same. A principal in the first degree is the person who actually commits the murder; a principal in the second degree is a person who is said in law to be aiding, present, assisting, and comforting the principal in the first degree. If a man, by keeping watch and ward so as to prevent intrusion, or in any other manner aid and assist in the murder, though he be not the person who struck the blow, he is equally guilty with the principal in the first degree. An accessory before the fact is he, who, though not on the spot where the murder is committed, yet by his advice, counsel or command beforehand, assists in the crime. An accessory after the fact is he who, after the fact has been committed, knowingly receives, harbours, and entertains the principal felon or felons. Under which of these descriptions the parties may be indicted in this unfortunate case, I am unable to tell you, for it is not my province to know.

The murder appears to have been one of a very dreadful kind, and to have been committed under circumstances of horrible atrocity by some person or other. The evidence in this case, as in most cases of murder, consists of a chain of circumstances; the murder is not proved by positive facts, for men do not commit these horrible crimes in the face of day; they commit them in secret, or at least imagine that they commit them in secret, forgetting that His eye sees them from whom no secret is hidden. It is only therefore by a chain of circumstances that you can get at the evidence of such crimes; and I need not observe to men, whose minds are habituated to reasoning, that circumstantial evidence is much more satisfactory than what is called the positive testimony of one or two witnesses. Circumstantial evidence establishes similar results by a variety of facts, trifling, perhaps, when separately considered, but important, as they conduce to the same end; and it is scarcely possible that the evidence of thirty or forty persons on apparently unimportant particulars, could chime in so as to produce a chain of proof consistent in all its parts, and establishing the main ques-

tion of guilt. In this respect circumstantial evidence is much less liable to error or suspicion than the direct testimony of one or two individuals.

There is one circumstance which I observed on reading the depositions, to which I beg leave to direct your particular attention. I understand that a person has either been removed hither, or is about to be removed hither, to give evidence on this subject before you and the Petty Jury. I have read the deposition of this person, who is a female of the name of Probert, and, as I understand, the wife of one of the persons accused. I have no difficulty in stating, that if all these three persons are generally indicted for one and the same offence, this woman, if she be the wife of one of them, cannot be called as a witness, either to convict her husband on the one hand, or to exculpate him on the other, because the law of England on a principle of policy will not allow a woman to be a witness either for or against her husband. I am afraid, Gentlemen, you will think I have detained you too long, but I was anxious to make your minds easy by explaining every circumstance which might possibly create a difficulty in your investigation of this case.

I will merely add, that you, as the Grand Jury, are not called upon to try the truth or falsehood of the charge; you are merely to try, whether it be a fit and probable case to put these persons on their trial. If you, as the Grand Jury, were to hear the evidence *pro* and *con*, you would be taking upon yourselves a function which the constitution does not empower you to take: you would be usurping the functions of the Petty Jury, who are to be empannelled before me, and who are to receive the benefit of my directions, if any benefit can be derived from my directions. Having addressed these few observations to you, Gentlemen, I have now only to request, that you will retire to expedite the business of the country.

The learned Judge having concluded his charge, the Grand Jury retired.



## ADMISSION OF PROBERT AS KING'S EVIDENCE.

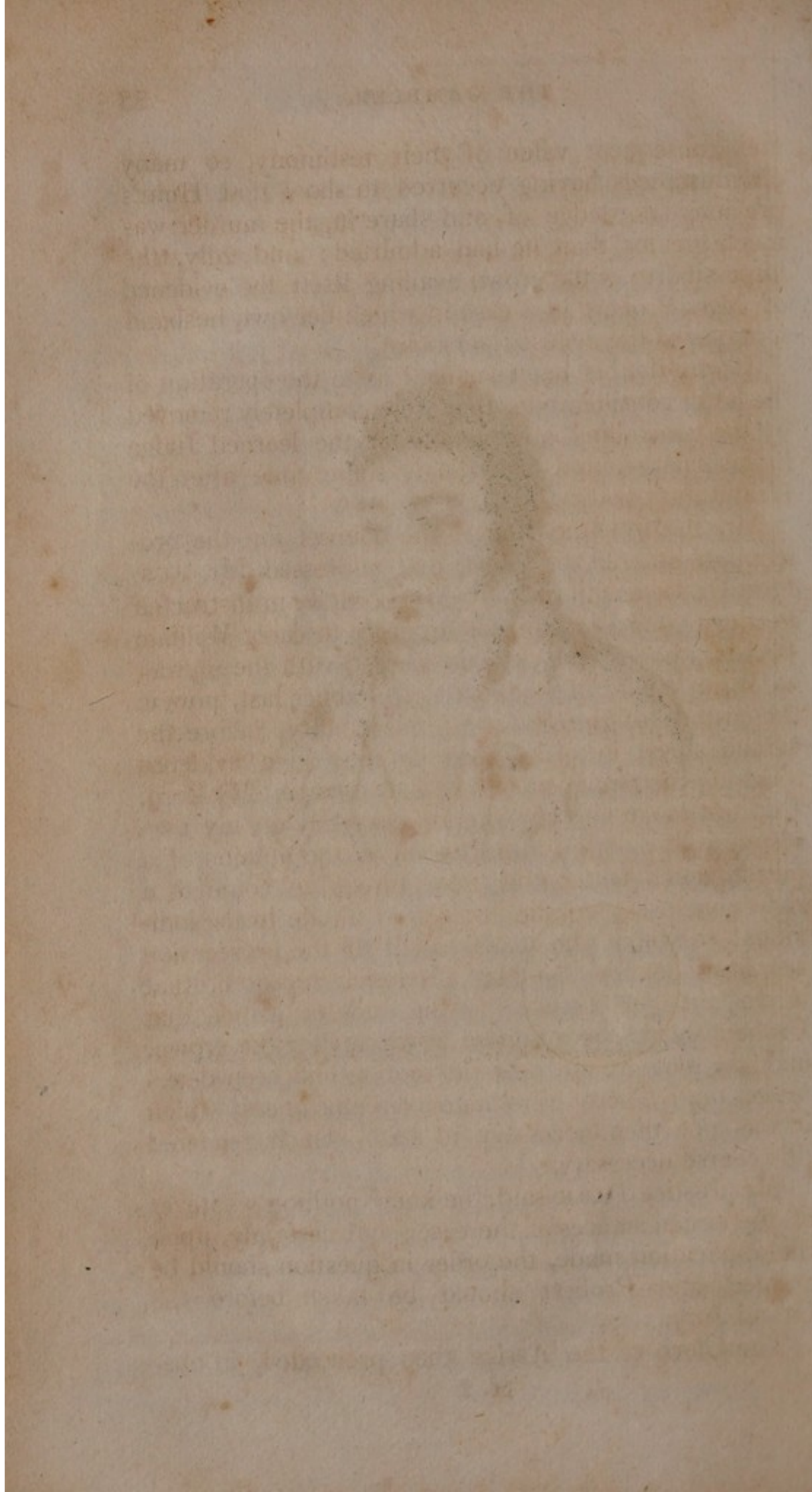
Much stress had from the first been laid on the impropriety of holding out to Hunt any hope of his being admitted as King's evidence, for, under that assurance his Confession, which certainly led to the finding the body of Weare, was presumed to have been made. The presumption that any such assurance had been given to him was, however, incorrect, the magistrates having, as we have already shewn, taken his confession, subject to the opinions of higher authorities as to what benefit he was entitled to receive therefrom. But even had the magistrates received his statement under every assurance of protection, he had forfeited all claim to the benefit of such promises by the hollow, deceptive, and imperfect nature of his communications. It has ever been imperative on persons in his situation to state the truth, the whole truth, and nothing but the truth, to entitle them to any merciful consideration: how far Hunt had complied with this salutary and necessary principle in the details which we have already given, will be seen in our subsequent pages.

Still the day of trial approached, and nothing had transpired indicative of any intention of altering the arrangement supposed to exist, by which Hunt's evidence would be received against his accomplices. It appears, however, that the day previous to the opening of the commission at Hertford, a consultation had been held between Mr. GURNEY and Mr. BOLAND, as counsel for the prosecution, and Mr. WILLIAMS and Mr. CHARLES PHILLIPS retained for the defence of Probert, in which the propriety of admitting the latter as King's evidence, and putting Hunt on his trial as the accomplice of Thurtell, was discussed, and that course ultimately decided on. The reasons which led to this decision were, 1st, the comparative degree of guilt of the respective prisoners,



WILLIAM PROBERT

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and consequent value of their testimony, so many circumstances having occurred to show that Hunt's previous knowledge of, and share in, the murder was much greater than he had admitted; and 2dly, the impossibility of the crown availing itself the evidence of Mrs. Probert in a case in which her own husband was one of the accused persons.

If any doubts had remained as to the operation of the latter consideration, they were completely removed by the concluding observations of the learned Judge in his charge, and accordingly some time after the Grand Jury had retired,

Mr. BRODERICK, one of the counsel for the prosecution entered the court, and addressed Mr. JUSTICE PARK as follows:—"My Lord, I am instructed to move your Lordship for an order to carry William Probert, one of the persons charged with the murder of Wm. Weare in the month of October last, now in the custody of the gaoler of this county, before the Grand Jury, in order that he may give evidence touching the circumstances of that offence. My Lord, I do not make this application expressly on my own responsibility, but I am fortified by the opinion of a person much better able than myself to come to a right conclusion on the subject—I allude to the individual to whom the management of the prosecution has been confided."—Mr. Broderick repeated, that it was thought essential to the ends of justice that Probert should be admitted a witness for the crown, and on that ground only the motion had been determined on. There were many circumstances, which it was not then necessary to state, which rendered this course necessary.

Mr. Justice PARK said, he knew nothing whatever of the circumstances of the case; but certainly, upon the application made, the order in question should be granted, and Probert should be taken before the Grand Jury.

The Clerk of the Assize then proceeded, in obe-

dience to his Lordship's desire, to prepare an order for Probert to be carried before the Grand Jury.

On the foreman of the Grand Jury coming into court shortly afterwards, with some fresh bills, his Lordship informed him of the order which he had made, and intimated his wish that they should, at their earliest convenience, proceed to the consideration of the bill on which evidence had been considered material.

Probert remained in entire ignorance of the important change made in his situation until the very moment that he was summoned by Mr. Wilson, the gaoler, to appear before the Grand Jury as a witness. For a moment he was, as it were, electrified with astonishment; but when the attendants began to divest him of his fetters he gave way to the most unbounded joy. Thurtell, when he heard of the new arrangement, expressed considerable surprise; and still more when he was informed that Hunt would be put to trial with him as an accessory before the fact. Hunt himself affected the greatest indignation on receiving the intelligence, and said he would not believe it until he found himself upon his trial. Mr. Harmer, his solicitor, also expressed himself very strongly on the occasion.

Probert was conveyed from the gaol to the court house in a post-chaise. He was nearly an hour under examination before the Grand Jury, and his wife was examined immediately after him; but every precaution was successfully adopted to prevent their having any communication with each other.

### FINDING OF THE BILL.

About nine o'clock in the evening the Grand Jury had completed their important task, when, pursuant to the directions given by Mr. Justice Park at the rising of

the Court, they were conducted by the officers in attendance to that learned Judge's lodgings, where they delivered, by their foreman, the Bill of Indictment, as a **TRUE BILL AGAINST THE TWO PRISONERS, THURTELL AND HUNT.**

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### *SECOND DAY'S PROCEEDINGS.*

Before day-light on the morning of the 5th of December the approaches to the town in all directions were crowded with carriages and horsemen, some coming from London, and others from the villages in the neighbourhood, in which several had taken up their quarters for the night.

### *THE COURT HOUSE.*

The officers appointed to attend at the doors of the Court House were ordered to be at their posts at six o'clock, but long before that time persons, both male and female, had begun to assemble at the different entrances, and to evince great impatience to be admitted. As the morning advanced the crowd increased and became extremely clamorous. Some actually forced their way in, and when the doors were open, every part of the building was filled. It became necessary subsequently to remove those individuals who had improperly obtruded themselves in places destined for the accommodation of particular persons. A great number of the sporting fraternity were down, and it was not a little disgusting to hear bets offered and taken in the market-place with as much avidity as if the subject at issue was the mere determination of a boxing-match or a horse-race. Some of these persons offered large bribes for admission into the Court, but such was the excellence of the arrangements made by the High Sheriff and his

officers, that the ill-consequence of the permission of such a system was entirely obviated.

### REMOVAL OF THE PRISONERS.

The hour appointed for conducting the prisoners from the gaol to the Court was half-past seven, and shortly before this time a posse of constables arrived at the prison, and stationed themselves within the walls. At a quarter after seven, Thurtell, who had been previously under the hands of the barber, was brought from his room. Mr. Wilson, who was apprehensive that on meeting Hunt and Probert he might be induced to make some hostile observation, now entreated, as a personal favour, that he would not speak to them. Thurtell immediately pledged his *honour* that he would not open his lips to them. He was then conducted to a carriage, which was drawn up to the gate, and took his seat on the further side. He had a small bundle of papers in his hand. In mounting the steps of the carriage, although there were irons on both his legs, he shewed great agility, and seemed in high spirits. Towards the crowd, which was assembled even at that early hour to see him, he threw a glance of contempt.

Hunt was next brought forth. He was accompanied by Mr. Harmer, his solicitor, who had been with him from six o'clock. He was placed on the box, and an officer took his seat by his side. His manner betokened great confusion. The carriage was driven off at a quick pace, followed by a body of javelin-men, to the Court-House.

The moment the prisoners arrived, the iron gates at the back of the building were thrown open. Thurtell first alighted, and was conducted to a passage which is called the *pound*, immediately behind the dock, in which they afterwards appeared. He was placed in a part of the pound, distinct from that into which Hunt was immediately afterwards introduced. On Hunt entering, Thurtell fixed upon him a stern gaze,

but Hunt did not direct his eyes towards him. Neither of the prisoners at the moment uttered a word.

The carriage was then sent back, and Probert was brought from the prison. He was without irons, and manifested a good deal of agitation; he was placed near to Hunt. Thurtell again fixed his eyes on Hunt and then on Probert, but not a word was uttered by any of them.

A waiter shortly afterwards arrived with coffee and toast for the prisoners. Thurtell, on seeing him approach, called to him in an authoritative tone, and said, "bear a hand—let me have some of that." The man, in consequence, went first to him, although most distant, and he helped himself to two cups of coffee and a large proportion of toast, before he would suffer the tray to be carried to his former associates. He seemed to enjoy this apparent acknowledgment of his supremacy, and smiled as they afterwards partook of the meal.

### OPENING OF THE COURT.

At half-past seven o'clock, the persons provided with tickets took their respective places. There was a very considerable body of the Magistracy in attendance. In their box were the Earl Cowper, the Marquis of Salisbury, and Lord Duncannon. At eight o'clock Mr. Justice Park took his seat upon the bench. His Lordship, after having saluted the Magistracy and Counsel, observed that he wished it to be understood, that no persons should be allowed to stand up in the gallery. In such a crowded court, it was essential to have a proper circulation of air; and as the effect of such a practice was to obstruct and choke it, he was determined to hold it as a positive rule, that none but those who had seats should remain. Any person offending against that order, after that communication, should be committed.



## ENTRANCE OF THE PRISONERS.

Mr. Wilson, the Governor of Hertford Gaol, then entered the dock, to satisfy himself that every thing was duly arranged before the prisoners entered. His entrance immediately attracted the inquisitive glances of every eye towards the passage through which prisoners are conducted from the gaol to the Court. As the door turned on its hinges, the clanking of chains in the distance excited a hurried and painful emotion of intense anxiety throughout the crowded auditory.

The door opened, and Hunt entered first, Probert second, and Thurtell last. Hunt was placed on the right hand, Probert in the centre, and Thurtell on the left extremity of the dock. The three prisoners bowed respectfully to the Court. Hunt's manner, though most decorous, was obviously an effort. It seemed as if, by a previous discipline of mind and feeling, he had been able to conquer the effects of a temperament which evidently did not indicate much of constitutional courage. He was dressed in black, with a white cravat, and closely shaven over the whole contour. His features were fixed, save the eyes, which took a rapid survey of the Court. His hands were folded, and, with a dramatic grace, placed before the lower part of his body; occasionally he moved his right hand over his eyes, as if he were labouring under the affliction of head-ach. At other times he looked over a manuscript which he drew from his pocket, and made a note with a pencil.

Probert evidently shewed that he felt most sensitively the awful character of the scene before him, and in which he was so prominent an actor. His countenance and whole demeanour at once convinced the observer, that all the horrors of such a charge as that for which he stood to be arraigned, were strongly impressed upon his feelings. The reflections that the seclusion of a prison must naturally excite in a

mind which, though possibly not loaded with the sense of actual guilt, had yet to accuse itself of those dangerous pursuits and baneful connexions which led to the predicament in which he stood, were evidently not lost upon him. Care and conscience had been at work, and his countenance exhibited their haggard effects. Though naturally a handsome man, his appearance was woe-worn, and his demeanour calculated to excite commiseration. He looked as his inward feelings might be supposed to dictate, nor was any indication of a sustained exertion at all visible. He was dressed in a black coat and waistcoat, blue pantaloons, and white cravat; there was not that attention to his hair which Hunt's had exhibited, and it looked as if it was turning grey with rapidity.

Thurtell—who, after the first general survey of the prisoners, sustained, as it were, the concentrated gaze of the auditory—looked firm, determined, and indeed unembarrassed. His temperament, like his frame, seemed *iron*. Were his chains off, and he placed promiscuously in the Court, no man would have said—“That is a prisoner under the charge of murder?” He looked successively at every part of the Court, and evinced a degree of curiosity to be made acquainted with the names of many of the persons present. He frequently conversed with the Governor of the prison, and listened to every thing said with considerable attention. He recognised his Solicitor, Mr. Jay, in the Court, and wrote a note to him; Mr. Jay promptly attended and received his communications, at which he evidently was pleased.

### ARRAIGNMENT OF THE PRISONERS.

Mr. REYNOLDS, the Crier, having made the usual proclamation in opening the Court,

Mr. KNAPP, Clerk of the Arraignment, read the indictment on the Bill found by the Grand Jury.

To the ordinary question put as to the plea, Thur

tell, in the ordinary tone of voice, answered—Not Guilty. How tried?—By God and my Country.

Hunt, on the question being put, answered in a more emphatic manner—Not Guilty, my Lord. How tried?—By my God and my Country.

Thurtell, Hunt, and Probert, were then arraigned on the inquisition of the County attested by the Coroner—To which all pleaded Not Guilty.

### MOTION FOR POSTPONING THE TRIAL.

Messrs. Adamthwaite, Jay, Fenton, and Helme, were sworn to a certain affidavit on which it was intended to ground an application for the postponement of the trial,

Mr. ANDREWS then rose and addressed the Court.

‘It was his duty,’ he said, ‘to put in an affidavit on the part of the prisoner, Thurtell, which had been sworn to by his solicitor,’ and concluded by moving that such affidavit, with its exhibits, &c. be received.

Mr. JUSTICE PARK, ordered the affidavit to be received, and Mr. Knapp proceeded to read it to the Court.

It was a very long and circumstantial statement by the gentleman whom we have already named, of all the events connected with or growing out of the murder for which the prisoners stood arraigned. It commenced by describing the impediments thrown in the way of the communication between the prisoner, Thurtell, and his professional advisers;—referred to, and quoted at great length, certain paragraphs and statements in the newspapers;—narrated the particulars of the drama produced at the Surrey Theatre; complained generally of the publication of the evidence given before the magistrates at Hertford and the coroner’s jury, and particularly of the Confession of Hunt; and insisted upon the falsehood of many statements relative to the prisoners, which had appeared

in newspapers, books, and pamphlets, all of which had been widely circulated in the county of Hertford and elsewhere, until the circulation of such books and pamphlets had been put a stop to by the injunction of the Lord Chancellor.

From these premises the deponents felt themselves at liberty to infer that so strong a degree of prejudice had been excited by means of the public press and the stage against the accused parties, that no jury could be found at the then present moment whose minds were sufficiently unbiassed and free from prejudice, to afford the prisoners a real and impartial trial, consistent with the true spirit and meaning of our laws, which presume every man to be innocent until he is found guilty.

When in reading the affidavit the clerk came to that part which had a reference to the ordinary communications of the daily press in cases where sanguinary murders have been undoubtedly committed, and the body of the murdered individual had been discovered—

Mr. Justice PARK interposed: You are aware, Mr. Andrews, said he, that I am ignorant of the contents of the remaining part of that affidavit, but from the reference of the last paragraph, I am persuaded it alludes to newspaper publications, and that a quotation of those articles is about to be read. Before that communication is recorded, I would submit to your own excellent understanding, aided by the able counsel that co-operate with you, whether or not the very course you are about to pursue is not likely to aggravate the very evil of which you complain. I know not what others may have done, but I can most satisfactorily assure you that there is at least one individual in this Court who has not read those statements. I think also that I may presume to go further, and say, that amongst that respectable portion of persons who have been impannelled on the array in this county, there are many who have not read them, and

who are free from any alleged prejudice or preconception. I yesterday, in my charge to the grand inquest of this county, stated my opinions as to the legality and effects of these publications. Whether the present application grounded on such affidavit be to put off the trial or not, or whether it will be postponed, I of course am at present ignorant of; but I would again renew my recommendation to the able counsel for the prisoners, to consider the possible effect of having these extracts read. You will consult together, and no doubt exercise a wise discretion.

Mr. ANDREWS replied: I have, my Lord, consulted with my learned friends, and after the most mature deliberation when first we met on this subject—an opinion to which, with every feeling of deference to your Lordship's recommendation, we feel it our duty to adhere—we must press the reading of this affidavit.

Mr. Justice PARK—Very well. Proceed with the affidavits, and let the responsibility fall where it ought.

During the further reading of the affidavit some chairs were brought into the magistrate's box, and the Judge ordered that the prisoners should have seats. Chairs were accordingly provided for them. Thurtell took an apple from his pocket, and occasionally took a pinch of snuff from his box.

As Mr. Knapp proceeded in his reading of this affidavit, the learned Judge felt at a loss to understand certain *slang* terms; such as *reader*, for a pocket-book; *nob*, for a member of the higher classes, or nobility; *blunt*, for money; which Mr. Gurney promptly explained.

Mr. ANDREWS—As the affidavit, with its exhibits, is now before the Court, it becomes my duty to address myself to your Lordship. It is evident from the extracts adverted to in that affidavit, that in a country where the purity of the administration of justice is unsullied, and the conduct of those who administer it beyond suspicion, an endeavour has been pertinaciously, and I fear too successfully made, to have that administration and conduct assailed, and the

maxim of our pure discharge of duty grossly endangered. The effect of such a steadfast and unceasing influence upon public opinion must inevitably be, to create impressions and preconceptions which go to defeat that dispassionate inquiry. It is most true, that though it was impossible such efforts could have an influence on the mind of a man holding the dignified rank and enjoying the reputation of your Lordship, yet the experience of every day, nay, of every hour, must satisfy every mind, that from the infirmity of our nature and the inherent curiosity of mankind on questions arising out of such calamities as that for which we are this day convened in this Court, impressions must have been created, through such means, on the minds of the great body of the people, and it was as lamentably certain, that when once these preconceptions were entertained, it was almost impossible to have them obliterated. There was an avidity in the ordinary classes of society for such information; they were, as it were, hungry, nay, greedy for details on such subjects; and however originally gratified, the difficulty of removing the original impressions was insurmountable. The murder alleged to have been committed, took place on the 24th of October last, and yet from that hour the public press—not for a day or a week, but up to that hour—teemed with excitations on that lamentable event, and the unhappy prisoners, without trial or investigation, were prejudged as guilty. What the magistracy of the county dare not assert—what they would not dare to allow to proceed from their investigations, the public press had not alone dared to publish, but also to add their own comments. Not satisfied with limiting their efforts even to the reports of legal examinations (a right extremely questionable)—they ventured to the extent of passing their own comments upon the circumstances, filling up, as it were, the skeleton of these preliminary inquiries by their own conclusions, and, in so doing, were guilty of a misdemeanor at law. Under the circumstances to which

I have adverted, and from the statements set forth in the affidavit before this Court, I am warranted in saying, that a Jury taken from the great body of the people, must come to the decision with disordered, nay, poisoned minds against the prisoners at the bar. It is a principle of British law, that where a satisfactory ground can be shewn for the postponement of a trial, delay will be granted. Have I not pointed out reasons sufficient to ground my application for such delay in the present instance? It is sworn by the prisoners' solicitors that upwards of ten thousand of these wicked publications have been circulated in the county of Hertford. Have I not shewn to you that at the late residence of one of the prisoners, where the murder is alleged to have been committed, persons were stationed, who, with an industry, set in motion by their sordid desire of gain, dispersed those wicked publications to all that multitude of persons who, whether influenced by curiosity or indignation against the accused, visited that place. What, I ask, must be the effect of such unremitting efforts on the public mind? Has human nature so altered, that we should be justified in saying such causes must have not produced their correspondent effect; and that, on an occurrence which excited such intense anxiety, a strong prejudice against the unhappy men at the bar has not been created? My Lord, I feel I can appeal to you, and ask with firmness, what stronger grounds could I lay before you to ask for further time?

Mr. Justice PARK—When?

Mr. ANDREWS resumed: I say for postponement to the next Assizes; but it is not for me to limit the time. I appeal to your sense of justice to grant that delay which I feel confident a sense of justice alone will limit. I say, to proceed under the circumstances to which it is my painful duty to advert, the unhappy prisoners at the bar are placed in a state of jeopardy. I would beg your Lordship to remember what has happened to these men since their imprisonment, up to the 20th of November;

they have been shut out from the advantage of professional aid. I will not complain of the conduct of that respectable magistracy, who no doubt felt they had good and excellent reasons for their conduct on that point. It is sufficient for me to say that such was the fact. When to this I superadd, that not only numerous publications, but even a dramatic representation has been presented on the stage—that infamous placards have been posted in the streets, and printed in letters calculated to catch every eye, and couched in terms which could not but have the effect to hold up the unfortunate men at the bar as objects of horror, there seems to me reason, ample reason, for postponing this trial. In this very town of Hertford, where justice was to be administered, at the very threshold of the sanctuary of justice, the public mind had been polluted; hundreds of placards and bills had been circulated; facts had been distorted, wrong views of the case presented to the minds of those very persons who were to form the Jurors on this important trial; and who could say what effect this might have on the fate of the unhappy men at the bar? Can your Lordship tell who, of all those who have been called on as Jurors, have had their minds polluted, or are in a fit state to enter on this inquiry? How can it be known, when the poison has been so extensively circulated, what minds are free from the taint; when the whole community appeared to have been hungry for information, and when that appetite had been gratified with such quantities of ill-grounded statements, what reason was there for believing that men could be found in any part of the country free from prejudice against the prisoners? One of the ablest statesmen and philosophers that ever lived, had said—Let a man be told the same story every day of his life for a year, any though he might at first regard it as totally false, he would come at length to believe it. Let this maxim of Mr. Burke, which is applicable to all the affairs and concerns of life, be applied to this trial,



and to the circumstances I have mentioned, and how fearful must be the consequences we shall have to apprehend? One man may be better able to read than another, or than many others, and such a man, the orator of the company, fearfully impresses the minds of all his hearers with his own exaggerated impressions. There can be no doubt, my Lord, that by this mode, the statements which have been published have been repeated and exaggerated beyond calculation. The weakness of human nature is so great, that it is easily imposed on, and the general extension of prejudice on this subject is also so great, that there is in this single circumstance sufficient ground for delaying the present trial, till it can be entered into with some probability of coming to a just and impartial verdict. Never since I have been acquainted with the profession has a case of this kind been so strong as the present. Never do I recollect a case in which the press has done so much mischief as in this; and never was a case, should this trial now be proceeded in, brought forward under such circumstances of extraordinary irritation against the prisoners; and never was there a case in which the course of justice was so little likely to be deranged by delay. It is not to be expected from those who are to act as Jurors on this occasion—not that I impute this to them as a fault, or suppose it arises from any improper motives—but it cannot be expected from them, that when all the society, and all the people around them are in a state of excitement, that they should remain free from all bias, and be in a state of calm neutrality. Even your Lordship, with a much stronger understanding, and more enlarged experience—with a mind strengthened by education, has found it necessary to abstain cautiously from reading the various publications which have appeared on this event. What, then, is to be expected from the Jurors, who cannot be philosophers, or have their minds enlarged like that of your Lordship? What, but that they will have received many of those unfavourable impressions

which have been so industriously circulated—when their minds, their reading, their habits, are not so formed as to keep them from above the influence of such impressions, however anxious they may be, as undoubtedly they are, to discharge their duty honourably and honestly? Delay will furnish no dangerous precedent, and will be subversive of no settled rules of law. But what do I ask? Only the delay of a few months. And can public inconvenience or public mischief be caused by this delay? If it were said that there were in the nature of this atrocious crime reasons for more speedily punishing it than ordinary crimes, I can only say that I hope no such cases will again occur; and I am sure that if they do, delay in this case will be no precedent for not punishing them. It is not probable either, that in such cases similar publications will take place, or similar exhibitions will be made, or that the Court will be put into a state similar to the present. No danger can result to the administration of justice from delaying this trial; and I am quite sure that my learned friends on the opposite side will not have any sufficient reason to object against the application which I have, in the course of my duty, made to your Lordship.

Mr. PLATT followed on the same side; and said, it was not enough in the administration of justice that a criminal should be punished, or an innocent man acquitted; but it was also of essential importance that the public should be satisfied as to the propriety of the condemnation or the acquittal. In his view of the case, it was not necessary to prove the necessity for delay, it was enough if he could shew that no danger to the due administration of justice would result from it. He had little occasion, therefore, to refer to the garbled statements which had appeared in the public prints, or to the indecorous spectacle which had been represented on the public stage. In fact, however, he had never before heard of such a quantity of garbled statements, he believed so many were never before published in the short space of three months. It

was a sufficient reason for delaying the trial also, that the prisoners, from some cause or other, had not had access to their professional advisers. On this ground it was right to postpone the trial, that the public might be satisfied, and their feelings not, from a semblance of injustice, be enlisted in favour of men who might be guilty of crime. On application for the mandamus, and on application for the injunction against the printing and publishing, as well as against the theatrical exhibition, and the more shameful posting-up of bills, the Court had granted them immediately; shewing that there was matter in these things for serious apprehension. The other side, also, might suffer from the haste which the present application was intended to prevent. The publications on which the application was founded had been dispersed in great numbers through the whole country; 5,000 at least of one work had been circulated in this very county. No jury could at present be found either in this county, or perhaps in the whole kingdom, quite free from improper impressions, and it was surely exposing the administration of justice to serious danger, now to bring forward the trial. His Lordship knew if this trial were now to take place, and the unhappy prisoners were found guilty, their execution would be certain. The crime of which they were accused was one for which no pardon was granted, no respite made. In proportion, therefore, to the certainty with which the punishment followed the condemnation, ought the public to be satisfied that the prisoners had received a fair trial, had been fairly and fully convicted; and as this could not now be expected, it was necessary that the trial should be postponed.

Mr. CHITTY followed on the same side, and began by stating, that the great excitement of the public mind made it very difficult where to draw a line, and to say, not when the effects of the poison would cease to operate, but to what limits it had now extended. What he asked, too, had been frequently granted; and granted in very recent cases. In the case of the

King v. Fleet, which was the case of an injunction against a printer for publishing the report of a coroner's inquest; in this case it was not objected that the report was unfair; it was consistent with truth, and was accompanied with a comment that the juries should take care not to allow their minds to be biassed by evidence which was wholly *ex parte*. In this case, the judge had decided that it was highly illegal to publish such statements. On that occasion the Lord Chief Justice had stated, that every man who attended to the operations of his own mind must perceive how very difficult it was to overcome the influence of preconceived opinions, and that it was still more difficult wholly to eradicate them. It was therefore necessary to protect the Jury from the influence of all statements before trial. But if it is mischievous to publish statements before trial, it is still more mischievous to accompany *ex parte* statements by comments. That such statements and such comments had been largely made in the present case, was, therefore, according to the decisions of the Learned Judges, a good reason for postponing a trial. There was still another case to which he would refer—a case that, in his opinion, was particularly strong, because the prosecutor's own counsel moved to have the trial postponed, on account of the minds of the Jury being impressed with *ex parte* statements. This was the case of the King v. Jolliffe. This was a trial for misdemeanor, where the trial was postponed on the ground of publication of certain statements, which, as far as was proved, never fell into the hands of the Jury. That case had been decided by Justice Gould. It was proved, that the prosecutor had circulated three printed papers, in which he had endeavoured to prejudice the case. They were given by the prosecutor into the hands of one person, who gave them to two other persons without having ever read them himself. Judge Gould was of opinion that this was sufficient ground for postponing the trial. Lord Kenyon had also concurred in this opinion.

Mr. Justice PARK: Suppose the trial were now to

be postponed, should we not then hear the same objections, and be obliged to choose a jury from the same neighbourhood, who would also be under an improper bias ?

Mr. CHITTY would leave it to the justice of the Jury, and to their own feelings, and he was sure they would say—For God's sake let it be postponed a month or longer ; but let us not be put in the perilous situation of hearing and deciding so important a cause with our minds prejudiced and liable to commit injustice ; the very thought might endanger the course of justice in another way ; and the Jury might, under the influence of fearing to do wrong, pronounce an acquittal. It was important, then, for the satisfaction of the public, as well as in justice to the prisoners, and for the due administration of justice, that the trial should be postponed till an impartial jury could be obtained. It had been stated, for example, of John Thurtell, that he had walked about with an air-gun to shoot Mr. Barber Beaumont. Could this be borne with patience ? Could it be suffered that he was to be accused of all sorts of crimes ? Conspiracies to commit murder on a large scale, had also been attributed to John Thurtell ; he had been represented as addicted to women ; and conversations had been published, as held by him in prison, which were of the most revolting nature. Under all these circumstances, every body must be convinced that it was impossible the prisoners could now have a fair trial. The Learned Counsel concluded by imploring the Judge, for the sake of justice as well as humanity, to postpone the trial till the excitement and the novelty were over.

Mr. GURNEY rose to reply. He appeared there, he said, as counsel for no one of the parties concerned in the transaction, but on the part of the county ; and what few remarks he had to offer would be entirely dictated by his duty to the justice of the country. No ground for postponing the trial could be more fallacious than that first stated by his learned friend, as

to John Thurtell not having had time sufficient to prepare his defence. If the application had rested on that alone, it would have been untenable. He was committed on the 1st of November, five weeks ago; on the 12th, an application had been made by Mr. Jay to have access to him, and between the 13th and 16th Mr. Fenton had applied. Not asked for, however, by Thurtell; he wished not for Mr. Fenton, and did not at the time complain. The *Mandamus* applied for in the Court of King's Bench, to admit Mr. Jay, was instantly granted; and there was no reason whatever for stating that John Thurtell had not received professional assistance in time now to enable him to stand his trial. Another ground of complaint was the admission of witnesses, by magistrates, to identify the prisoner, by which he had been disturbed and prevented from preparing for his defence; but a more improper objection could not be made. It was kind to him to inform him what witnesses could be brought against him, and what they would have to say against him. He came then to another important point; and he would say that he had read many of the publications alluded to with great attention, and certainly thought they were well calculated to defeat the ends of public justice, and make the trial, whatever might be its result, less satisfactory. There could be no doubt that the *ex-parte* statements, published in this case of murder, aggravated it to the highest degree. He blushed for England and for Englishmen, that when this murder was represented, they had not hissed the actor off the stage for exhibiting a man as guilty, who was yet unconvicted. He would admit, therefore, that the public feeling was in a state of excitement; detail after detail had been published, and each one more disgraceful than the preceding. He should not be fulfilling his duty had he not made these few observations; but he felt, after doing that, it was his wisest course to leave the matter entirely to the judgment of the court. It was a subject of great

importance, demanding calmness, temperance, and attention, on the part of the Jury; but he would leave it entirely in his Lordship's hands, and would offer no suggestions whether it should be put off for a month, or till the next assizes.

Mr. ANDREWS replied. It was most gratifying to him, he observed, to find that his learned friend (Mr. G.) was, in fact, an advocate in support of the arguments which he (Mr. A.) had endeavoured to enforce. So far from struggling against the mass of facts which he had brought forward, his learned friend admitted that mischief had, to a certain extent, been produced, and that under all the circumstances, the trial could not proceed without danger to the individuals accused—a danger arising not from corrupt motives, but from the necessary consequences of the publications which had gone forth to the world. The main question was, whether such an effervescence of the public mind had not been excited, as must necessarily have the effect of impeding the due administration of justice. The affidavits which had been read that day spoke for themselves. Four gentlemen had sworn, that at the moment of taking the oaths, their intercourse with the county satisfied them that such a strong feeling against the prisoners existed among all classes of persons, as it was scarcely possible for human reason to subdue. This was the natural result of that moral feeling which marked the English character, and which induced the people of this country to desire the extermination of those who were only charged with the commission of so foul an offence. The effect of these publications was, by commenting upon former transactions in which the accused were concerned, not connected with the present charge, to create an impression that they were men of such desperate character, that they deserved to be hanged even without the ceremony of trial. Hunt's confession, as it was termed, had been published, which, if the charge against that individual had proceeded at once to trial, could not have been

received as evidence against him, and which his Lordship would not have even suffered to be alluded to. It was impossible that any mind could escape the prejudice which must arise from such publications; and the only means by which that prejudice could be removed was by affording time for reflection. He asked only for a delay of three or four months, or for such delay as his Lordship might grant consistently with the duty which he owed at the same time to charity and to public justice. He appealed to the justice and to the mercy of his Lordship; he knew the character of the judge whom he was addressing. Fortunately for him and for his clients, he was addressing, not only a learned and enlightened judge, but a judge whose religious feelings were as strong as his learning and ability were unbounded. By acceding to the present application, his Lordship would adorn the administration of British justice, if it were possible for him to add to his already exalted character; he would perform a service alike acceptable to God and man.

Mr. Justice PARK.—This is a motion, founded on a very long affidavit, upon two grounds. The first of these grounds, namely, that sufficient time has not been afforded to the prisoners for preparation, cannot be sustained. Much more time has elapsed, as is well known to most of the gentlemen around me, than is generally afforded to prisoners. In one of the most foul murders on record (the learned judge probably alluded to the murder of Mr. Perceval), the crime was committed on Monday, and on the Monday following the culprit was executed. The application on this ground fails in every respect, for it is not suggested in any part of the affidavit that any one witness has been prevented from coming forward in behalf of the prisoners in consequence of the shortness of time. I shall not therefore concede to the present motion on that consideration. Many judicious observations have been made by the learned counsel for the prisoners, but some cases have been cited which certainly do not



apply to the circumstances of the present case. This must be obvious to every man who has read a law-book, or who is acquainted with the cases which have been cited on this occasion. The case of the King v. Fleet was an application against a printer, or editor of some paper, for having violated the law in this respect. The court did that which it was bound to do on that occasion, namely, it made the rule for the information absolute. The King v. Jolliffe was a case in which the trial was put off, on the motion of the prosecutor, in consequence of attempts to influence the minds of the jury against the prosecutor. With respect to the publications which have been read this morning, I must say, without meaning offence to any particular individual, that it does not seem to me a very wise measure, if this trial were to proceed, to have brought all these papers under the review of the jury. Suppose the minds of the jury to have been tainted a month ago by these publications; or suppose a stronger case, that they had never heard of these publications, was not the reading of the affidavit to-day calculated to renew the impression in the one case, or to produce a still stronger effect in the other? For my own part, I must say, that this affidavit has given me a much greater insight into the case than the depositions which it was my duty to read, and which are now lying before me. I stated yesterday, and I repeat to-day, that I consider nothing more disgraceful than publications of this nature. I stated yesterday, and I repeat the observation to-day, that I consider Trial by Jury the palladium of English liberty, and that this palladium ought, above all things, to be preserved pure and uncorrupted. If such a licentious pruriency exist among the public to run after something new, and if publications, which appear to have such an enormous circulation, are to poison the sources of justice, whenever their editors think fit, the palladium of English liberty is endangered. The enormous expense which will be entailed on the prosecutors, by the postponement of this trial, is a very serious con-

sideration; for I observe on the back of this indictment the names of no fewer than fifty-five witnesses, who were to be brought here to-day. Still, God forbid, that any consideration of expense, or any additional difficulty and labour which may be imposed on those who administer the justice of the country, should induce me to refuse an application, the denial of which might operate with undue severity in so important an issue as that which affects the lives of the men who sit there before me. I have no appetite to try such a case as this; but I never wish to throw any duty I may have to discharge on the shoulders of others. Though I think, therefore, that I am bound to put off this trial, I shall not so put it off as to throw a burthen upon others which is this day imposed upon me. The same difficulties which we have now to encounter, and the same prejudices which may have been excited in the minds of the jury, may exist at the next assizes. It is of the deepest importance to society that justice should be speedily administered, and I shall not therefore put off this trial to so long a period as the next Assizes. If these men be innocent, and God grant they may be so! it is fit that they should have a speedy deliverance. I do hope and trust that something may be done to prevent a recurrence of this mischief. The three evils to be particularly guarded against are those to which I adverted yesterday. First, such publications tend to injure the accuser in a manner which I do not choose to represent; secondly, they may tend to injure the accused; and thirdly, they may sometimes, as on the present occasion, give an undue advantage to the accused, or rather to his advisers, by affording him an opportunity of knowing every thing which may be brought against him on his trial. What I most deeply lament and complain of is, that I should be under the necessity of doing that to-day, which my brother Holroyd was lately obliged to do in the city of York. Justice has been impeded and retarded. This is a thing which ought not to

be tolerated ; and I do most earnestly hope and trust, that those gentlemen, who have erred on this occasion, though without any bad intention, will bethink them of the cruelty committed by such conduct, and of the deep injury they may inflict on society by doing that which has a tendency to pollute and corrupt the fountains of public justice. I shall, for the reasons I have stated, adjourn this Commission to Tuesday, the 6th of January, at eight o'clock in the morning, and I wish it to be distinctly understood, that I shall listen to no farther application for delay, unless arising out of new matter.

The prisoners listened attentively to the observations of the Judge, but they appeared to hear his decision without any emotion.

The moment the Learned Judge stated the determination to which he had come, there was a simultaneous rush from all parts of the Court, of persons who were desirous of witnessing the return of the prisoners to the gaol ; and there was an evident expression of disappointment in the countenances of those who had confidently anticipated the uninterrupted progress of the trial. The crowd on the outside of the Court was immense, and confusion and uproar continued for nearly half an hour.

When the prisoners retired from the dock, they again observed a perfect silence towards each other, and while they awaited the arrival of the carriage in which they were to be reconducted to prison, they were closely surrounded by the gaoler and his assistants. The carriage was drawn up to the gate, and the prisoners were removed back to their old quarters in the same order in which they came, followed by an immense multitude. They were each placed in their former apartments, and were visited by their respective solicitors. Thurtell seemed to think he had gained a triumph, and was in high spirits ; he remained walking up and down the yard with a friend for nearly

an hour. Probert was evidently in low spirits, and Hunt had lost all that studied coolness which he manifested whilst in Court—he was, in fact, greatly depressed.

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We shall not break the thread of our narrative by any desultory observations, but proceed at once to an account of the

*RESUMED PROCEEDINGS ON TUESDAY,  
THE 6th OF JANUARY, 1824.*

The interest attached to the expected trial, so far from having subsided during the period to which the Assize had been adjourned, may be said to have greatly increased. In fact, the town of Hertford was infinitely more crowded than on the former occasions, when the parties were put to the bar. At an early hour on the afternoon of the 5th, the roads leading to the town were thronged with vehicles of all sorts, which continued to arrive to a very late hour, and the same bustle was renewed on the following morning. Inquiries of all sorts were made as to the mode of obtaining admission to the Court, and premiums to a considerable amount were offered for the certainty of such an advantage. The whole arrangement of the Court, however, being under the supervision of the Sheriff, these inducements were without effect, and all those who were not provided with tickets were left to take their chance with those who, by an early attendance, had to seek entrance to the galleries.

Mr. Justice Park reached his lodgings at seven in the evening, and was immediately waited upon by the Under-Sheriff.

The witnesses, as on the former occasion, were

brought down in carriages engaged for the occasion, and were accommodated partly in private lodgings, and partly at the Salisbury Arms.—Among others who were in attendance, was Mr. Probatt, the liveryman, who came down with the identical horse and chaise in which Thurtell and Mr. Weare were at Edgware on the night of the murder.

In the course of the evening, the Counsel engaged in the case also arrived; namely,

Messrs. Gurney, Bolland, and Broderick, for the prosecution;

Messrs. Chitty and Andrews for Thurtell;

Messrs. Williams and Phillips for Probert; and,

Mr. Thessiger for Hunt.

Each party had long consultations with the respective Solicitors by whom they were employed, in the course of the night, and again early in the morning.

The Solicitors also had long interviews with their respective clients in the gaol. Thurtell was still unmoved, while Hunt was manifestly a good deal depressed. Probert was placid, and seemed determined to submit to the ordeal he had to go through, calmly, and with as little agitation as his feelings could permit.

### OPENING THE COURT.

As early as four o'clock in the morning the streets in the immediate neighbourhood of the Court-house were thronged to excess, but from the darkness which prevailed, it was impossible to distinguish one person from the other, except by the voice. Watchmen were stationed inside the area next the public door of ingress, to prevent unfair or improper obtrusion. They walked up and down with their lanterns, and this was the only light afforded till day broke. Strict orders were given that no person should be admitted till seven o'clock.

Shortly before that hour, Magistrates and their friends, and such as had been provided with tickets,

began to arrive. They obtained entrance by a private door; but such was the overwhelming pressure of individuals anxious to get in at all hazards, that the utmost exertions of the constables became necessary to prevent the Court being completely filled at this avenue. The same rush was made at the door pointed out for the ingress of the Gentlemen of the Press and the Members of the Jury. All sorts of expedients were adopted to get in, and many ingenious stratagems were frustrated. Some asserted they were Reporters, others that they were witnesses, and others Magistrates, but as these persons could not produce tickets, or any persons to vouch for their veracity, they were forced back, thereby creating additional inconvenience to those who were regularly privileged, many of whom were seriously bruised. Some few were successful by passing as barristers' clerks, and for once carrying the bags of their friends in that character.

The public were admitted to the galleries at the time appointed, and the rush which was then made was really alarming. Cries of anguish burst from all quarters, but no particular injury beyond a few bruises occurred. Every seat instantly found an occupant, and the most expert manager of a theatre could not have packed his audience more compactly. The body of the Court also presented a dense mass of auditors, while the places set apart for the Magistrates and the friends of the High-Sheriff were likewise filled to an overflow. During the entrance of these persons the greatest confusion prevailed, and disputes, arising from resistance to those to whom the duty of preserving order in the Court was intrusted, were constantly occurring. On no former occasion, in fact, was a more extraordinary desire to be present at judicial proceedings evinced. Among other distinguished persons on the Bench, were Lord Errol, Lord Verulam, Lord Essex, and Captain Fitzclarence. There were only four Ladies in Court; two in the gallery, and two close to the prisoners.

REMOVAL OF THE PRISONERS FROM  
THE GAOL.

As usual a flourish of trumpets announced the approach of the awful hour of trial, which was repeated at various parts of the town. At twenty minutes past seven o'clock a post-chariot drove towards the gaol, which being noticed, was instantly followed by a multitude of people. Precisely at half-past seven, the chaise having drawn up close to what is called the Mill-gate of the gaol, the clanking of chains gave notice of the approach of the prisoners, and an assistant of the gaoler entered the chaise, and was followed by Thurtell, heavily ironed. Mr. Wilson then seated himself therein. An officer mounted the box of the chariot, and was followed by Hunt, with heavy chains to both legs.

It being scarcely day-light, only an indifferent view of Thurtell could be obtained, but Hunt was seen very distinctly; he was evidently much altered from the time of his appearance at Elstree, and remarkably thin.

Two officers with wands got up behind the chariot, which immediately proceeded at a moderate pace to the Court-house, accompanied by a few constables and javelin-men.

The prisoners had all previously been shaved and dressed. Thurtell was dressed in a dark frock coat, drab cloth waistcoat with gilt buttons, white corduroy breeches, and black stock. Hunt was attired in a shabby suit of black. Thurtell carried with him a bundle of papers and some books. He did not speak, nor did Hunt make any observation.

On their arrival at the Court-house, they were placed in the pound behind the dock previous to being put to the bar. They sat at a distance from each other, and were visited by their respective Solicitors.

The carriage then returned for Probert, who was soon after brought. He was dressed respectably, in a suit of black, and looked well in health, and with apparent confidence. The crowd to witness their approach was immense, and it was with much difficulty the carriages could be brought up to the gates leading to the Court.

The prisoners on alighting were conducted to the *Nisi Prius* Court, where breakfast was brought to them, and served on the barrister's table. Instead of eating a hearty breakfast, as when last up, Thurtell took but a quarter of a round of toast, and even that he seemed to eat with difficulty. Hunt's appetite was equally bad. Neither of them spoke to the other.

The prisoners' irons were knocked off in this Court; and in consequence of some difficulty arising while Thurtell's irons were removing, a piece of cloth being in the way, he exclaimed passionately, "Hav'n't you a knife?" and on one being produced, he exclaimed, "That's the way, I like to use a knife on such occasions," or words to that effect. They were subsequently all conducted to the pound behind the dock.

#### INTERVIEW BETWEEN THE PRISONERS AND THEIR COUNSEL.

Previous to the arrival of the Learned Judge, Mr. Andrews and Mr. Chitty, Mr. Williams and Mr. Phillips, crossed the Court, and proceeded to the prisoners, and held a personal consultation with their clients. The object of Messrs. Williams and Phillip's interview was, we understand, to recommend to Probert, in any evidence he might be called upon to give, to tell the whole truth, and every thing he knew touching the crime imputed to him and his associates: for if he should take a different course he was still liable to be himself indicted and tried—the condition of his being a witness for the Crown being that he should make a candid and correct statement of all that came



within his knowledge. Probert promised to abide by this advice, and the Counsel shortly afterwards returned into Court.

### THE WITNESSES.

The witnesses who had arrived the preceding night, were now brought to the Court-house, and placed in a room by themselves. Thomas Thurtell came down in the care of Bishop, the turnkey of Newgate, and one of his assistants; he was removed, as before, by a writ of *Habeas Corpus*.

Mrs. Probert was brought in a post-chaise from St. Albans, along with two male persons. She was dressed in a blue pelisse, straw bonnet ornamented with a wreath of flowers, and wore a green veil. On alighting she appeared much agitated, but this might have arisen from her being, from some cause or other, kept a long time at the door before she could gain admission. On being brought into the passage of the Court she was greatly affected, and cried with much bitterness; when she subsequently heard that her husband had been removed from the bar, she became more calm.

### EXERTIONS OF THE PRESS.

Among the many remarkable circumstances growing out of this trial, the exertions made by the Press of London must not be overlooked. Every Evening Paper had its reporters down; and to facilitate the publication of the proceedings on the same day, each had engaged from four to six horses, which were employed in carrying expresses. The Morning Papers also had their expresses for carrying up the reports at a later hour in the evening; and it was calculated that there were not less than one hundred horses placed on the road for this purpose. While alluding to this subject, it is due to the High Sheriff, the Rev. Mr. Lloyd, and Mr. Nicholson, the Under-Sheriff, to state, that every thing in their power was done to assist the views of

the different reporters; and although in some instances the rudeness of persons holding high rank was to be regretted, still, upon the whole, and considering the difficulties which were to be encountered, the gentlemen who were engaged in these duties had every reason to feel grateful for the politeness with which they were treated.

### ARRIVAL OF MR. JUSTICE PARK.

At eight o'clock precisely Mr. Justice Park arrived, and with some difficulty was, from the dense crowd on the Bench, enabled to take his seat. As soon as his Lordship was seated, he gave public notice to the auditory, that such persons as had seats must be seated, and those who had not must leave the Court, in order to prevent pressure and the stagnation of the air.

Mr. KNAPP, the Clerk of the Arraignment, then ordered Mr. Wilson, the gaoler, to place the prisoners at the bar.

Mr. Wilson and his assistants withdrew, for the purpose of producing them; but, as a considerable time elapsed before the prisoners appeared, Mr. Knapp desired to know the cause of the delay.

One of the Under-Sheriff's assistants informed the Court, that the prisoners were having their irons removed.

A delay of at least ten minutes then ensued. The bustle and noise which had prevailed from the first opening of the court had not yet subsided. In this interval Mr. Jay and Mr. Fenton, the attorneys for the prisoner Thurtell, having left their client after the consultation above-mentioned, were struggling to find their way through the crowd, for the purpose of obtaining places near the prisoner's Counsel, which they ultimately accomplished with considerable difficulty, and created great noise and confusion in the effort.

PLACING THE PRISONERS AT THE  
BAR.

It was now announced, that the prisoners were approaching. All eyes were directed to the Dock, and in a few moments the prisoners Hunt and Thurtell advanced in succession to the front of the Dock. The prisoner Hunt came in first, followed by Thurtell, and on coming in view of the Court, both respectfully bowed with a gentlemanly deportment. Thurtell had in his hand a bundle of papers and books tied in a handkerchief.

Mr. Wilson requested to know whether Probert was to come to the bar?

Mr. KNAPP. Yes, Probert must be there.

The prisoner Probert was then introduced, and he also bowed respectfully. He was not brought close to the bar, but kept in the centre, about half a yard from each of the other prisoners, Mr. Wilson and an assistant respectively interposing between him and the others. The appearance of Hunt was much the same as on the former occasion, but he seemed rather more assured in his manner. In the appearance of Thurtell there was a visible alteration both in manner and countenance; the former was more embarrassed, and the latter was pallid, as if from the effects of confinement and the restraint of his irons. There was still, however, a firmness and collectedness in his deportment which manifested a total absence of apprehension for the result of the solemn inquiry about to take place. The general appearance of Probert was little altered, beyond the effect of close imprisonment. In his visage the same heaviness was observable, but there was a consciousness in his carriage which indicated a mind deeply affected by the solemnity of an inquiry in which he was to be a prominent party.

## APPLICATION OF HUNT TO BE ADMITTED EVIDENCE.

As soon as the prisoners were placed at the bar,

Mr. THESSIGER rose, and informed the Learned Judge, that preparatory to the arraignment of the prisoners, he had an application to make founded on affidavit; the affidavit was not sworn, but it would be ready in a few moments.

Mr. Justice PARK. To what subject does your application relate; is it as to any thing arising before the last occasion we were here? Mr. Thessiger said his application was to postpone the trial of his client, Joseph Hunt.

Mr. Justice PARK. On the former occasion, when a motion was made to postpone this trial, I laid down a rule that I would not entertain any further application for postponement.

Mr. THESSIGER reminded his Lordship that he had not been heard at all on that occasion.

Mr. Justice PARK. Does your affidavit state any matters of fact?

Mr. THESSIGER said that his affidavit, when sworn, would be submitted to the Court, and fully explain the nature of the application he was about to make?

Mr. Justice PARK. Why was not the affidavit sworn before? I have been in this town since yesterday evening, and the affidavit might have been sworn at my lodgings.

Mr. THESSIGER. My Lord, it could not be sworn until your Lordship came into Court, my client being a prisoner.

Mr. Justice PARK. That's true; I beg pardon

During this discussion, Mr Harmer was employed in engrossing two affidavits, one to be made by Hunt, and the other by Mr. Noel, the Solicitor.

Mr. GURNEY. Perhaps Mr. Thessiger will have the goodness, whilst the affidavits are swearing, just to state the nature of the motion which he proposes to found upon them.

Mr. THESSIGER. The nature of the application I am to make is, that the trial of Joseph Hunt may be put off, in order to enable him to apply in another quarter, upon the promises of favour which have been held out to him by the magistrates.

Mr. Justice PARK. Will that point be acceded to by the Counsel for the Crown?

Mr. GURNEY. I certainly cannot accede to such a proposition.

Mr. Justice PARK. But is this a sort of motion which can be entertained after plea pleaded?

Mr. THESSIGER reminded his Lordship that on the former occasion, he had declared that he would not entertain a motion to put off the trial until the parties had pleaded. This was a motion to put off the trial of his client, and he apprehended that this was the only proper period at which such an application could be entertained. For this proposition, he was fortified by an express authority.

Mr. Justice PARK. State your authority.

Mr. THESSIGER cited the case of the King *v.* Rudd, Leach's Crown cases; in which Mr. Justice Aston said that the motion could only come before the Court upon an application to put off the trial, in order to give the prisoner time to apply elsewhere.

Mr. Justice PARK. I have read that case with great attention, and have communed with other persons of my own order upon it, and I don't find that it was not a motion made before plea pleaded. Now, whenever a prisoner's plea is pleaded and recorded (and here the prisoner's plea is upon the record), I apprehend it is impossible to entertain an application of the nature suggested. The plea being on the record, I dare not order it to be taken off, and therefore you must now go to the Crown to attain the object in view. After the trial, it may still be competent to the prisoner to apply to the Crown. Let the affidavits be read.

The affidavits of Joseph Hunt and Mr. Noel were then signed and sworn by the deponents respectively, and read by the Clerk of Assize.

*The Affidavit of Joseph Hunt,*

Deposed in substance, that on the 29th of October he was taken into custody at his lodgings in King-street, Golden-square, by Ruthven and Upson, two Bow-street officers, and conveyed by them first to Bow-street, and afterwards to Watford, in Hertfordshire, where he found an investigation going on before R. Clutterbuck, Esq. and J. Mason, Esq., two magistrates, assisted by Mr. Noel, a solicitor, respecting a murder committed in that neighbourhood; that during the journey the Bow-street officers endeavoured to bring him into a confession of, and imputed to him a knowledge of, the said murder; that on his arrival at Watford, where the magistrates and Mr. Noel were assembled, the latter gentleman said to him, "Mr. Hunt, what you know of this murder, and of the parties concerned, for God's sake tell in the presence of these magistrates, and in all probability you will be admitted King's evidence;" that fearing he might be involved in difficulties without a disclosure of information voluntarily made, and not choosing to rely on the vague promise thus made, said, he knew nothing of the business whatever; that Mr. Noel then said to him, "Clearly, Mr. Hunt, Mr. Weare has been murdered, and we only want to find where the body is, and if you know, for God's sake tell us;" that he still denied all knowledge of the murder; that Mr. Clutterbuck and Mr. Mason then said to him, "You had better retire and consider the offer made to you, and recollect your perilous situation." That he accordingly retired with Ruthven and Upson, and whilst in the adjoining room, Mr. Noel and other persons came to him, and Mr. Noel addressed various arguments to him with a view to obtain a confession; but not succeeding in his object, both he and the officers entreated him for the sake of his wife and family to make a confession; that Mr. Noel in distinct terms told him that the

magistrates had given him (Mr. Noel) a positive assurance that if he (Hunt) would tell where the body of Mr. Weare was to be found, his life would be spared ; that Upson the officer said to him, " Hunt, you have a mother ?" " Yes, I have ?" " And a wife also ?" " Yes." That he then said, " Do you not love them ?" " Yes, very dearly." " Then for their sakes give your evidence immediately ; for I tell you, that the others may disclose before you, and you will be then too late, and nothing can save you."

That the mention of his family greatly affected him, which being observed by the others, Mr. Noel said, " Mr. Hunt, you have now a chance of saving yourself, and for God's sake—for the sake of your family, avail yourself of the offer ; for I am authorized to say that the magistrates will not only admit you as a witness for the Crown, but take care that you are not treated as the other prisoners ; you will merely be confined till the trial, and after you have given your evidence you will be discharged ;" that having his feelings worked upon, and fully relying on the assurances made to him that he would be admitted as a witness for the Crown, he made the desired confession ; that Mr. Noel asked him where the body was deposited ; that he replied he could shew the spot, though he could not name the place ; upon which, Mr. Noel said, " that is all we want ;" that Mr. Noel then shook him by the hand, and said, " I am glad you have taken advice ; you are safe ; now come before the magistrates, and tell us all you know about it ; that thereupon he was taken into the room where the magistrates were, and then Mr. Noel said, "Gentlemen, I am happy to tell you that Mr. Hunt is ready to tell you all he knows : I have already informed him that you are to admit him as an evidence for the Crown, but it will be more satisfactory to hear it from you ;" that both the magistrates immediately informed him (Hunt) that when he told all he knew, he would be received as a witness for the Crown ; that Mr. Noel then said, " Mr. Hunt, I hope you

are perfectly satisfied with the magistrates' decision ; now take a seat and let us all know what you have to say ;" that the magistrates then asked him to take some refreshment, and some brandy and water was brought to him ; that he immediately proceeded to relate, in as succinct a manner as the agitated state of his mind enabled him, all the facts within his knowledge relating to the murder, and Mr. Noel then confirmed the assurance previously given that he would be admitted as evidence for the Crown ; that as soon as the morning advanced he went with Mr. Noel and the officers, to the spot where the body was, and pointed it out ; that his statement was not witnessed till long after ; that having been under examination for so many hours, and owing to the great anxiety and perturbation of his mind, he omitted to mention many circumstances which afterwards occurred to his recollection ; that in consequence of his information, and of his alone, the corpse of Mr. Weare was discovered ; that he was afterwards taken before the magistrates, when the additional facts which he had communicated to Mr. Noel, were laid before the magistrates, and were added to his former statement ; that on these occasions deponent had omitted many facts which had escaped his recollection, and had afterwards, in a letter to the magistrates, informed them to that effect ; that the magistrates gave directions that he should be treated with kindness during his confinement, and provided with every thing necessary to his support, and that he had been treated with great kindness during his stay in St. Alban's gaol ; and that he was afterwards brought before the Coroner's Inquest, and on that occasion several of the magistrates were present, who had promised that he should be admitted as witness for the Crown, and proceeded to examine him on oath, although his previous statements were not made on oath.



*The Affidavit of Mr. John Noel, Gent., Attorney-at-Law, of Great Ormond-street, Queen-square,*

Stated, that the deponent had been on terms of intimacy with the late Mr. William Weare; that upon hearing a report of a suspicion that Mr. Weare was murdered, he went down to Watford, and found an investigation going on before the magistrates, relating to the supposed murder; that Mr. Clutterbuck and Mr. Mason, who were engaged in the investigation, readily accepted deponent's assistance therein, and after being engaged for many hours in ascertaining the circumstances of the case, and in endeavouring to find the body, without effect, it was deemed necessary and advisable to make an overture to the prisoner Hunt, to induce him to discover it, and make a full and voluntary confession; that deponent, with the sanction and by the direction of the said magistrates, communicated the offer to Hunt, that if he would make a full disclosure (provided he had no hand in the actual commission of the murder) of all the circumstances of the murder, he would be received as a witness for the Crown; that previous to Hunt's confession, he (Mr. Noel) assured the prisoner, with the approbation of the magistrates, that if he would give any evidence, or make any disclosure as to the place where the body was concealed, he would be entitled to a merciful consideration; that it was the opinion of the magistrates, and the firm belief of deponent, that unless Hunt had pointed out the body of Mr. Weare, it would never have been found; that nobody would have thought of examining or searching so insignificant a spot as that where it was concealed, especially as it was at the distance of three miles and a half from the place where the murder was committed; the opinion being that it had been thrown into the Thames, and never would be recovered; and that deponent told Hunt, when he was upon examination before the Coroner, that there would be no breach of

faith towards him, and that the magistrates would keep their promise.

Mr. Justice PARK.—Now Mr. Thessiger, I will hear what you have got to say.

Mr. THESSIGER.—I do not know whether the time has yet come for my saying any thing. Perhaps my learned friend may wish to tender affidavits in opposition to mine.

Mr. GURNEY admitted that he had affidavits upon this subject, if it were necessary to produce them. Though he had expected that such affidavits would be offered to the Court at some period of this trial, he had not received any notice of them from the other side. His affidavits were consequently not framed so as to meet all the points attempted to be made on the other side. He did not know, therefore, whether he ought to offer them at present, and could wish to act under the advice of the Court.

Mr. Justice PARK said that he could give no directions to the learned counsel either one way or the other. He must act as seemed best to his own discretion.

*The Affidavit of Mr. Clutterbuck and Mr. Mason,*

Having been signed and sworn by those gentlemen, was then put in. It stated, in substance, that they were both magistrates for St. Alban's district; that on the 28th of October last, it having been reported to them that a murder had been committed, they caused the three prisoners at the bar to be apprehended, who, after they were apprehended, were brought before them; that they examined several witnesses, whose testimony led them to suppose that a murder had been committed on the body of Mr. Weare; that at this examination Mr. Noel was present as the professional friend of the deceased; that after several witnesses had been examined, Joseph Hunt was interrogated as to his knowledge of the said murder, but that he then stated nothing; that on the

close of his examination, Mr. Noel made an offer to them to admit Hunt as evidence for the crown; that nothing was immediately done upon that offer; that Hunt, after he had been sent out of the magistrates' room, sent in a note, requesting to see Mr. Noel; that Mr. Noel in consequence went out to see Hunt, and that on his return, Mr. Noel said that Hunt was prepared to make a disclosure. The affidavit went on to state, that both the deponents denied having promised Hunt that he should not be prosecuted, in case he made a discovery of the place where the body was concealed, and asserted that all they promised him was, that provided he made a full and fair disclosure of all that he knew relative to this murder, application should be made on the trial that he should be admitted as evidence for the crown. They likewise affirmed that they had never given him any assurance that such application would be successful. In conclusion, they stated their belief, founded upon circumstances which had come to their knowledge, that the confession made by Hunt was not a full and fair confession, but, on the contrary, deficient in many very material circumstances.

Mr. GURNEY then said, he must apprise the learned Judge that the statements which were made by Hunt were not made on oath; even the statement before the Coroner was not so made, although Hunt had said the contrary in his affidavit. Supposing it to have been so taken, he (Mr. G.) should not now desire it to be read, in mercy to the prisoner. In the present stage of the proceedings, he did not think it necessary to lay before the Court other affidavits, for the purpose of shewing that Hunt had privately communicated facts to different individuals, which he did not state either before the magistrates or the Coroner.

Mr. Justice PARK.—I certainly do not see the necessity of such affidavits; and, if they were read, they would to a certain degree prejudice the prisoner, which ought on every account to be avoided. I am aware of the difficulty, the very great difficulty of

avoiding prejudice in these cases ; but this is an evil, in the present case, which is in some measure to be attributed to the parties themselves. On the former occasion, when affidavits were produced to postpone the trial, to my utter astonishment, those very affidavits were at that moment printed in a newspaper, although the prisoner's counsel, instructed by the prisoner's attorney, urged the Court to prohibit the publication. I was then averse from the reading of those affidavits, lest they might be calculated to prejudice the prisoners, but a different course was adopted. If there be any thing stated in the affidavits at all tending to prejudice the prisoner, I should prevent their being read. Without stating any specific fact, perhaps it will be sufficient for your purpose, Mr. Gurney, just to state the object which you have in view by producing an additional affidavit.

Mr. GURNEY.—It would appear from the additional affidavits, that of the facts stated privately by Hunt to other persons (which are very important), we do not find one word either in his account of the transaction before the magistrates, or the Coroner. The only object of the affidavit would be to confirm what is stated by the magistrates, on their information and belief, that the prisoner did not make a full confession ; but I would rather forego something in a case of this kind, than do any thing which could by possibility create a prejudice.

Mr. Justice PARK.—That is the feeling of my mind. Would this answer your purpose ? I entertain so much respect for Mr. Thessiger, and what I say to him I would say to the prisoner's other legal adviser (Mr. Harmer), that if they both think proper they may look at Mr. Gurney's affidavit, and perhaps that will answer their purpose. I wish to throw no unpleasant burthens upon either of them, but I think that will be sufficient for them.

Mr. THESSIGER said, he was certainly anxious to be informed, when and under what circumstances the private conversations alluded to took place.

MR. GURNEY said, he would shew his learned friend copies of the affidavits alluded to. The affidavit of Benjamin Rooke, Esq., the Coroner, being now completed and sworn, was handed in and read. It stated that upon the inquest before deponent, Mr. Clutterbuck, the magistrate, told Hunt there would be no breach of faith in the promise made by him.

Copies of the affidavits of Mr. Rexworthy, and of Upson, the Bow-street officer, were then handed to the prisoner's counsel, and

Mr. Gurney then inquired whether there was any objection to his stating to the Court the object of the affidavits now produced?—Mr. Thessiger replied that he had no objection.

MR. GURNEY.—I have now shown my learned friend copies of Rexworthy's and Upson's affidavits, and my learned friend has no objection to my stating that which I am now about to state, which will be less prejudicial to the prisoner than reading the affidavits themselves, and that is this:—Your Lordship will find (having read the account of Hunt's evidence before the magistrates, and the Coroner), that he has not stated that he had any previous knowledge of the murder being to be committed; he makes himself, therefore, an accessory after the fact; that, upon the statement which your Lordship now holds in your hand, there are other things which are not included in either of these accounts, which are very important, and which go to prove a crime of a different description. I believe I have, with as much delicacy as possible, forborne to state what would be prejudicial to the prisoner; but I must not forbear to state that which is essential, namely, that he did not, in either of those accounts, swear that he did not make a full disclosure of that which he knew.

MR. THESSIGER then replied. He hoped, that if there were any doubt as to the success of his motion, on account of a plea being on the record, the consideration of the circumstances under which it had been placed there, would press upon his Lord-

ship's recollection, and obviate every difficulty. On the last occasion that they were met together in that place, he had not been prepared to bring forward his present motion upon affidavit. It was only a short time before, that he had been retained for the prisoner, and he had therefore had no time to give any directions for the drawing up of the requisite affidavits. Indeed, if the trial had then taken place, he should have been compelled to make this application upon very imperfect grounds. As he was on that occasion partly taken by surprise, he trusted that the delay which had since taken place, owing to his Lordship's decision, postponing the trial, would not be considered any objection to his present application. Indeed the present was the only way in which he could bring the circumstances detailed in his affidavit before the Court. He felt that he was authorized by the case which he had already cited, to move for a further delay of this trial. Now the question of delay would depend in this case upon the right of the magistrate to admit a prisoner who was an accomplice, and was willing to make a disclosure, as evidence for the Crown. He did not pretend to question the law, which had been laid down in the case of the *King v. Rudd*, and very lately in a case which had come before his Lordship—that a magistrate had no direct power to say that a party should be pardoned on giving evidence against his associates; but he apprehended that indirectly they had such power, and that the ordinary practice was to sanction any promise of pardon held out under such circumstances by the magistrate. That practice had succeeded the application of torture, and had now prevailed for more than 150 years; and in all that time there had been only one case in which a magistrate's promise to a prisoner had either been questioned or violated, and that case was attended by such special circumstances as clearly took it out of the general rule. The affidavits which had just been read to his Lordship would inform him, that at the outset of this exami-

nation, every thing was in darkness—that it was absolutely necessary, to the commencement of this investigation, that a certain fact should be disclosed, and that every subsequent point hinged upon it. The magistrates, naturally and laudably enough, were anxious to arrive at that point. On ordinary occasions, he knew it was not usual to receive the evidence of an accomplice, unless he made a full and fair disclosure of all the circumstances of guilt in which he had been implicated; but he apprehended that in a case of particular importance and atrocity, the magistrate had indirectly, though not directly, a right of giving to the prisoner a promise of eventual safety on the disclosure of that particular fact on which all the subsequent proceedings must naturally depend. There was no person in that Court who would question this point—that the fact which Hunt disclosed had borne very materially upon this case. Every person must see how important it was. It was the opinion of Lord Mansfield, that no person ought to be convicted either of murder or of manslaughter unless the body were found. If that point were correct and good law, on which there could be no doubt, there could be as little doubt as to the value of Hunt's information when he pointed out the place where the body was concealed. It was sworn in the affidavits of the magistrates, that there was an idea a murder had been perpetrated on some individual. Who that individual was, or where his body was to be found, they could not tell; and it would therefore have been impossible for them to proceed, unless some light had been thrown on the subject from some quarter or other. If the disclosure of Hunt had not been made, they would not have been assembled for this day's trial. It was clear that all the information on which the magistrates had subsequently acted was obtained from Hunt. Was he now to be thrown away as worthless, after the repeated promises which had been made to him, that he should be admitted as evidence for the Crown? Upon this point his affidavit was

not controverted by that of the magistrate. It was clear from the affidavits of the magistrates, that they did not know where the body was concealed, and that they applied to Hunt for information on the point; and that being undisputed, he thought he had sufficiently proved that they must have promised him a recommendation to mercy. He had heard it said, but he thought with little show of reason, that the magistrates in giving that promise had acted inconsiderately; but it ought to be recollected, that though all the difficulties of the case had vanished by Hunt's confession, they had been surrounded by nothing but difficulties before they got it. Whether the magistrates had acted inconsiderately or not, was, however, a matter of little importance, as it could form no objection to the present application. The real question was, did the prisoner Hunt rely on their pledge, or did he not? Did he make his confession under an idea that they were acting *bonâ fide* with him, and that they intended to keep the promises which they so repeatedly made to him? He had little expected, that when the parties who managed this prosecution admitted that the evidence of an accomplice was necessary to substantiate guilt against any of the parties implicated, by asking leave that Probert should be examined before the grand jury—he little expected, he repeated, that his Lordship was unacquainted with the different promises that had been made to Hunt. The motion was made as if it had been an ordinary motion: not a word was said that could induce his Lordship to suppose there had been a shameless violation of public faith towards Hunt. Had his Lordship been acquainted with that fact, he would have demanded first, some reason why Hunt had been dismissed as an evidence. His learned friend said, that they had dismissed him, because they had found his confession full of material contradictions—that there were great omissions, and little fidelity in it. He would admit that Hunt had not upon his first confes-



sion detailed all the facts with which he was acquainted; but that was not surprising, considering the hurried and agitated state of mind in which he naturally must have been. He supplied those facts, however, at subsequent communications, which he had had by his own request with Mr. Noel and the magistrates. His affidavit was perfectly consistent with that of the magistrates on this point, for it showed that there had been originally a deficiency in Hunt's confession, but that it had been afterwards supplied. From the affidavit of Rexworthy, it was stated, that in a conversation which he had held with Hunt over some brandy and water, when he was or might have been intoxicated, Hunt had uttered some expressions that were utterly at variance with his former confessions. Allowing that to be the fact, it was not sufficient to override the absolute promise of the magistrates. He now maintained that he had laid sufficient grounds for putting off the trial of Hunt.

Mr. Justice PARK. I am clearly of opinion, that although this case has been urged by the learned counsel with all due zeal and effect for his argument, yet that nothing has been submitted to the Court this day, to furnish ground for a postponement of this trial, at least no argument has been used which has application to me. It may be a proper ground of application to the Crown for the Royal mercy and favour, in a future stage of the proceeding; but I repeat, it is no ground for me to act upon. As to putting off the trial, that has been already done for one calendar month, and I have not heard that during that interval any application has been made to the Crown in behalf of the prisoner Hunt, upon the reasons now adduced. With respect to Mrs. Rudd's case, there is very great doubt in the minds of learned persons, whether or no the application should have been made before or after the impleading. A word or two upon the discretion of the magistrates. I have no earthly doubt, but that these particular magistrates acted from

the purest and best motives, according to the lights which they had. I find no fault whatever with them. I won't even say that they acted incautiously in this matter; but I do say that these magistrates, acting for the county, in their official capacity, have no right to grant this power of exemption from penalty. The learned gentleman says he sees no instance to the contrary. Yes, there were instances, when at every assizes applications were made to the Judges, for the admission of particular persons to be witnesses for the Crown, and to go before the juries. In this case, I observe that the depositions of Hunt were not made upon oath, and in that respect the magistrates appear to have acted prudently and cautiously. But it has been said, that I should have refused the permission granted to Probert, on the faith of the previous pledge said to have been given to a man named Hunt. As far as newspaper information conveys any statement upon the matter, or any public opinion upon it, I know nothing; all I know of this case is from the depositions before me. Judges are in the habit of listening to applications for the admission of accomplices in trials of this kind; for all but one of the parties are capable in such cases of being rendered witnesses for the Crown. But after all these discussions, and all that I can see on the record, there is no proof of the pledge having been given. Here is a person of the name of Noel swears that he made this pledge to Hunt; but the magistrates positively deny that they authorized any promise of exemption, in the manner stated, for the prisoner. I am therefore of opinion, that all the circumstances stated in support of this application, may be, for any thing I know, available elsewhere, but cannot be made applicable on the present occasion. Let the trial then proceed.

## CHALLENGES TO THE JURY.

Mr. KNAPP then addressed the three prisoners severally, and in the usual form acquainted them that the good men that they would hear called, and severally that did appear, were to pass between them and the King, upon the trial of their several lives or deaths; and that, if they meant to challenge them, or any of them, they must challenge them as they came to the book to be sworn, and before they were sworn, and they should be heard.

The prisoners appeared to pay strict attention to what was said, and bowed respectfully.

The Panel was then called over, and after several peremptory challenges on the part of the prisoner Thurtell, and two peremptory challenges on the part of the Crown, the following Gentlemen were sworn on

## THE JURY.

Thomas Brown, of Wynyard, Gent., Foreman.

Thomas Buck, brazier, of Bishop's Stortford.

Reginald Jennings, maltster, of ditto.

Richard Pryor, Gent. of ditto.

George Starke, Gent. of ditto.

Charles Fox, Gent. of Hitchin.

John Russell, shoe-maker, of ditto.

Thomas Chalkley, Gent. of Stevenage.

William Foldby, Gent. of ditto.

John Hopewell, tanner, of Chipping Barnet.

Samuel Pritchard, yeoman, of Bramfield.

William Kimpton, yeoman, of Barkway.

Mr. KNAPP then charged the Jury on the indictment against the prisoners, Thurtell and Hunt, and then further charged the Jury on the Coroner's Inquisition with the prisoners;—Thurtell as guilty of the murder, and Hunt and Probert as accessories of the murder before the fact:—to which charges the prisoners had on a former day severally pleaded Not Guilty.

## ACQUITTAL OF PROBERT.

Mr. GURNEY then rose and said, that as it was not intended on the part of the prosecution to offer evidence against the prisoner Probert, who stood charged in the indictment as being an accessory before the fact, he was willing that the Jury should record a verdict of "Not Guilty" for that individual.

Mr. Justice PARK. Gentlemen of the Jury, the prosecutors are willing to forego the prosecution of William Probert; they propose to offer no evidence against that individual, and he will consequently in point of law be entitled to a verdict of acquittal upon the Coroner's Inquisition.

A verdict of "Not Guilty" was immediately recorded for Probert, who made a low obeisance to the Court and Jury, and was, by order of the Court, removed from the bar into an adjoining room, where Mr. Wilson was desired to detain him.

By desire of the prisoners, (who were ordered seats,) an order was then made for the removal out of Court of all the witnesses at each side, except medical persons; that they should be examined separately.

## CASE FOR THE PROSECUTION.

Mr. GURNEY then rose, and addressed the Jury to the following effect:—

We are assembled, Gentlemen, for the trial of these prisoners, after a delay, which has been mercifully conceded to them, in consequence of an application made to his Lordship by their Counsel. That application was founded upon an affidavit, in which it was sworn that there had been a great excitation of public opinion, which had not at that time subsided, and it was thought by his Lordship that it would conduce to the more satisfactory administration of justice to grant the prayer of the prisoners. The time which has since elapsed, has no doubt had a beneficial effect, and you

are now assembled in that calm and temperate state of mind, which will enable you to administer justice with perfect satisfaction to yourselves and to the country.

It is most important that criminals should be punished, in order that crime may be repressed. There is but one thing of more importance which is, that innocence should be protected. This great principle is considered by the law of England; it is, in fact, a distinguishing characteristic of the law of this country. In vain would all the other interests of a country be protected, if there were any deficiency in those safeguards which ought to be provided for the security of innocence against unjust accusation.

We have, therefore, as a protection to human life, in the first place, the invaluable institution of a Coroner's Inquest, the country making immediate inquiry on the spot in all cases of death produced by violent means; we have the security of inquiry before the Magistracy, and such a Magistracy as no other country can boast; we have the inquiry before the Grand Jury; and lastly, you are assembled here under the direction of the highest legal authority, to hear the evidence on one side, and on the other, and finally to pronounce upon the guilt or innocence of the accused. You are to pronounce your verdict on the evidence, and on the evidence alone; you are to forget all that you may have ever heard or read on the subject, which is probably erroneous, and which is, at all events, unsupported by proof; you are to come to the consideration of this case with pure and dispassionate judgments, to hear the evidence, and on that evidence a true verdict give.

Gentlemen, the crime with which the prisoners stand charged is one of great enormity. It is a crime attended by circumstances of no common atrocity. It was imputed to one of the parties, that he had actually committed the murder; and to the other that he had assisted with his previous counsel and concert, and co-operated in the promotion of the

premeditated act. But in proportion to the great enormity of the crime ought to be the strength of the proof ; and he did not mean to ask of them to pronounce a verdict of guilty, unless on such evidence as left no rational doubt on their minds of the fact. He repeated, that when they considered the nature of the case, and the violent aggravation with which it was attended, they were bound to call for very strong proof to convince them that any man was capable of so dreadful an atrocity ; for if the evidence he had to adduce were substantiated and believed, one of the prisoners at the bar had been guilty, not only of the crime of murder in all its naked atrocity, but of the murder of a man with whom he had been living in habits of acquaintance, if not of intimacy.

It was said, (whether true or not, he knew not,) that the deceased had provoked one of the prisoners, by doing him some wrong at play ; and that the other had never been injured by the man whose death he had concerted to aid in inflicting. These persons, under the specious pretences of friendship, had invited the deceased to accompany them upon a short country excursion ; but they had invited him into their company to deprive him on the same night of his life.

It was emphatically said, that murder was a crime to be perpetrated in darkness. The hour of night was mostly chosen as the opportune time for its infliction ; because it was in that moment of solitude thought that no human eye could see, no ear hear the struggles of the dying : darkness rendered detection more difficult. It was therefore the peculiar feature of crimes of this kind, that their proof often depended upon circumstantial evidence, which, however, was frequently found to convey by its character and combination, a demonstration as conclusive as any which could arise from the operation of positive testimony. There was another species of evidence, which was sometimes of necessity resorted to in cases of this nature—he meant the evidence of accomplices in the

crime. It was not always within the power of a prosecutor to forego the evidence of an accomplice, nor even to get that species of testimony, without compounding in some measure with acknowledged guilt. Upon a very full and anxious consideration of the whole of this case, those who conducted the prosecution had maturely decided upon the admission of an accomplice into their evidence. The deceased, whose murder was the subject of the present inquiry, was the late Mr. William Weare—a man, it was said, addicted to play, and, as had been suggested, connected with gaming houses. Whether he was the best, or the least estimable individual in society, was no part of their present consideration. The prisoner at the bar, John Thurtell, had been his acquaintance, and in some practices of play had, it was said, been wronged by him, and deprived of a large sum of money. The other prisoner, Hunt, was described as being a public singer, and also known to Mr. Weare, but not, as he believed, in habits of friendship. Probert, who was admitted as an accomplice, had been in trade a spirit-dealer, and rented a cottage in Gill's-hill-lane, near Elstree. It was situate in a bye-lane, going out of the London-road to St. Albans, and two or three miles beyond Elstree. This cottage of Probert's was, it would appear, selected, from its seclusion, as the fit spot for the perpetration of the murder. Probert was himself much engaged in London, and his wife generally resided at the cottage, which was a small one, and pretty fully occupied in the accommodation of Mrs. Probert, her sister, (Miss Noyes,) some children of Thomas Thurtell's, (the prisoner's brother,) and a maid and boy servant. It should seem from what had taken place, that the deceased had been invited by John Thurtell to this place to enjoy a day or two's shooting.

It would be proved that the prisoner Thurtell met the deceased at a billiard-room, kept by one Rexworthy, on the Thursday night, (that previous to the murder.) They were joined there by Hunt. On the

forenoon of the Friday, he (deceased) was with Rexworthy at the same place, and said he was going for a day's shooting into the country. We are went from the billiard-rooms between three and four o'clock to his chambers in Lyon's-inn, where he partook of a chop dinner, and afterwards packed up, in a green carpet bag, some clothes, and a mere change of linen, such as a journey for the time he had specified might require. He also took with him when he left his chambers in a hackney-coach, which the laundress had called, a double-barrelled gun, and a backgammon box, dice, &c. He left his chambers in this manner before four o'clock, and drove first to Charing-cross, and afterwards to Maddox-street, Hanover-square; from thence he proceeded to the New-road, where he went out of the coach, and returned after some time, accompanied by another person, and took his things away. Undoubtedly the deceased left town on that evening, with the expectation of reaching Gill's-hill-cottage; but it had been previously determined by his companions, that he should never reach that spot alive.

He would here beg to state a few of the circumstances which had occurred antecedent to the commission of the crime. Thomas and John Thurtell were desirous of some temporary concealment, owing to their inability to provide the bail requisite to meet some charge of misdemeanor, and Probert had procured for them a retreat at Tetall's, the sign of the Coach and Horses, in Conduit-street, where they remained for two or three weeks previous to the murder. On the morning of Friday, the 24th of October, two men, answering in every respect to the description of John Thurtell and Hunt, went to a pawnbroker's in Marylebone, and purchased a pair of pocket-pistols. In the middle of the same day, Hunt hired a gig, and afterwards a horse, under the pretence of going to Dartford in Kent: he also inquired where he could purchase a sack and a rope, and was directed to a place over Wesminster-bridge, which



he was told was on his road into Kent. Somewhere, however, it would be found that he did procure a sack and cord, and he met the same afternoon, at Tetsall's, Thomas Thurtell and Noyes. They were all assembled together at the Coach and Horses in Conduit-street.

When he made use of the names of the two last individuals, he begged distinctly to be understood as saying, that he had no reason to believe that either Thomas Thurtell or Noyes were privy to the guilty purpose of the prisoners.

Some conversation took place at the time between the parties, and Hunt was heard to ask Probert if he would be in what they (Hunt and John Thurtell) were about. Thurtell drove off from Tetsall's between four and five o'clock to take up a friend, as he said to Probert, "to be killed as he travelled with him," an expression which Probert said at the time he believed to have been a piece of idle bravado. He requested Probert to bring down Hunt in his own gig. In the course of that evening the prisoner Thurtell is seen in that gig, with a horse of a very remarkable colour. He was a sort of iron gray, with a white face and white legs—very particular marks for identity. He was first seen by a patrol near Edgware; beyond that part of the road he was seen by the landlord; but from that time of the evening until his arrival at Probert's cottage on the same night, they had no direct evidence to trace him.

Probert, according to Thurtell's request, drove Hunt down in his gig, and having a better horse, on the road they overtook Thurtell and Weare in the gig, and passed them without notice. They stopped afterwards at some public-house on the road to drink grog, where they believe Thurtell must have passed them unperceived. Probert drove Hunt until they reached Phillimore-lodge, where he (Hunt) got out, as he said by Thurtell's desire, to wait for him. Probert from thence drove alone to Gill's-hill cottage, in the lane near which he met Thurtell, on foot, alone.

Thurtell inquired where was Hunt, had he been left behind? he then added, that he had done the business without his assistance, and had killed his man. At his desire, Probert returned to bring Hunt to the spot, when he (Probert) went to Hunt for that purpose. When they met, he told Hunt what had happened. "Why it was to be done here," said Hunt (pointing to nearer Phillimore-lodge), admitting his privity, and that he had got out to assist in the commission of the deed. When Thurtell rebuked Hunt for his absence, "Why, (said the latter,) you had the tools." They were no good, replied Thurtell; the pistols were no better than pop-guns. I fired at his cheek, and it glanced off—that Weare ran out of the gig, cried for mercy, and offered to return the money he had robbed him of—that he (Thurtell) pursued him up the lane when he jumped out of the gig.

Finding the pistol unavailing, he attempted to reach him by cutting the penknife across his throat, and ultimately finished him by driving the barrel of the pistol into his head, and turning it in his brains, after he had penetrated the forehead. Such was the manner in which Thurtell described he had disposed of the deceased, and they would hear from Probert what he said on the occasion. A gig was, about that time, heard to drive very quickly past Probert's cottage. The servants expected their master, and thought he had arrived; but he did not make his appearance.

Five minutes after that period, certain persons, who would be called in evidence, and who happened to be in the road, distinctly heard the report of a gun or pistol, which was followed by voices, as if in contention. Violent groans were next heard, which, however, became fainter and fainter, and then died away altogether. The spot where the report of the pistol and the sound of groans were heard, was Gill's-hill-lane, and near it was situated the cottage of Probert.

They had now, therefore, to keep in mind, that

Thurtell arrived at about nine o'clock in the evening at Probert's cottage, having set off from Conduit-street at five o'clock; and though he had been seen on the road in company with another person in the gig, yet it appeared that he arrived at the cottage alone, having in his possession the double-barrelled gun, the green carpet-bag, and the back-gammon-board, which Mr. Weare took away with him. He gave his horse to the boy, and the horse appeared to be in a cool state, which corroborated the fact that he had stopped a good while on his way. He left Conduit-street, it should be observed, at five, and arrived at the cottage at nine—a distance which, under ordinary circumstances, would not have occupied much more than an hour. The boy inquired after Probert and Hunt, and was told that they would soon be at the cottage.

At length, a second gig arrived, and those two persons were in it. They rode, while Thurtell, who went to meet them, walked with them. The boy having cleaned his master's horse, then performed the same office for the horse of Thurtell, which occupied a good deal of time. Probert went into the house. Neither Thurtell nor Hunt was expected by Mrs. Probert. With Thurtell she was acquainted, but Hunt was a stranger, and was formally introduced to her. They then supped on some pork-chops, which Hunt had brought down with him from London. They then went out, as Probert said, to visit Mr. Nicholls, a neighbour of his; but their real object was to go down to the place where the body of Weare was deposited. Thurtell took them to the spot down the lane, and the body was dragged through the hedge into the adjoining field. The body was, as he had previously described it to be, enclosed in a sack. They then effectually rifled the deceased man, Thurtell having informed his companions that he had, in the first instance, taken the fourth part of his property. They then went back to the cottage.

It ought to be stated, that Thurtell, before he went out, placed a large sponge in the gig; and when he returned from this expedition, he went to the stable and sponged himself with great care. He endeavoured to remove the spots of blood, many of which were distinctly seen by Probert's boy; and certainly such marks would be observable on the person of any one who had been engaged in such a transaction. In the course of the evening Thurtell produced a gold watch, without a chain, which occasioned several remarks. He also displayed a gold curb chain, which might be used for a watch when doubled; or, when singled, might be worn round a lady's neck. On producing the chain, it was remarked that it was more fit for a lady than a gentleman; on which Thurtell pressed it on Mrs. Probert, and made her accept of it. An offer was afterwards made that a bed should be given to Thurtell and Hunt, which was to be accomplished by Miss Noyes giving up her bed, and sleeping with the children. This was refused, Thurtell and Hunt observed that they would rather sit up. Miss Noyes, therefore, retired to her own bed. Something, however, occurred, which raised suspicion in the mind of Mrs. Probert; and, indeed, it was scarcely possible, if it were at all possible, for persons who had been engaged in a transaction of this kind, to avoid some disorder of mind—some absence of thought that was calculated to excite suspicion.

In consequence of observing those feelings, Mrs. Probert did not go to bed, or undress herself. She went to the window and looked out, and saw that Probert, Hunt, and Thurtell, were in the garden. It would be proved that they went down to the body, and, finding it too heavy to be removed, one of the norses was taken from the stable. The body was then thrown across the horse; and stones having been put into the sack, the body, with the sack thus rendered weighty by the stones, was thrown into the pond. Mrs. Probert distinctly saw something

heavy drawn across the garden where Thurtell was. The parties then returned to the house; and Mrs. Probert, whose fears and suspicions were now most powerfully excited, went down stairs and listened behind the parlour-door. The parties now proceeded to share the booty; and Thurtell divided with them to the amount of 6*l.* each. The purse, the pocket-book, and certain papers which might lead to detection, were carefully burned. They remained up late; and Probert, when he went to bed, was surprised to find that his wife was not asleep. Hunt and Thurtell still continued to sit up in the parlour.

The next morning, as early as six o'clock, Hunt and Thurtell were both seen out, and in the lane together. Some men who were at work there, observed them, as they called it, "grabbing" for something in the hedge. They were spoken to by these men, and as persons thus accosted must say something, Thurtell observed, "that it was a very bad road, and that he had nearly been capsized there last night." The men said, "I hope you were not hurt." Thurtell answered, "Oh no, the gig was not upset," and they then went away. These men, thinking something might have been lost on the spot, searched after Hunt and Thurtell were gone. In one place, they found a quantity of blood, farther on they discovered a bloody knife, and next they found a bloody pistol—one of the identical pair which he would show were purchased by Hunt. That pistol bore upon it the marks of blood and of human brains.

The spot was afterwards still farther examined, and more blood was discovered, which had been concealed by branches and leaves, so that no doubt could be entertained that the murder had been committed in this particular place. On the following morning, Saturday, the 25th of October, Thurtell and Hunt left Probert's cottage in the gig which Hunt had come down in, carrying away with them the gun, the carpet-bag, and the backgammon-board, belonging to Mr. Weare. These articles were taken to Hunt's

lodgings, where they were afterwards found. When Hunt arrived in town on Saturday, he appeared to be unusually gay. He said, "We, Turpin lads, can do the trick. I am able to drink wine now, and I will drink nothing but wine." He seemed to be very much elevated at the recollection of some successful exploit. It was observed, that Thurtell's hands were very much scratched, and some remark having been made on the subject, he stated, "that they had been out netting partridges, and that his hands got scratched in that occupation." On some other points, he gave similar evasive answers.

On Sunday, John Thurtell, Thomas Thurtell, Noyes, and Hunt, spent the day at Probert's cottage. Hunt went down dressed in a manner so very shabby, as to excite observation. But in the course of the day he went up stairs, and attired himself in very handsome clothes. There was very little doubt that those were the clothes of the deceased Mr. Weare. He had now to call the attention of the Jury to a very remarkable circumstance.

On the Saturday Hunt had a new spade sent to his lodgings, which he took down to the cottage on Sunday. When he got near Probert's garden, he told that individual, "that he had brought it down to dig a hole to bury the body in." On that evening, Probert did really visit Mr. Nicholls; and the latter said to him, "that some persons had heard the report of a gun or pistol in the lane, on Friday evening; but he supposed it was some foolish joke." Probert, on his return, stated this to Thurtell and Hunt, and the information appeared to alarm the former, who said, "he feared he should be hanged." The intelligence, however, inspired them all with a strong desire to conceal the body effectually. Probert wished it to be removed from his pond; for, had it been found there, he knew it would be important evidence against himself. He declared that he would not suffer it to remain there; and Thurtell and Hunt promised to come down on the Monday, and remove it.

On Monday, Thurtell and Hunt went out in the gig, and in furtherance of that scene of villany which they meditated, they took with them Probert's boy. They carried him to various places, and finally lodged the boy at Mr. Tetsall's, in Conduit-street. On the evening of that same Monday, Hunt and Thurtell came down to the cottage. Hunt engaged Mrs. Probert in conversation while Thurtell and Probert took the body out of the pond, put it into Thurtell's gig, and then gave notice to Hunt that the gig was ready. In this manner they carried away the body that night, but where they took it to Probert did not know.

It will be proved to you in evidence that the body was taken to a brook, a short distance on the northern side of Elstree, where it was deposited or sunk, in the same manner as it was before in Probert's pond. The state of the gig in which the body was so taken told the story of the manner in which it was employed. Its bottom was found in the morning covered with mud and blood. These are details on which I feel it wholly unnecessary to enlarge; they will be more impressively submitted to your consideration by the respective witnesses who will be successively called to the respective occurrences. The rumours that were afloat in the vicinity, in consequence of the report of a pistol or gun-shot having been heard in the lane, soon reached the ears of the magistrates; and in consequence of certain communications, Thurtell, Hunt, and Probert, were apprehended.

Another expedient, on the part of Hunt, to evade, if possible, all evidence of his identity, was to be discovered in the very change he had made subsequently in his appearance. Up to the Monday night, when the body was removed, he wore very large whiskers: these he immediately after shaved off. It is almost needless to say that perhaps there is no expedient better calculated to answer its object. Nothing can effect so great a change in the human appearance as the removal of such a portion of hair from the face, particularly where the whiskers were

very large. As I before stated, rumours were circulated relative to a supposed murder; inquiries were instituted, but as the body had not at that time been found, it was impossible to ascertain who the murdered person was. It was, however, found on the Thursday following by persons to whom the place, where it was deposited, was shewn by a person.

I will not give in evidence any part of any supposed confession of the prisoner Hunt, save the fact which subsequent inquiry had proved to be true, and to that extent I am justified by the law. If, for instance, a party charged with having stolen goods, acknowledge that at a certain place those goods are to be found, I am at liberty to give in evidence that declaration, when followed by the fact of their being so discovered. To that point I shall confine myself, determined not to allude to any other part of a confession which might have been made under inducements either of hope or of fear. Not one word more of that confession shall I advert to; but I am not to be understood as saying, that I shall not give in proof the declarations of the prisoner Hunt to his associates relative to these transactions.

I have now, Gentlemen of the Jury, detailed to you the principal facts which it is my duty to establish by competent evidence. Some of them, they must observe, would depend on the evidence of an accomplice; for Probert, though not an accomplice *before* the murder, was confessedly privy to a certain part of the transaction—to the concealment of the body—to the concealment, consequently, of the murder. He must be looked upon as a bad, a very bad, man. He was presented to the Jury in that character. What good man could ever lend himself, in the remotest degree, to so revolting a transaction? An accomplice must always be, in a greater or less extent, a base man. The Jury would therefore receive the evidence of Probert with extreme caution; and they would mark, with peculiar attention, how far his evidence was confirmed by testimony that



could not be impeached. But he would adduce such witnesses in confirmation of Probert's statement—he would so confirm him in every point, as to build up his testimony with a degree of strength and consistency which could not be shaken, much less overturned. He would prove by other witnesses besides Probert, that Thurtell set out with a companion from London, who did not arrive at the ostensible end of his journey; he would prove that he had brought the property of that companion to Probert's house, the double-barrelled gun, the backgammon-board, and the green carpet-bag; he would prove, that some time before he arrived at the cottage, the report of a gun or pistol was heard in Gill's-hill-lane, not far from the cottage; he would prove that his clothes were in a bloody state; and that, when he was apprehended, even on the Wednesday after the murder, he had not been able to efface all the marks from his apparel.

Besides all this, they would find, that in his pocket, when apprehended, there was a penknife which was positively sworn to as having belonged to Mr. Weare, and also the fellow-pistol of that which was found adjoining the place where the murder was committed—the pair having been purchased in Mary-le-bone-street by Hunt. These circumstances brought the case clearly home to Thurtell. Next as to Hunt. He was charged as an accomplice before the fact. It was evident that he advised this proceeding. For what purpose, but to advise, did he proceed to the cottage? He was a stranger to Mrs. Probert and her family; he was not expected at the cottage. There was not for him, as there was for Thurtell, an apology for his visit. He hired a gig, and he produced a sack—the Jury knew to what end and purpose. They would also bear in mind, that the gun, travelling-bag, and backgammon-board, were found in his lodging. These constituted a part of the plunder of Mr. Weare, and could only be possessed by a person participating in this crime. Besides, there was placed about the neck of Probert's wife, a chain,

which had belonged to Mr. Weare, and round the neck of the murdered man there was found a shawl which belonged to Thurtell, but which had been seen in the hands of Hunt. In giving this summary of the case, he had not stated every circumstance connected with it. His great anxiety was, not to state that which he did not firmly believe would be borne out by evidence.

One circumstance he had omitted, which he felt it necessary to lay before the Jury. It was, that a watch was seen in the possession of Thurtell, which he would show belonged to Mr. Weare. After Thurtell was apprehended, and Hunt had said something on the subject of this transaction, an officer asked Thurtell what he had done with the watch? He answered, that, "when he was taken into custody, he put his hand behind him and chucked it away." Thurtell also made another disclosure. He said, when questioned, "that other persons, near the spot, were concerned in it, whom he forebore to mention." As to Thurtell, the evidence would, he believed, clearly prove him to have been the perpetrator of the murder; and with respect to Hunt, it was equally clear that he was an accessory before the fact. In the review of this mass of evidence, if any doubts should arise in your minds, you will, as you are bound in conscience to do, give the prisoners the benefit of them; but if the case shall be established clearly and satisfactorily, you will find that verdict which the well-being of society and the demands of justice require.

When the Learned Counsel concluded his able and dispassionate statement, a very considerable degree of agitation prevailed in the Court. The avenues to the witnesses' box were so crowded, that it was with difficulty the witness called could gain access. Thurtell, who had been most attentive during the speech, looked steadfastly at the door through which the witnesses were to enter. He had some short communication with Mr. Andrews, his counsel; and soon af-

ter, Mr. Justice Park having withdrawn for a few moments, he ate a thin sandwich, which the governor of the prison, Mr. Wilson had provided. Both prisoners conducted themselves with firmness, nor was there the slightest change of manner in the deportment of Thurtell, even in those parts of the statement which detailed those horrible facts in which he was the presumed agent.

### EVIDENCE.

JOHN BEESON examined by Mr. Bolland. I went in search of a body with Ruthven and Upson, two Bow-street officers; the prisoner Hunt was with us; we went to Aldenham, and found the body in a brook called Hill Slough, near Elstree; Hunt pointed it out; the body was concealed in a sack; the head was downwards in the sack; there was a rope fastened round the sack; the length of the rope was two or three yards; there was a stone tied to the end; I was not present when the sack was opened; it was carried to the Artichoke public-house, at Elstree; the pond was a quarter of a mile from Elstree; it was to the right hand side of the road coming from Elstree towards Radlett; I am acquainted with the roads about Gill's Hill. There is a road branching off towards Watford, with a finger-post direction pointing that way. Pursuing that road, you pass a cottage, where a person, named Hunt, lives; the road divides, one leading to Radlett, and the other to Probert's cottage at Gill's Hill. A man ignorant of the road might mistake his way. He might, however, return again on the road to Probert's cottage, though he went by mistake to High Cross. It would be a circuitous passage. Even if a person went to Radlett, he might turn to the right and get to Probert's cottage. The roads are very bad and very narrow. If a person met any thing in his way, while driving, he must back out. A man, not knowing the road, might mistake, these roads are hilly, and a person, ordinarily speaking, must drive slow.

Cross-examined by Mr. Thessiger for Hunt. It was on Thursday, the 30th of October, four persons went to find the body; the place where it was found was two miles from Gill's Hill. They searched in a body, he meant all together. They searched nearly for five minutes. It was about two minutes after the place had been pointed out. The body was found nearly in the centre of the pond. It was possible for any person to place the body in the pond without walking in. Two men might have swung the body in. One man could not have done it. The weather was wet, and the pond was, consequently, full. I saw Mr. Hunt point out that pond as the place where the body was. The pond altogether was as large as the table of the Court. There was a short piece of the rope round the sack loose. The rope was twisted round the sack in a careless manner. The handkerchief was outside of the sack, and the stones were concealed in it.

ROBERT FIELD examined by Mr. Broderick. I keep the Artichoke public-house at Elstree; I remember a dead body being brought to my house on a Thursday. I saw the body drawn out of the pond; it was covered with a sack, and that was fastened by cords. The rope was bound round the neck, the middle and the feet, with a handkerchief tied to the end full of stones; there were two or three yards of the rope superabundant. That body was afterwards shewn to Mr. Rexworthy, and he said it was the body of William Weare.

JOHN UPSON examined by Mr. Gurney. I am an officer of Bow-street; I was present at the examination of the prisoners at Watford; it was on a Wednesday or Thursday; I had a conversation with Thurtell after the body was found; I went in search of the body. I went to the place where it was found by the direction of Hunt. We went first to one spot, and Hunt said, "that is not the place." We then went to another, We had a pole, and tried without success. A man passed with a ladder, and

Beeson went on the ladder to drag. Hunt pointed with his finger, and said the body was farther out. The body was found, and taken on the ladder to the Artichoke. I was not present when the body was examined.

**WILLIAM REXWORTHY** examined by Mr. Broderick. I keep a billiard-table at Spring-gardens, London, and was intimately acquainted with the late Mr. Weare. I knew his body when I saw it, as it lay dead at the Artichoke, at Elstree. I have no doubt that the body which I saw there was Mr. Weare's; but am quite positive of the fact.

Cross-examined by Mr. Andrews. The body was in a putrid state when I saw it at the Artichoke. The face was then visible, and I observed that there was the mark of a pistol on the left side of the head: I mean the mark of the muzzle of a pistol. I saw no blood about the body. It was in a state for me to speak to it with certainty, as the body of Mr. Weare. I knew him as perfectly as if he had been living. I don't know on what day of the month it was that I saw the body, but it was on a Friday. I knew him for sixteen years previously; and at the time I now speak of, I don't think I ever expressed any doubt about the body being that of Mr. Weare. Most certainly I was as clear of the fact at the time of my first examination as I am now.

**RICHARD WEARE**, a thin, short, pale-looking man, having the appearance of a mechanic, was examined by Mr. Bolland. I had a brother, named William; he had no other Christian name. I saw a corpse at the Artichoke, at Elstree, before the Coroner; it was on the day Mr. Rexworthy saw it; it was the body of my brother William. This witness gave his evidence in an extremely agitated tone, and was not cross-examined.

**THOMAS ABEL WARD**, examined by Mr. Broderick. I am a stranger at Watford; I examined a dead body lying at the Artichoke, at Elstree. On the day of the inquest I examined the head of the

body; there were many marks of violence about the left temple, which had been occasioned by some round blunt instrument; they might have been occasioned by the muzzle of a pistol driven with force against it. A pistol was produced before the Coroner, and the marks in the scalp corresponded with the muzzle; the wounds had penetrated the scalp of the skull. Near these wounds was a fracture of the skull, with several portions of the bone broken off and driven into the substance of the brain; the pistol produced would have caused such injury, if not fired, but driven into the skull by force. It did appear to me that the injury had been caused by the pistol then produced; the injury to the brain would have produced death; the substance of the brain was penetrated by the bone; there was a mark on the right cheek, which appeared to be a gun-shot wound. By gun-shot wound is meant any wound produced by a shot fired, whether from gun or pistol, &c. I could not trace this wound deep. It only penetrated through the integuments to the bone of the cheek; it could not have occasioned instant death, nor indeed death at all. There was an incised wound on each side of the neck. There were two on the left side, and one on the right side. Of those on the left side, one was immediately under the ear, the other further back. The incised wound had been made by some sharp instrument. A knife would have produced them, certainly. On the left side, the jugular vein was divided by one of the incised wounds.

Cross-examined by Mr. Platt. On the left side of the head, you saw a wound and fracture, which must have been effected by a blunt instrument?—Yes.

The instrument by which this was produced, must have driven itself through the skull?—Yes.

If the instrument had not been driven by force into the skull, the mark of the instrument must have been more apparent on the surface?—Yes.

What was the position of the wound?—The frac-

ture was above the temple, just above the anterior angle of the bone of the skull. The marks where there were not fractures were above that. There were several of them.

Now is it possible that an instrument with a larger end than that pistol that was produced, could have been introduced into the fracture?—Yes.

And produced the same result?—The same result, as far as the fracture goes, could have been produced by a larger instrument; the marks which I have said were above the fracture could not have been produced, except by such an instrument as the pistol; they corresponded to the end of the muzzle.

Was the skin forced into the wound?—The skin was not forced into the wound, though it was depressed by the blow that occasioned the fracture; that is to say, it was wounded, but not detached.

What was the size of the wound?—The orifice of the fracture was an inch and an eighth or a quarter in length, and 7-8ths of an inch in width. I can shew how it was by drawing it.

Mr. Justice PARK. Then do, Sir.

Mr. Ward then drew on a sheet of paper a representation of the wound, and produced from a small box the pieces of the skull which had been forced into the wound, and which he had extracted and preserved. The drawing and the pieces of bone were handed to the Bench, and then to the Jury. The bones were returned to Mr. Ward, but he left the drawing.

Does this (the drawing) describe the external appearance of the wound?

Mr. Justice PARK. Mr. Ward has made it plain; this is the fracture of the skull. You mean the fracture, Mr. Ward, and not the wound, do you not?—Yes, my Lord.

Mr. Platt continued his cross-examination.

Then the fleshy orifice was not cut out?—The external skin was broken, but not detached; it was a contused wound.

What was the size of the orifice of this contused wound?—I really do not understand you. There was no interval; I could have brought up the integuments, and closed them entirely, for no part had been detached.

But before it was so stretched?—There was no stretching; the integuments which covered the skull, a solid substance, had been bruised, when forced upon that solid substance which had been broken beneath it by the violence of the blow. The integuments of the skull were not torn away, but were rent in halves, as it were.

Would that drawing you have made denote the size of the aperture if it had been drawn out?—It would have been of considerable size. I could have put my finger into it.

MR. JUSTICE PARK. Mr. Platt, I think the case is very clear. The skull was fractured; the bone produced to us was driven into the brain, and the skin or scalp was rent: I think, Mr. Ward, you have given your evidence very clearly.

MR. PLATT. Was the rent of the integuments made in that kind of way, that a larger instrument could have been forced through?—Certainly.

The jugular vein was divided, which, if not stopped, would produce death, was it not?—Yes.

Was any artery divided?—No.

You could have judged that great hemorrhage had taken place?—No.

Was there an appearance as if the wound that divided the jugular vein had been inflicted on the living person?—There was every appearance as if it had, and nothing to show that it had not been inflicted on the living person.

Could you say, on your oath, that that wound could have been inflicted after death?—I think it possible.

Have you not the means of judging whether a wound that appears on a dead body has been inflicted during life or after death?—Not after a body has



been soaked in water three or four days ; the indicia are not such that I would trust them in such a case.

Then the body must have been altered by lying in the water ?—Yes.

Are not the features more altered in persons dying of hemorrhage, so as to make it more difficult to recognize them ?—Yes, when the hemorrhage is protracted.

Is the hemorrhage from the jugular vein protracted ?—The bleeding, in the case of a wound of the jugular vein, is uncertain ; sometimes it is protracted, sometimes not.

In this case the jugular vein was divided ?—Not entirely divided ; but the wound was very considerable.

Suppose an individual had been bled to death, and laid for a week in a pond, would it not in such a case have been more difficult for persons to ascertain who that individual was ?— It would ; but I conceive, from the appearance of the body I saw at Elstree ; that if I had known the person in his life-time, I should have recognized him then.

Re-examined by Mr. Broderick. What, in your opinion, was the cause of death ?—The injury to the brain by the pistol.

The COURT.—Your evidence, Sir, has been most clear and satisfactory, to my mind at least.

GEORGE RUTHVEN, the officer, called. He brought into the court with him a large bag of carpeting full of various articles, a hat in a handkerchief, and a dressing-case. Sworn, and examined by Mr. Bolland.—I am an officer of Bow-street ; I apprehended the prisoner, John Thurtell, the Wednesday after the Friday of the supposed murder (the 29th Oct.), at Tetsall's, the sign of the Coach and Horses, in Conduit-street, Bond-street, London. I found in his coat-pocket a pistol not loaded. I found a pistol-key and a knife in his waistcoat-pocket, and a key which belonged to an air-gun. I found a muslin

handkerchief in a drawer close to the bed-side ; it appeared to be marked with blood ; the marks were just the same then as they are now. In a drawer I found a shirt, stained with blood in each corner of the collar where they project above the neckcloth. I found a black kerseymere waistcoat, with marks of blood on each pocket. I found this on his bed. I found also a black coat, with marks of blood on both cuffs, and a mark on the left shoulder ; I found this coat on his bed ; I found a hat [produced] ; there is a mark of blood now ; there was one small mark on another part. I arrested Hunt at his lodgings, 19, King-street, Golden-square, the same day (Oct. 29). I took no articles out of his lodgings on the Wednesday. On the Thursday night I went again to his lodgings, and found a dressing-box and a double-barrelled gun, with the name of the maker, Manton, [the gun was produced]. Under the bed I found this sponge [a large sponge was produced]. I found a carpet-bag [produced] ; it was empty. I found a shooting-jacket, a pair of drab breeches, a pair of gaiters or leggings, one pair of half and one pair of Hessian boots, a cord, two waistcoats, two coloured handkerchiefs, three shirts, (two of the shirts were marked—one of them W. W., No. 1., the other W.), one neckcloth, one collar, nightcap, clothes-bag, powder-flask, clothes-brush, turnscrew, bullet-mould, and a comb. I have had all these things in my possession ever since.

Cross-examined by Mr. Chitty. When I apprehended Thurtell, the door of his room was not fastened. The blood on the shirt-collar might have proceeded from a cut in shaving. The drawers in his room were unlocked, but the articles which I found were tied up. It was a public-house in which Thurtell lodged. I went there about half-past seven in the morning. Thurtell was in bed when I first entered. There was another person in bed in the room, but not in the same bed with Thurtell. Thurtell made no resistance.

Cross-examined by Mr. Thessiger. I did not search Hunt's apartment on the day when I apprehended him. When I went on the following day his wife was not at home, and I broke the door of his room open. All the articles which the witness stated that he had found in the lodgings of Hunt and Thurtell were produced by him, and left in court.

HENRY SIMMONS examined by Mr. Broderick. I am the constable of Watford. [He produced a pocket pistol.] It was given me by Mr. Nicholls of Battler's Green. It was stained as it is now, with the pan down. Besides the blood, there was hair upon it: there is now. There was a piece of tow in the muzzle as there is now. I have a small knife. [He produced it.] He had it from Mr. Nicholls. I have a red shawl handkerchief. [He produced it.] I received it from Dr. Pidcock, the younger, on the 31st of October. I have a gold curb watch-chain. [He produced it in a box.] I received it from Mrs. Probert, on the 15th November, in the evening. I received a sack from Robert Field, landlord of the Artichoke. [Produced it]. On the 24th November I received another from William Bulmer; a piece of a shirt I have, I received from Mr. Thomas Bates; I received these various articles in the presence of the Magistrates, and have kept them ever since.

The various articles mentioned by this witness were handed by him to the officer. The greatest anxiety was shewn by the learned Judge, that the hair and blood on the fatal pistol should not be disturbed before they were shown to the Jury. I received also, on the 30th of November, a part of a coat and a handkerchief from George Jones.

#### PROBERT

was the next witness called.—The mention of his name created a great sensation. He was brought through the dock, and passed the prisoners. Thurtell scarcely looked at him; but to Hunt he was an object of greater attention. He eyed him with earnestness,

and during the first part of his examination stood up in the dock.

William Probert, examined by Mr. Gurney. I have occupied a cottage in Gill's-hill-lane, near the village of Elstree. I occupied it for about six months before October last. My family usually consisted of Mrs. Probert, her two sisters, the Misses Noyes, my children, myself, a female servant, and a boy. In the month of October, only one of the Misses Noyes was at the cottage; but there were some children of Thomas Thurtell. None of my own children were there at that time. I have been acquainted with John Thurtell for some time past. He has often been with me to my cottage, and has been sporting about the place. He knew the road to the cottage very well, and all the roads about the neighbourhood. Gill's-hill-lane turns out of the high road to St. Alban's, at Radlett, about a quarter of a mile. The nearest road to the cottage from London would be along the high road as far as Radlett, and then to turn down Gill's-hill-lane. My cottage is 14 miles and a quarter from Tyburn-turnpike. In the latter end of October, and in the week when this business took place, John Thurtell lodged at Mr. Tetsall's in Conduit-street. His brother Thomas lodged there also. I did not introduce them to Tetsall. I met them there. On Friday, the 24th of October, I dined at Tetsall's with Thomas and John Thurtell, and Thomas Noyes. Four days previous to the 24th, I borrowed 10*l.* of John Thurtell. At the time I borrowed the money, he said, "You must let me have it back on the Thursday or Friday." On Thursday, when I saw him at Tetsall's, he asked me whether I had the 10*l.* for him. I said that I had not been able to collect it. He said, "I told you that I should want the money to-day or to-morrow, and it will be three hundred pounds out of my pocket; but if you let me have it to-morrow, it will answer the same purpose." On the next day, Friday, I paid him five pounds which I had borrowed of Tetsall.

This was after dinner. He then said, "I think I shall go down to your cottage to-night; are you going down? I said, "Yes." He said, "Then you can drive Hunt down." I answered, "Yes." He said, "I expect a friend to meet me a little before five; if he should come, I will take him down to the cottage with me; and if I have an opportunity, I may do him, for he is a man that has robbed me of several hundreds." He also said, "I have told Hunt where to stop. I shall want him about a mile and a half beyond Elstree, to wait for me." He added, "For fear you should not go down to the cottage, give Hunt a pound." I did, in consequence, give Hunt twenty shillings. Thurtell said to Hunt, who had just come into the room, "Joe, there is a pound; if Probert don't come down, hire a horse; you know where to stop for me." I do not know that Hunt made any answer. Thurtell left the Coach and Horses almost immediately after this conversation, in a horse and gig. It was a gray horse with a white face. I believe Hunt brought the gig to the house. I think that Thurtell left the Coach and Horses a little after five o'clock. I afterwards set off in my own gig, and took Hunt with me. When we got to the middle of Oxford-street, Hunt got out of the gig at my request to purchase a loin of pork for supper. When we came to the end of Oxford-street, Hunt said, "This is the place where Jack is to take up somebody." We overtook Thurtell about four miles out of town. Hunt suddenly said, "Here they are; drive by and take no notice." He also said, "It is all right; Jack has got him." There were two persons in the gig, Thurtell and another. I passed the gig, and did not speak to Thurtell or his companion. I stopped at a public-house called the "Bald-faced Stag," about two miles on the London side of Edgware, at about a quarter to seven. When Hunt said on passing the gig that all was right, I asked what was the name of the person with Thurtell. Hunt said, "You never saw him,

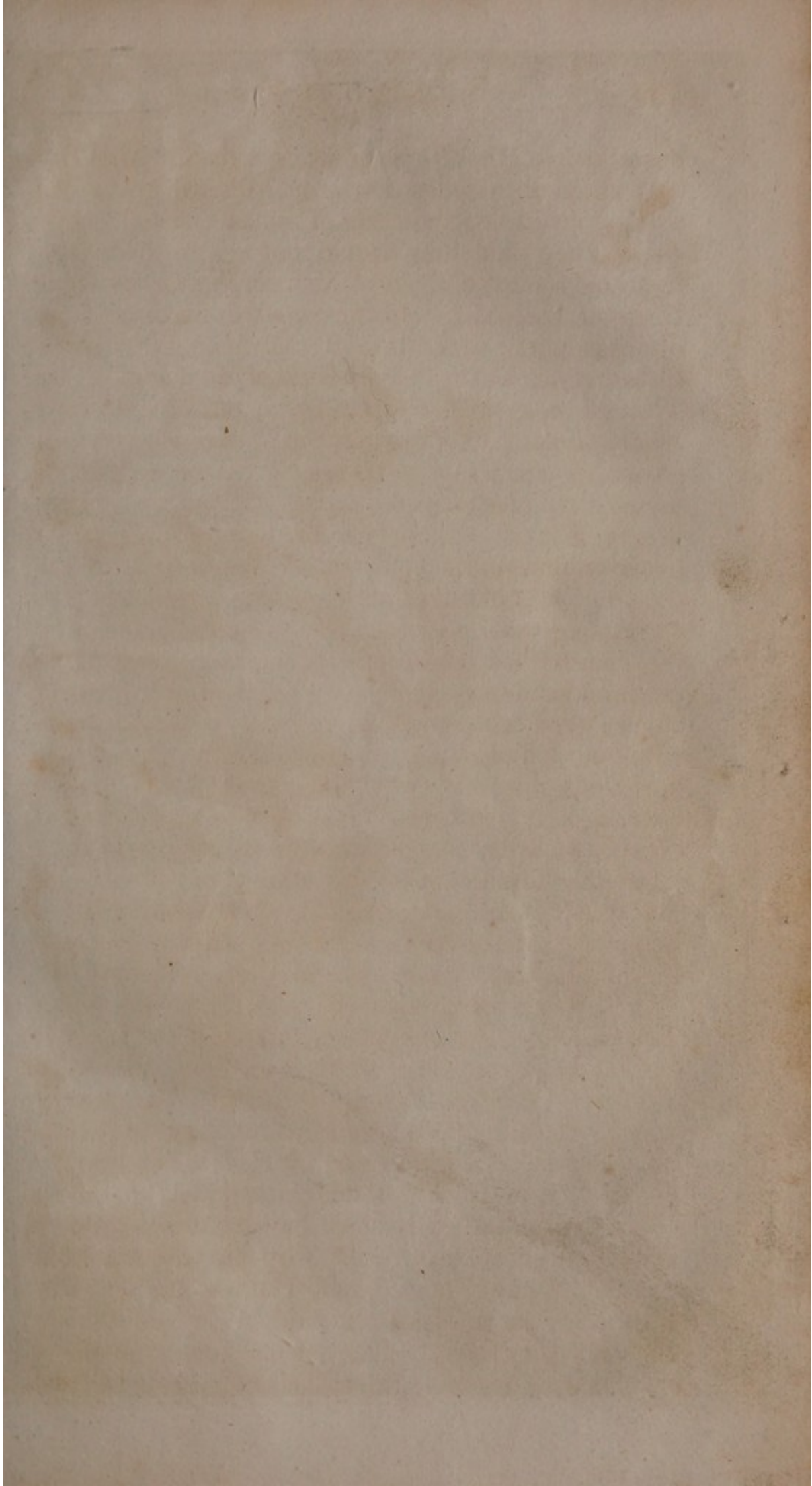
and do not know his name." I got out at the "Bald-faced Stag," and had some spirits. I have been a dealer in spirits. Hunt did not go in, but walked on. He said that he would not go in, because he had not returned the horse-cloth which he had borrowed of the landlord. I drove on and overtook Hunt near Edgeware. I took him into the gig, and we stopped at a Mr. Clark's, the Red Lion Inn, at Edgeware. We went into the bar, and took a glass of brandy and water. We stopped about ten minutes at Mr. Clark's. We stopped again in Edgeware, and I bought half a bushel of corn in a sack. It was then about half-past seven. Hunt said that he wondered where Thurtell was; he thought that he could not have passed us. We then drove on to the Artichoke at Elstree, and I think we got there at about ten minutes before eight o'clock. We sat in the gig, and had about four or five glasses of brandy and water. We were waiting for the express purpose of seeing John Thurtell. We stopped about three quarters of an hour at the Artichoke. At last we heard the sound of a horse and chaise, and started. We went about a mile and a half, till we came to Mr. Phillimore's lodge, Hunt then got out of the gig, and said, "I shall wait here for John Thurtell." I drove on through Radlett towards my own cottage. When I came within about one hundred yards of my cottage, John Thurtell met me; he was on foot and alone. He said, "Holla! where's Hunt?" I told him that I had left Hunt waiting for him near Mr. Phillimore's lodge. Thurtell said, "I don't want him now, for I have done the trick." He afterwards said he had killed his friend that he had brought down with him, and rid the country of a villain who had robbed him of 300l. or 400l. I said, "Good God! I hope you have not killed the man!" He said, "It is of no consequence to you, you do not know him, and never saw him. Do you turn back and fetch Hunt, for you know best where you left him." I re-

turned, and found Hunt near the spot where I had left him. I took him into the gig, and said, "John Thurtell is at my house, and he says that he has killed his friend." Hunt said, "Thank God, I am out of it. I am glad he has done it without me. I can't think where the devil he could pass us. I never saw him on the road any where. But I am glad I am out of it." He also said, "This is the place where we were to have done it." That was the place where he had got out of the chaise. I asked him who the person was. He said, "You do not know him, and I will not tell you his name." He added, "That it was a man who had robbed Jack of several hundred pounds, and he meant to have it back again." When I came to my cottage, John Thurtell was standing at the gate; we drove in, and Hunt said, "Thurtell, where could you pass me?" Thurtell said, "It does not matter where I passed you, I have done the trick, I have done it." Thurtell said, "Why the devil did you let Probert stop drinking at his d—d public houses, when you knew what was to be done?" Hunt replied, "I made sure that you were behind; else we should not have stopped. I took the loin of pork into the kitchen, and gave it to the servant to cook. I then went into the parlour, and introduced Hunt to Mrs. Probert. Hunt never had been at the cottage before. We went out together. First we went to the stable. John Thurtell said, "Now I'll take you down to where he lies." I returned to the house, and told Mrs. Probert to make ready supper. I told her we were going to Nicholls's. I left Hunt and Thurtell in the yard. Thurtell took a sack and cord from his gig. We went down the lane; I carried a lantern. John Thurtell said, "I began to think Hunt would not come." I said, "We should have been in time, but we made sure you were behind." I walked foremost. Thurtell said, when we were a little further on, "It is just by the second turning." He then said, "This is the place." He

began to kick the leaves about to look for the pistol and knife. Neither of us could find either of them. We then got over the hedge, and found the body lying. The head was wrapped up in some sort of a shawl (something like that produced.) Thurtell began to search the pockets, and took out a pocket-book, in which were three 5l. notes, a memorandum book, and some silver. No watch or purse. Thurtell said, "This is all he has got. I took the watch and purse when I killed him." We put the body in the sack head foremost. I can't say how low in the sack it came down; he tied it with a cord. It was the sack Thurtell took out of his gig. I can't say if the cord was in the sack or separate when he took it out of his gig. We left the body in the field. We went towards home. Thurtell said, "When I first shot him, he jumped out of the gig, ran like the devil up the lane, singing out that he would deliver all he had won of me if I would only spare his life." I know Thurtell has been in the navy; the term singing out may be used in the navy. "I jumped out of the gig, and ran after him. I got him down, and began to cut his throat, as I thought, about the jugular vein, but could not stop his singing out. I then jammed the pistol into his head. I saw him turn round; then I knew I had done him. Joe, you ought to have been with me, for I thought at one time he would have got the better of me. Those damned pistols are like spits; they are of no use." Hunt said, "I should have been there, but we thought you were behind. I should have thought one of those pistols would have killed him dead; but you had plenty of tools." We returned to the house, and supped. After supper, Thurtell produced a gold watch, in a very handsome double case, I believe. I can't answer exactly. It had a gold chain (like the one produced) attached to the watch. He offered to make Mrs. Probert a present of it. She was sometime before she accepted it. The watch he returned to his waistcoat-pocket with the seals. I had one



spare bed. Miss Noyes slept in it then. Mrs. Probert asked them when they would like to go to bed, as they could sleep with Mr. Thomas Thurtell's children. They said they would not go to bed; they were very much obliged to Mrs. Probert, they would sleep on the sofa. Hunt sang two or three songs after supper. Mrs. Probert and Miss Noyes went to bed about half-past twelve, at the outside. Then Thurtell took out the pocket-book, purse, and memorandum-book; there were some sovereigns in the purse. I can't say how many. He gave Hunt and myself six pounds a-piece, saying, "That's your share of the blunt." There were several papers in the pocket and memorandum books; they were all burnt; the purse was burnt; both the books were burnt; the carpet bag was opened; Thurtell said it belonged to the man he had murdered; it contained wearing apparel and shooting gear; two or three silk handkerchiefs were left out of it. There was a backgammon-board, dice, and cards (identifies them), a double-barrelled gun; I don't remember that it had a covering; it was taken out of a case and looked at. Next day every thing was taken away by Thurtell. After this Thurtell proposed something else to me. He said "I mean to have Barber Beaumont and Woods." Mr. Barber Beaumont is an officer of a fire-office, with whom he had some controversy; Woods keeps company with Mrs. Probert's sister. This was the general conversation: there might be more names mentioned. Thurtell said, "Joe, we must now go out and fetch the body, and put it in the pond." I said, "You shall not put it in the pond, it may ruin us." Thurtell said "Had it not been for the mistake of Hunt I should have killed him in the other lane, and then I should have returned to town, and inquired of his friends why he had not come down." Only Thurtell and Hunt went out first. When they came back, they said, "He is too heavy; we can't carry him." They were gone a quarter of an hour. They said they had only brought him a





little way. Thurtell said, "Will you go along with me, Probert? I'll put the bridle on my horse and fetch him." I went with him to the stable, and left Hunt somewhere about the gate. We took the gray horse (Thurtell's); we went to the body, and brought it away on the horse, to Mr. Wardell's field, near my garden-gate. Hunt took the horse back to the stable, and came back to the garden. We dragged the body through my garden down to the pond; we put a few stones in the sack, and threw the body into the pond. I don't think we had a lantern; I can't say what we had done with it. The feet were perhaps half above the water. Thurtell took a piece of cord and threw it round the feet; then he gave me the other end; I dragged it to the middle of the pond. We all three returned to the cottage. I found my wife up. Next morning I came down about nine o'clock. Thurtell said, while Hunt was present, "Probert, you must go and look for that knife and pistol." I promised that I would. I did so. When I went down the lane, I saw a man at work near the spot. I could not search then, and returned to the house. That morning they went away in the gig, and took the things with them. On Sunday they came down again. John Thurtell and Hunt were in one gig; Thomas Thurtell and Noyes in another. They arrived at about twelve o'clock. Hunt brought a bundle of clothes, a newspaper, and a spade. He said the spade was to bury the deceased. Thomas Thurtell arrived first, and went up the lane to meet John Thurtell in the other gig. Hunt was very dirty when he got down. He asked for a room to change himself. He went up stairs. When he came down, he was dressed very well; he had almost new clothes. I learnt from Hunt that they belonged to the deceased. Hunt told me he had brought down a spade, and thrown it over the hedge into my garden. I went to look, and saw it there. He said it was to bury the body. After John Thurtell arrived, I walked with him in the garden, and he asked me if the body rose?

I said no ; it would lie there a month. In the afternoon Mr. Heward called ; I went with him to Mr. Nicholls's. After I returned, I told Thurtell and Hunt something that Nicholls said to me ; that Nicholls had informed me some one had fired a gun off in Gill's-hill-lane on Friday night, and that there were cries of " Murder," as though some one had been killed. That I had asked what time, and that Nicholls said, about eight o'clock ; that I had said, " I suppose some of your friends wanted to frighten you, Sir." Thurtell said, " Then I'm baked." I said, " I am afraid it's a bad job, for Mr. Nicholls seems to know all about it. I am very sorry it ever happened here. I'm afraid it will be my ruin." Thurtell said, " Never mind, Probert, they can do nothing with you." I said, " The body must be immediately taken up from my pond, John." He said, " I'll tell you what I'll do—when they are all gone to bed, you and I'll take and bury him." I told him that would be as bad, if they buried him in the garden. John Thurtell then said, " I'll bury him where you nor no one else can find him." Hunt said, " Probert, they can do nothing with you, or me either, because neither of us was at the murder." Hunt and Thurtell sat up all night. I went to bed. Noyes and Thomas Thurtell went to bed. Thomas Thurtell slept with his children. In the morning John Thurtell and Hunt said they were going to dig a grave for the body ; but the dogs had been barking all night ; they thought that some one was passing. Thurtell said, " Joe will come down to-night, and take him away ; that will be the better for you altogether. Thomas Thurtell and Hunt went first. My boy, Addis, went with them in one chaise ; John Thurtell, Thomas Noyes, and Miss Noyes, in the other. I had no use for that boy in London. He was sent that he might not be in the way to answer any questions. John Thurtell and Hunt came down that evening in a gig. We took supper ; I think at about nine o'clock. After supper John Thurtell

and I went to the stable, leaving Hunt talking with Mrs. Probert. John Thurtell said, "Now you and I'll go and get the body up; leave him talking with Mrs. Probert, then she'll not suspect any thing." We went to the pond, got the body, took it out of the sack, and cut the clothes off. We left the body naked on the green sward, then returned to the parlour, and told Hunt that the horse and gig was ready; it was not so. We came out and went to the stable, John Thurtell went to his gig, took out a new sack, and some cord. We all three returned to the pond, put the body into the sack head foremost, and carried it up to the garden-gate. Left Hunt waiting with the body. John Thurtell and I went round to the pond. We carried the bundle of clothes, and threw them into the gig. John Thurtell said, "Better leave the clothes here, Probert; there won't be room for them." We took the horse and chaise lower down towards the garden-gate, and put the body into the gig. Then I left them. They wanted me to settle the body more in the gig. I would not; I returned to Mrs. Probert. I went out afterwards to destroy the clothes. I cut them into pieces; some I burnt; some pieces I threw about in the hedges. I did not put any thing into the dung heap. I was taken into custody the day after they left my house.

Cross-examined by Mr. Andrews. I do not know who apprehended me. When I was taken, I did not express any desire to become witness; I cannot say when I first expressed a desire to become a witness. It was after Hunt had made a confession. I can't say whether I was asked to become a witness before or after Hunt's confession. I heard that Hunt had made a confession, but I don't recollect from whom. The first I heard of my becoming a witness was when I was taken before the Grand Jury by Mr. Williams, to the best of my recollection. Before that, I expected that we were all to be tried; I did not know what was to become of us; I did not know what was to be done to me. I took no pains to become a

witness before being taken before the Grand Jury ; I have never seen Mrs. Probert since I left my own house when I was arrested ; I don't know of my own knowledge that Mrs. Probert is now here ; I was told so by Mr. Williams, my solicitor ; I have had no other solicitor in this transaction.

Mr. Andrews. Has not a Mr. Noel been your solicitor ?—I am sorry to say that he has.

How long did he act in that capacity ?—For a few months in the year 1819.

Has he not acted as your solicitor since that period ?—Not that I recollect.

Had you no communication with him in 1823 ?—Not that I recollect ; but I cannot swear that I have not.

You say you heard that some injury was intended to certain persons, and yet you gave no alarm ?—I did hear that at my cottage, but I did not believe it.

You must have believed it when you heard of the murder ; and, when you saw the dead body brought to your house, did not you give any alarm then ?—I did not.

You received the parties into your house after the transaction ?—I did.

You supped with them and breakfasted with them in company with your wife on the following morning ?—I did.

Were you sober then ?—I was.

And yet you did not spurn them, and kick them from your house ?—I did not.

Did you tell Mrs. Probert what had happened ?—I did not.

Did not Mrs. Probert appear disturbed at what was going on ?—She did.

Did she not ask you any questions as to what was passing ?—She did.

Did you not tell her ?—I am not certain.

By the virtue of your oath, Sir, did you not tell her what occurred on Friday night ?—I can't swear positively, but I might have told her something.

Did not Mrs. Probert express uneasiness on the Saturday?—She did.

Did she not inquire who Hunt was?—No; she had heard of him often, though she had not seen him.

At what time did you come down on Saturday morning?—Between eight and nine.

Will you swear, upon your oath, that you did not come down at six o'clock on that morning?—Certainly, I can swear that I did not.

Will you swear it was after eight when you came down?—I will not; but to the best of my recollection it was between eight and nine.

What did you do when you came down?—I went to the stable, or perhaps into the garden.

Did you go down the lane?—I did not.

What sort of hat did you wear on that occasion?—I think a black hat, such as I generally wear.

Did you not wear a white hat?—I can't say. I think not.

Did you see your wife receive a gold chain from J. Thurtell?—I did.

Did she wear it on the Saturday?—I did not see her wear it on the Saturday.

Did she, when she received it, put it on herself, or did Thurtell put it on?—I can't state that, but I think she put it on herself; I saw Thurtell rise when he presented it to her.

Did Mrs. Probert express any uneasiness on the Sunday?—I think she did.

When Thurtell produced the sack and cord on Friday night where was the boy?—I think in the kitchen.

Where was the sack before Thurtell produced it?—I don't know; I never saw it before.

Will you swear you had not seen it before J. Thurtell said, "I'll go and fetch the sack and cord?"—I will.

Did not the boy tell you where it was?—No.

Who was in the stable when the horse was taken out to fetch the body?—I don't recollect.



Where was the boy then?—I think in bed; he slept in the room over mine.

Were you ever in difficulties before this?—I have.

Were you ever in such a scrape as this before?—Never.

Had you never a charge of felony preferred against you before this?—I had.

Where was that?—In the King's Bench prison.

What was the nature of that charge?—I was accused of taking some silver from the till of the man who kept the coffee-house, and who owed me 100*l.* at the time.

What was the consequence of that charge?—I was sent for six months to the house of correction.

Was that the only charge of felony ever made against you?—Yes; the only one.

Were you never in Hereford?—Yes, I was born there.

Were you never charged with sheep-stealing there?—Never.

Well, perhaps it was lamb-stealing?—No, I was never charged with either.

Come, Sir, you know what I mean by charged; were you never accused of such a crime there?—Never.

Then the accusation is quite new to you?—It is.

Then what was the charge against you?—I had bought some skins, which were afterwards owned.

Oh, then you were accused as a receiver of stolen goods?—I was not.

Were you not taken before a magistrate?—No.

Were the goods not taken away?—They were not.

I understand you have passed much of your time in prison?—I have been in the King's Bench prison, and in the Rules, between two and three years.

Mr. Justice PARK. Were you imprisoned in the King's Bench on civil suits?—Yes, my Lord.

Mr. ANDREWS. Well; you have been in the House of Correction and in the King's Bench prison; are these all?—Yes.

Do you know Mr. Framstone?—I do.

Now, sir, having given you that name, I ask you, on your oath, were you not committed by that gentleman for refusing to answer certain questions before the Commissioners of Bankrupts?—Yes; I was committed to the King's Bench prison.

Mr. Justice PARK: I thought you were going to establish a new imprisonment: he has already told us he has been in the King's Bench Prison.

In answer to further questions he deposed as follows:—I have been a bankrupt. No dividend has been paid out of my estate. I was frequently remanded by the Commissioners. I have lived only six months at the cottage. I lived with my brother-in-law in the Strand. We were not partners, but did business together. It was a large gray horse that was employed the night of the murder. It was in my stable at night. Mr. Hunt had a white hat and black handkerchief on the Friday night. Had heard of the transaction of the Insurance Office; and yet subsequently introduced Thurtell to my wife. Thurtell was making love to Mrs. Probert's sister also: a love, however, that would come to nothing. I thought John Thurtell's saying it was mere idle bravado. I do not know Mr. Beaumont, to my knowledge. I never mentioned it to any person. No one was present, save Hunt and Thurtell, when the money taken from the body was distributed. I did not see any cards played at my house, either on the Friday, Saturday, or Sunday nights. I do not believe my wife played cards on Sunday. I never, to my knowledge, saw my wife play at cards. I never heard any person say it was a bad example to children. I have lived in London eleven years; I transacted business in Herefordshire also.

Cross-examined by Mr. Thessiger. I had known

Hunt twelve months ; I have been in his company several times ; I was the person who introduced Hunt to Thurtell, about six or seven months ago at the Cock ; I do not recollect inviting Hunt to Gill's Hill Cottage ; I believe Thurtell asked me to drive Hunt down to Gill's Hill Cottage ; I did not say there was no spare bed at my house ; I expressed no surprise at Hunt's going down uninvited to Gill's Hill Cottage, he not having been personally introduced to Mrs. Probert. Hunt paid for the pork in Oxford-street ; I have never paid him for it since ; it was only eighteen pence ; I had three or four pounds in my pocket when I borrowed the five pounds from Tetsall. I am not certain what I might have said when Hunt said at the gate, "Take no notice, and drive on." Hunt had never been at Gill's Hill Cottage before. Phillimore Lodge is in the high road, a mile and a half beyond Elstree, towards St. Alban's. Hunt paid for four or five glasses of brandy and water, and I paid for the one I had Edgeware ; there were two or three handkerchiefs, and I burnt the mark out of one of them. Up to the day I went before the Grand Jury, I said to Mr. Franklin, the Chaplain, myself and Hunt were innocent of the murder. The exact words were, very likely, that neither of us knew any thing about the murder till after it was done. I was convicted of a felony before I was sent to Brixton.

By Mr. Gurney. On the Sunday evening that I went to Mr. Nicholls's I remained out two hours and a half ; Hunt and I were prisoners when I had the conversation with Mr. Franklin.

By the Court—When I spoke to my wife about netting, it was to satisfy her, as she was in a passion, and asked, "What have you been doing, you three ? You have been counting money, burning papers, and dragging something heavy across the ground." I did not observe whether the windows of Mrs. Probert's room were open or not.

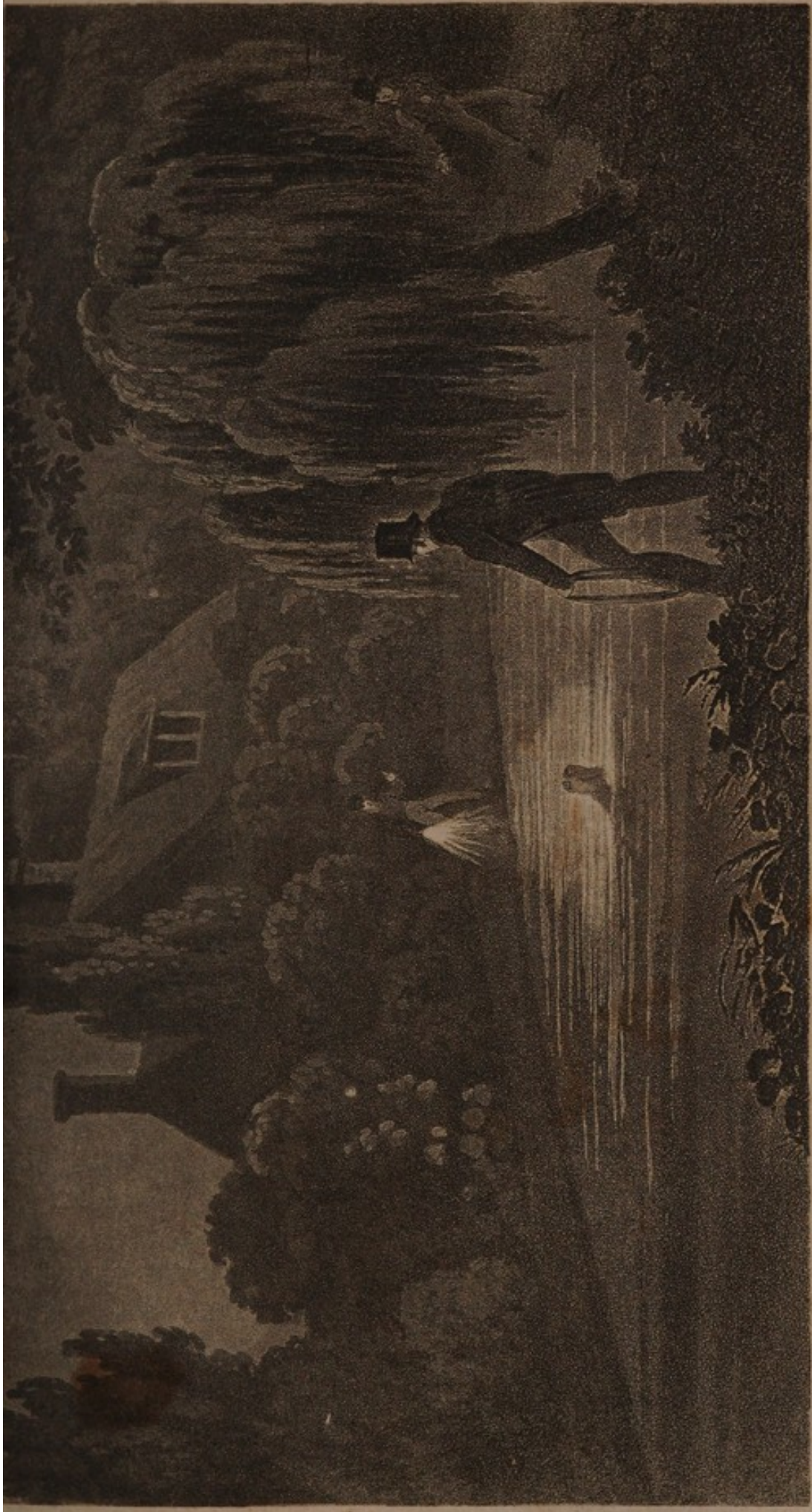
The Jury now withdrew for a short time, and on their return,

Mrs. PROBERT

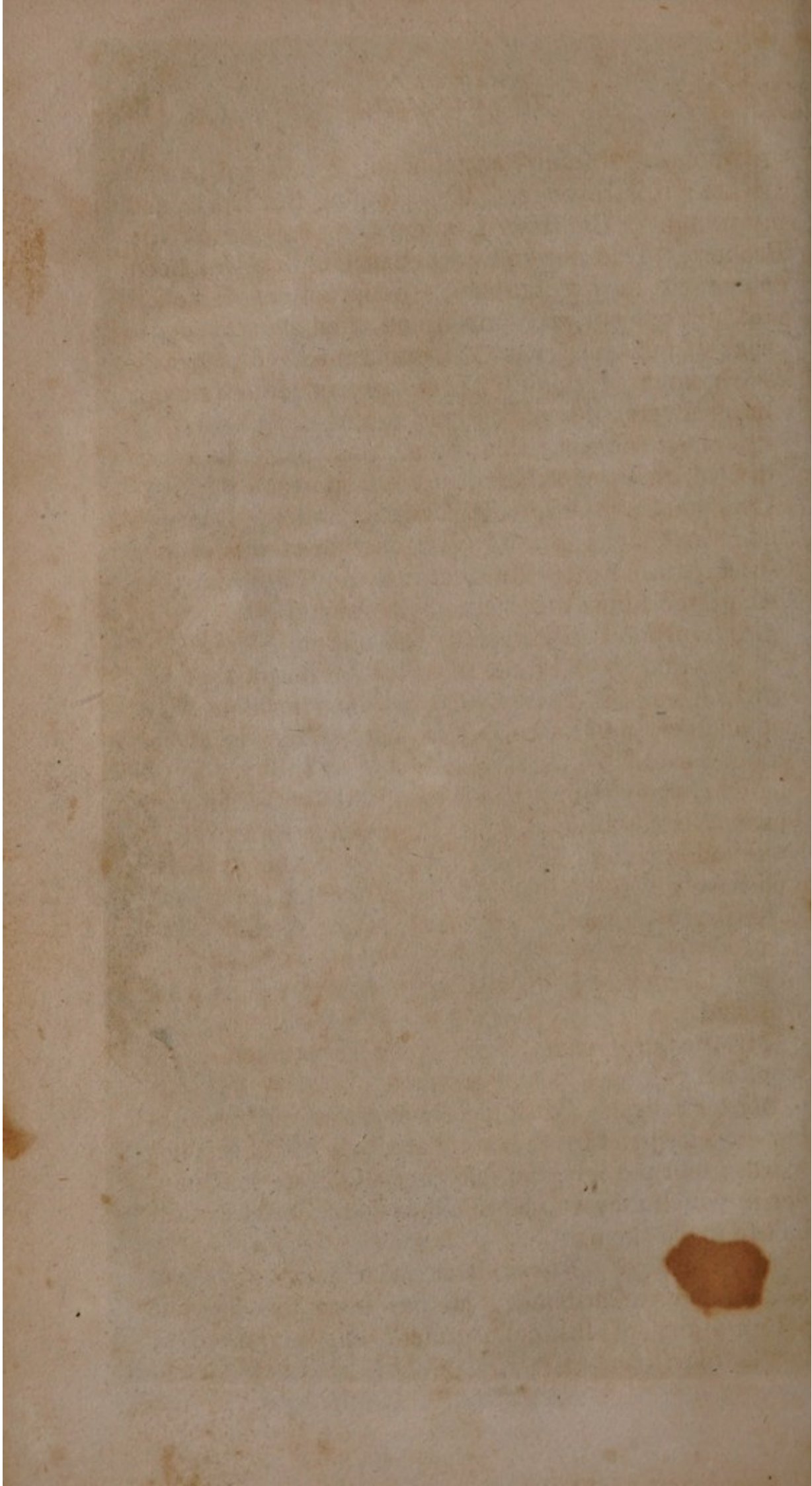
was called into Court, and examined by Mr. Gurney. She was indulged with a seat. Her voice was extremely low, and she explained that she suffered under a severe hoarseness. Mr. Gurney kindly repeated her evidence, which was to the following effect:—

I remember the night of the 24th of October, when John Thurtell, Hunt, and Probert came to the cottage. I remember also, very well, hearing the sound of a gig passing the cottage that night. I think this was about eight o'clock or near it, as well as I recollect. It was nearly an hour after that I heard a ringing at the bell, but I cannot exactly remember. No one entered my house immediately after this ringing, but at about half-past nine, or near ten, my husband came in. I had been up stairs some time; when I came down, I found Mr. Probert, John Thurtell, and a stranger in the parlour. My husband introduced the stranger to me as Mr. Hunt. (The learned Counsel here said he would not trouble the witness to relate the whole particulars of the evening.) I saw John Thurtell produce on that night a gold watch with a great deal of work about it, and then a chain. It was such a chain as this—(the witness identified one which was shown to her by Mr. Gurney.) Mr. Thurtell offered to make it a present to me. At first I refused it, but at length he put it round my neck. I afterwards, having been taken into custody, gave it up with that little box (pointing to a box on the table) to the constable, in the presence of the Magistrates. John Thurtell and Hunt, and my husband sat up that night. When Miss Noyes and I went up stairs, I left in the room John Thurtell, Hunt, and Mr. Probert. I did not go to bed directly. I afterwards came upon the stairs,

and listened to what was going on in the room. I overheard them talking, as I was leaning over the balusters, but the conversation was all in a whisper. What I heard first was about trying on clothes. I heard one say, "I think that would fit you very well." but this was all in a whisper. I heard a noise like papers on the table, a rustling like; and then something like papers being thrown in the fire. I afterwards returned to my chamber, when I saw something take place out of doors. I saw two gentlemen go from this parlour to the stable; they took a light with them, and led a horse out of the stable, and opened the yard gates to let the horse out. I heard afterwards something apparently very heavy dragged from the stable to the garden. The stable is near the back gate. I could hear the substance dragging I think in the dark walk. I had a view of it as it was dragged out of the walk. The walk is just opposite the window; it seemed to me very large and very heavy. It was in a sack. The rustling I have mentioned was after this: after I had seen the sack. In the walk I saw them dragging the sack; there were two persons, I could see half way down the walk; it is quite away from the pond. I then heard a hollow noise; I can't describe it; it was like a heap of stones thrown into a pit. When I heard the whispering, the first thing, I think, was Hunt's voice, who said, "Let us take a £5. note each." I did not hear Thurtell say any thing then, but afterwards heard a voice which said, "We must say there was a hare thrown up on the cushion of the gig, of which some one made us a present coming along; we must tell the boy so in the morning." I next heard a voice, I can't say whose, say in a whisper, "We had better be off to town by four or five o'clock in the morning." John Thurtell said, "He had better not go before eight or nine o'clock;" but the parlour door was now shut. I heard, I think, John Thurtell's voice say, "Holding shall be the next." Then Hunt, I think, asked, "Has he got



POND IN PROBERT'S GARDEN.



any money?" John Thurtell said, "It is not money I want; it is revenge. It is Holding that has ruined my friend." By this, I understood he meant Mr. Probert. I do not know whether Holding had been concerned in my husband's bankruptcy. Thurtell said, "He has ruined my friend, and destroyed his peace of mind for ever." I went up to bed at nearly two o'clock, I think. After my husband came up, some conversation passed between us.

A short conversation then took place in a low tone, which was not heard in the Reporter's box, between the Counsel for the prisoners and the Learned Judge and Mr. Gurney, as to whether it was proper to ask Mrs. Probert concerning any conversation that passed between her and her husband.

Mr. Justice PARK said to Mr. Gurney, "All that you can ask, is, whether a conversation took place, in which witness communicated to her husband what she had seen and heard. You cannot ask what her husband said."

Mr. Gurney then asked the witness—"When your husband came to bed, did you mention to him what you had seen and heard, according to the evidence you have given?" Mrs. Probert, became apparently excessively agitated, and faintly articulated, "Must I answer?"

Mr. Gurney. I do not want you to tell us what was said.

Mr. Justice PARK. Pray compose yourself, good woman; you need not be alarmed.

Mrs. Probert. Must I answer questions concerning my husband? These were, we believe, her words; but the low and faltering and hysterical manner in which they were pronounced, rendered it difficult to catch them.

Mr. Gurney. No evidence you now give can prejudice your husband. He has been this day put before a jury of his countrymen, and acquitted of this murder.



Mrs. Probert, in a sobbing hysterical shriek, "Oh, has he! has he!"

Mr. Gurney repeated his question.

Mrs. Probert. Oh, I'll answer anything! but, has he been acquitted? The agitation of the witness for some time was so excessive, that she was unable to attend to the questions. She ejaculated at times a few unconnected words, in a low sobbing tone.

Mr. Justice Park. Pray compose yourself; pray, good woman. Don't be alarmed; we are not wanting you to say anything against your husband. Nothing will be drawn from you against your husband. Pray compose yourself; pray do not be alarmed.

During this scene, Hunt turned round to the persons standing by him in the dock, and smiled, as if in incredulity of Mrs. Probert's appearance of feeling. Thurtell did not change his countenance, but bent down a little, and took snuff, drawing up his brows, closing his lips firmly, with the expression of face habitual to him.

Mr. Gurney then repeated his question, and Mrs. Probert answered—Yes, I did mention to him (my husband) what I had seen and heard.

The next morning Hunt and Thurtell came and dined with us, and on the Sunday Thos. Noyes and Thos. Thurtell then also came. On the Monday night J. Thurtell and Hunt came again; it was past nine, I think, when they came. They staid to supper, and went away soon after.

Cross-examined by Mr. Platt. You affected surprise to hear that your husband was acquitted. Now did you not know that he was to be acquitted previously to his giving evidence? No [in a low tone].

Did you not hear that he was to be acquitted of the charge, provided he gave his testimony here truly? I don't recollect that I was told so.

Can you say on your oath that you were not told so? I don't know that I was.

In passing up the lane from Rablet to my cottage, there are two garden gates leading from the lane. When you pass from the lane, one gate leads to the stable, and the other leads into the garden. There is a very high fence, in which the latter gate stands, and of which it forms part. My bed-room window was on that side of the house that looked towards this fence. I do not mean to say that it is possible to discern any thing in the stable looking from my window. It is not possible to see the door-way. I could not discern it. I could not exactly see the door, but I could see the horse as soon as it came out. I think in the day-time the door might be seen. The night of the 24th was a very fine moon-light night. There was but one sitting-room in our house. The persons I saw in the garden were, I rather think, Thurtell and Hunt. The short man was Hunt. He was dragging the weight across the garden. I could not say as to the other. I was on the landing-place when I heard the conversation. It was for the most part in a whisper. There was a great deal of whispering, which I did not distinctly hear. I could not hear it all. I thought I knew the voices, but could not be positive. I thought I heard my husband whisper, but he whispered so low that I could not hear what he said. I cannot say positively. My husband gave me no money before he left me. He did not give me 23/. He did not tell me what to say here. I do not know that John Thurtell knew Holding. My husband knew him. I never saw Holding and John Thurtell together. I do not know that Holding held my husband's property when he was in difficulties. It was after 12 when Miss Noyes and I went up stairs. I cannot say what time it was when I saw the horse coming from the stable. It was a few minutes after I went up stairs. I heard the parlour-door open. It was a glass-door. Soon after I saw them go to the stable, and the horse was brought out. They had a light. The short man had the light. I heard no noise in the stable, but I heard

no noise in the stable after. I rather think the light remained after the horse was brought out. I did not hear any one go out before this. I think I heard some one go to the kitchen before any one went out with the light. I kept a store for potatoes on the premises. There was a hole made for them, and they were covered over. I went out on the Saturday. I did not observe the pond particularly. I did not go near it. I cannot say whether it was so shallow that I could see the bottom. I seldom went to look at the fishes there. I did not go out to see it on Sunday or Monday. One of the walks in the garden is a dark walk. It is immediately on the right as you enter the garden. There are many shrubs there on both sides, but they are very short. It was in the dark walk I first heard the noise, and afterwards I saw something heavy moving along, or dragged along in that direction. This was opposite the window. That path led to the pond. I did not see my husband in the garden when I looked out of the window.

Cross-examined by Mr. Thessiger.—I did not expect my husband on that night. It was uncertain what time he should arrive. My husband went from home on the Monday before that. I had not seen Hunt before that day. I was then introduced to him for the first time. My husband did not say he (Hunt) was the good singer of whom I had often heard. There was singing on the Friday night. Hunt sang two songs on that night. It was not by my husband's desire that Hunt sung. John Thurtell asked him once, and I asked him the second time. I pressed him to sing the second time. There were no card playing that night. It was after supper Thurtell gave me the chain. It was before the singing. I did not attempt to return the chain on the Sunday. There were cards played on the Sunday. I did not introduce them. The cards were played in my husband's absence. He did not come back before the playing was over. I did not play. I think my hus-

band was not present when the cards were played. I rather think not. It is possible he might have come in before they were over. I am certain my husband did not play. I cannot remember who played. I did not hear John Thurtell remonstrate against the cards as a bad example to the children. Mr. Noyes came on Sunday. I did not tell him about what I saw, or about the gold chain.

### THOMAS THURTELL

was next called. The moment he appeared in the witness box every eye was turned towards his brother in the dock. The prisoner Thurtell looked upon him with the same apparent indifference with which he had viewed the other witnesses. He took up his pen, and began to make arrangements for continuing to take notes as before. The witness at first seemed somewhat agitated, but after a few minutes he regained his composure.

Thomas Thurtell examined by Mr. Gurney.—I was at Tetsall's on Friday, the 24th of October. Hunt and my brother John dined there. I remember that some time after dinner Hunt was away for a time. I rather think he brought a sack with him, and I think a gig to the door. He did not say any thing to my knowledge. The witness was desired to recollect himself, but he persisted in the same answer. The horse in the gig was a gray horse. My brother went away in the gig.

Here the witness begged the Court to think of the distressing situation in which he stood. Mr. Justice Park said the Court felt every thing for the situation of the witness, but justice required that he should answer the questions put to him. No doubt they would be put with every feeling for his situation. The examination was then continued.

My brother went away in Probert's gig.

By Mr. Gurney.—Upon your oath did you not

hear Hunt make some observations to Probert before dinner?

There were some made, but I can't now recollect what they were. I saw some pistols, two large pistols, in the room. I think I heard Hunt say to Probert "Bill, will you be in it? or something to that effect. On the next day I saw Hunt. He asked me if I wanted money? I think he named twenty pounds or something thereabouts. He did not say how he came by such money. I saw some considerable sum with him, and I was surprised to see it with him. He said they had been drawing game, or netting game.

Did he say what he meant?—Did he explain?—The witness hesitated to answer.

Mr. Justice PARK (to the witness).—I now feel it my duty, Sir, to caution you as to your answers. I have before me the statements you made in your examination before the magistrates, and I caution you to answer strictly to the questions proposed. The Court considers your situation, but justice must be done. After this, I trust I shall not have occasion to say more or to exercise the power with which I am invested. The examination was then continued.

The word "Turpin" was used by Hunt. I think he said "We Turpin lads, or boys, can do it," or something to that effect. Hunt afterwards said he had been killing game and Probert holding the bag. The word "murder" was used in joke. Hunt said he committed murder, or something to that effect. The words were "We have been committing murder to be sure," but this was in joke. This was in answer to a question from me, as to what they had been doing. I went down to Probert's on Sunday. I walked to Maida-hill. Hunt and my brother took me up there in a gig. There was a spade in the gig. It was a new spade. It was thrown over the garden wall by Hunt. I said he had better take it farther, and he said, "No, I know what I am about." He

said he did not wish Probert's wife to know it, or something of that kind.

Cross-examined by Mr. Thessiger.—The conversation about Turpin, &c., was after dinner. We had not drank much. Hunt said that Probert said he did not wish his wife to know that he had been expensive. I was at Probert's on the Sunday night. Cards were introduced. I can't be certain, but I think all the parties were present when they were introduced.

### THOMAS NOYES

was the next witness called. He was examined by Mr. Bolland. I am a wine merchant; I know Mr. Tetsall, Thomas Thurtell, and the prisoners. On Friday, the 24th of October, I dined with them at Tetsall's; Probert borrowed some money of Mr. Tetsall, for the purpose of paying it over to John Thurtell. John Thurtell went away in a gig; it was an iron grey horse; he was alone; Hunt and Mr. Probert also went away in Probert's gig; I saw some of them again on the Saturday morning, at Tetsall's; I saw John Thurtell, Hunt, and Thomas Thurtell; I went down to my brother-in-law's cottage on Sunday; I walked, and the two Thurtells and Hunt overtook me in a gig; John Thurtell alighted, and walked with me; Thomas Thurtell went on with Hunt. I was afterwards met by Thomas Thurtell in a gig at Brockley Hill. He came to meet us in a gig. On the Sunday evening in question, at Gill's Hill, cards were introduced. John Thurtell, Thomas Thurtell, Hunt, and myself played at Whist. Probert went out. We did not play the game out. Probert was absent a quarter of an hour. On that night Thurtell and Hunt sat up. I left the cottage on Monday, after two; my sister and John Thurtell were of the party. The others went away in the morning.

Cross-examined by Mr. Chitty. When they played cards on the Sunday, John Thurtell threw the

cards up, and said he could not play such cards, they ran cross. There was nothing said about the children.

### MISS ANNE NOYES

was then called and examined by Mr. Broderick. She was at first a good deal agitated, and was accommodated with a chair.

I was at Probert's cottage on Friday the 24th of October.—About eight o'clock I heard a gig passing. I heard a ring at the bell about half-past nine; during the evening John Thurtell, Hunt, and Probert came into the room; Thurtell had a black coat on. I knew that Probert had a white hat, which was kept in the hall. None of the three had a white hat that evening. They had a little brandy, and I rather think that John Thurtell proposed to go to Mr. Nicholls's to ask for a day's shooting. They all went, and returned about eleven; when they came back, they mentioned that Mr. Nicholls was not at home. They had supper; I did not sup with them. I saw a gold watch that Thurtell had; he took it out of his pocket; it had a chain. It was a hunting watch. Thurtell took the chain off, and gave it to Mrs. Probert; he proposed that Probert should give it to her first; but on Probert declining, he put it round her neck himself. The chain produced she believed to be the same; there was some singing that night; Hunt sung; soon after I went to bed. I did not come down the next morning till after breakfast. I saw Hunt and Thurtell go out at half-past nine. On the Sunday morning, John Thurtell, Thomas Thurtell, and Hunt came down. I believe Hunt's dress was changed after he came to our house. When the dress was changed he had on a black coat and waistcoat, and, I rather think, a white handkerchief. John Thurtell said, "How smart Hunt is dressed to day." Hunt had rather dark

whiskers. During the day the word "Turpin" was used. John Thurtell said that Probert would not do for a Turpin. There were cards played that evening. I saw Mr. Heward on Sunday. Probert went out on the Sunday evening. I went up with Thurtell the next day. I saw a knife in John Thurtell's possession.

The knife produced by the constable was handed to the witness: it was the one found in the lane.

Examination continued. The knife she saw with John Thurtell was very like this.

Cross-examined by Mr. Andrews. I slept in a room very near where Probert slept; I did not hear him get up that morning; I have seen Mr. Probert in a white hat and a black hat; the hall was the passage leading into the parlour from the kitchen; I did not see Probert go out on the Saturday; John Thurtell had been often at the cottage before; he slept there several times, and did not always sleep on the sofa; I can swear he once slept nearly a week at the cottage; he slept alone.

Cross-examined by Mr. Thessiger. I was present when Hunt was introduced to Mrs. Probert; Probert did not say he was the singer he had often talked about; Probert did say that Hunt was a good singer. This was before he sung after supper. Mrs. Probert said he was not so good a one as, from the reports she had heard, she expected to find him.

CHARLES TETSALL, examined by Mr. Bolland.—I keep the Coach and Horses, in Conduit-street. Since the 21st of October, Probert, Hunt, and Thurtell have frequented my house. I recollect that on the 24th of October the two Thurtells, Hunt, and Probert dined at my house. Probert, then asked me to lend him five pounds. I don't know what he did with it. I did not see them go away, and don't know when they did go.

Cross-examined by Mr. Thessiger. The two Thurtells were introduced to me by Probert, who told me that they were anxious to keep out of the way.



Re-examined. Hunt's whiskers about the 21st were very large. I observed that on the Monday after the 24th they were shaved off. On the Sunday after the Friday of the murder, I observed Hunt and Thurtell at my house. John Thurtell was dressed in leather breeches, long gaiters, and drab waistcoat. He went, with his shirt neck open, across the street to get shaved. I never saw him in those clothes before. At that time Hunt was with him; he was dressed in black and very indifferently. They went away about half-past ten. I put into the gig in which they went, a piece of beef. I saw a shovel in the gig.

By Mr. Thessiger. If Probert swore that he did not introduce the Thurtells to me, he swore falsely, for he repeatedly applied to me to become a bondsman for them.

Mr. Justice PARK observed, that Probert had not sworn as the learned counsel seemed, from his cross-examination, to suppose.

WILLIAM REXWORTHY, examined by Mr. Bolland. I knew Weare for about sixteen years. I always considered him a man of property. I have seen him repeatedly put his hand to his flannel shirt, and take out large sums of money. I believe that he usually kept his money next to his skin. I have seen Thurtell, Hunt, and Weare together. I saw them together about ten days before the murder. The last time I saw them together was on the Thursday before the Friday of the murder, about nine o'clock in the evening, in my own house. I did not hear any thing pass between them, as I left the room on their entering into conversation. On the morning of the Friday Mr. Weare called on me between one and two o'clock; I saw him. After some conversation he left me. I did not see him any more that day.

Cross-examined by Mr. Andrews. My rooms are much frequented between eleven and six o'clock in the day. I saw the body of Mr. Weare when it was taken from the pond, when it was in the sack;

and when it was in the coffin. I saw it before it was re-buried.

By Mr. Bolland. I know this knife. I saw it in Weare's hands on the day he was supposed to be murdered.

By Mr. Andrews. I had this knife in my possession for a month, in consequence of Weare's leaving it in my room. I know it from a mark on the handle. I swear to it from that mark and by the wear. It is a remarkable knife.

Re-examined by Mr. Bolland. I have seen Mr. Weare play at billiards about twenty times during the time that I have known him.

By the Judge. I saw the legs when the body was taken out of the water; they were naked. I saw the body laid out naked at the Artichoke.

MARY MOLONEY examined by Mr. Broderick. I was laundress to the late Mr. Weare; he lived at No. 2, Lyon's-inn. I was in his rooms on Friday, the 24th of October; I saw his clothes and linen on the drawers; Mr. Weare put them in his carpet-bag. [A bag was shewn to witness.] That was Mr. Weare's carpet-bag. There were five linen shirts, six pair of socks, a shooting-jacket and leggings, a pair of breeches, a pair of laced-up boots, a pair of Wellington boots, and a backgammon board and things in it, put into the bag.

A backgammon board was here shewn to witness.

That is the board, and these are the things that were in it. I saw Mr. Weare put it in himself. He dined at his chambers; he had two chops between two and three o'clock. I did not expect him home that night; he said he was going out of town; he was expected back on the Tuesday following; about three o'clock I got a hackney-coach for him from the Strand, at the Spotted Dog, in the Strand; it came up Holywell-street, with the horses' heads towards Charing-cross, by his orders; he went away about three o'clock, or a quarter after; a carpet-

bag, a double-barrelled gun in a case, and a box coat, were put into the coach; Mr. Weare had a buff waistcoat, and a new olive-coloured coat on; he pulled his watch out before he went; I knew it, I had seen it before; it was a gold watch with a gold chain [here a chain was shewn to witness], it was exactly like this; [a knife was shewn to witness] this is Mr. Weare's knife; the watch had a double case, and was worked; he also wore a steel chain round the neck to secure it; the coach drove off towards Charing-cross.

Here the shooting-jacket, waistcoat, shirts, &c., were identified by witness.

THOMAS CAVE examined by Mr. Bolland. I drove a hackney chariot for Mr. Beckett, in October last, for three weeks. I recollect taking up a gentleman at Lyon's-inn in that month. I did not take up more than one gentleman there in that month. I was called from the Spotted Dog by a young woman. I drove by her desire to Lyon's-inn. A shortish gentleman got in there. A carpet-bag and a gun were put into the carriage. The gentleman put in the gun, and the girl the bag. I remember the week when this murder was committed. I cannot say whether it was in that week, but it was about that time. I drove to Charing-cross, and from that place to Maddox-street, where the gentleman got out. He got in again, and he then ordered me to drive up Welbeck-street to the New-road, and along it to Cumberland street. He then got out again. He came back to me with a tall gentleman in a rough coat. He paid me the fare, and took out his things. The two gentlemen went down Cumberland-street. It was then about half-past four. Some of the lamps were lighted, some not, for it was still day-light.

THOMAS WILSON, examined by Mr. Broderick. I am a horse patrol. I was on the Edge-ware-road on the 24th of October. I do not know John Thurtell. I met two persons in a gig drawn by a roan grey, between the 5th and 6th mile-stone

from Tyburn. They were driving at a very furious rate. I should know the horse again, though not the men. I pointed out the horse in Mr. Probatt's stable; it had a very white face.

Cross-examined by Mr. Andrews. The gig passed me quickly. It was about half-past six or seven, but I had an opportunity of seeing it well. I described the horse as a roan grey to Mr. Clutterbuck, Mr. Stafford, the clerk at Bow-street, and the gentlemen in the Secretary of State's office. I observed the gig; it was of a dark colour, but I cannot say what colour. I knew that the horse which I saw was one which I was going to identify. I always said it was a roan horse, and not an iron grey.

JAMES SHEPHERD, called, and examined by Mr. Broderick. I am an ostler to Mr. Cross's stables, Whitecomb-street; the prisoner Hunt came to hire a gig on a Friday—the Friday before I heard of Mr. Weare's murder; it was a dark green gig; Hunt said it was going to Dartford; it was a roan horse, with a whiter face than the body; I saw the horse to-day; it is the same I saw on the Friday and Saturday in October; it is Mr. Probatt's, the livery-stable keeper. Hunt asked for a sack, and where he could get one? I told him, as he was going to Dartford, he would get one by Westminster Bridge; the gig he only hired from him, and the horse from Probatt; he came back on the Saturday, but he hired no gig on the Sunday.

STEPHEN MARCH, examined by Mr. Bolland. I lived as ostler to Mr. Probatt, the livery-stable keeper at Charing-cross; I know Hunt the prisoner; I see him now; he hired the horse on a Friday, three days before I heard of Mr. Weare's murder: the horse was a dark roan; it was to go to Dartford. I took the horse to Cross's livery stables; it was to be put to a gig. I hired him another on a Sunday, a bay horse, and yellow gig. Hunt did not say where it was going; he brought it back on Monday, about twelve o'clock; he said he should want one about

half-past three in the afternoon; he asked for the same horse—the roan that he had on the Friday. He went away in the yellow gig about half-past three. He returned about half-past two o'clock in the morning; I looked at the gig, and found it and the horse very dirty; there was a little blood at the bottom of the gig; the horse was a good deal distressed, and the thong of the whip was three parts unravelled.

Cross-examined by Mr. Andrews. These gigs were all brought back by Hunt.

**BENJAMIN COXWELL.** I am shopman to Mr. Bow, Pawnbroker, High-street, Mary-le-bone; I sold a pair of pistols, similar to those presented to me, on the 24th of October last; I sold also a key and a mould; I sold them to two strangers. One was tall and the other short; I asked *ll. 17s.* for them, and received *ll. 15s.* I should not know the persons again.

**JOHN BUTLER.** I am ostler at the Bald-faced Stag, half a mile from Edgeware, on the London road. On Friday night, the 24th of October, between six and seven, Mr. Probert came to the house in a horse and chaise; he stopped a very few minutes, and went on towards Edgeware.

**WILLIAM CLARKE,** examined by Mr. Bolland. I was landlord of the White Lion, at Edgeware, and know J. Thurtell, whom I saw about twenty or thirty yards beyond the nine mile-stone on the Edgeware-road; he was then driving very hard at the wrong side of the road, and he called out—[Here the witness used the ejaculation of whip-men who want to avoid contact on the road.] I heard his voice in this manner, and his horse was light faced: a short man was in the gig with him. On my return to my own house, I met Probert and Hunt, with a gig and a brown horse, at my own door. They had some brandy and water, and we began to talk of Thurtell's private business.

Mr. Bolland. That's enough, don't say what that business was.

Witness resumed. Hunt alighted at that time, and took some brandy at my bar; he also took out a newspaper, and, talking of Thurtell, said, "Look at that." They then went away. On the Sunday after, I met Mr. John Thurtell walking with Mr. Noyes. He looked ill; I remarked it, and he hinted that it was owing to the want of bail in the bankruptcy business. Hunt had large whiskers on when I met him on the 24th of October, but he had shaved them off before he was taken.

Cross-examined by Mr. Andrews. It was nearly dark at the time; I only saw one coach with the lamps lighted. I observed the chaise in which Thurtell was, merely because of its being on the wrong side of the road. It was between the quarter and twenty minutes past seven o'clock when I met Probert's gig, and they stopped for a quarter of an hour.

DAVID WHITE, the son of a corn-chandler at Edgeware, examined by Mr. Broderick, said, I remember Probert coming to my father's house at seven o'clock, on the evening of the 24th of October, and purchasing some beans and oats.

Cross-examined. He did not seem to be in a hurry to get away.

STEPHEN PROBATT, examined by Mr. Broderick. I keep the White-lion Inn at Charing-cross. The prisoner Hunt borrowed a horse from my son on the 24th of October, and had a bay horse on the Sunday; but the horse which he borrowed on the Friday was a roan horse, and he had it again on Monday. On the Monday I changed a 5*l.* note for Hunt, for the hire of the horse and gig, for which he paid 1*l.* 5*s.* A Mr. Reece was in my coffee-room; he remarked, that he was a snug sort of a man, and ought to get a knock in the head. Hunt afterwards pulled out a pistol, and said, "This is a good fellow to do business." [Here a pistol was produced.] I cannot say that that was the pistol. The roan horse was now in Hertford, and had conspicuously a white face.

Cross-examined by Mr. Thessiger. The conversation took place on the Saturday; the horse had a white face; it might be in a joking sort of way that Hunt spoke of Mr. Reece.

ROBERT FIELD was again produced. I knew Probert before October last; he came to my house, in a one-horse chaise, with another person; the stranger was nearly the size of the prisoner Hunt; they had five glasses of brandy in the gig; Probert said Hunt could sing; he did not sing, though asked even for a verse; they stopped a half hour, or thirty-five minutes. Probert's horse was a good one. My house is about two hundred yards from Elstree; I saw the singing man on Monday, he was with another man; that man was the prisoner, John Thurtell; they came to my house at half-past five on the Monday; they remained a quarter of an hour smoking a pipe; the horse was put to the gig near half an hour; I saw Hunt on the Tuesday at half-past three; he came from the direction of London; I gave the constable a sack and shirt on the 5th of November, which were in my possession from the time of the inquest.

Cross-examined by Mr. Platt. I knew the hour they were at my house, from people, who were also there, breaking up early. By my watch it was eleven minutes before nine. After five o'clock two coaches go down of an evening to that part of the country, one from Smithfield, and the other from Holborn.

SOPHIA FIELD, and the ostler's names, were on the back of the bill, but the prisoner's counsel having no wish they should be called, they were not put into the box.

RICHARD BINGHAM, ostler at the White Lion, Edgware, examined by Mr. Broderick. On the evening of the 24th October last, about seven o'clock, a gig stopped at the White Lion, at Edgware, with two gentlemen in it; one was short, and the other was tall; the short man had large dark whiskers with a sallow complexion; he was rather high in the cheek bones, and about thirty-four or

thirty-five years old. They had a glass of rum and water. The tall gentleman had a light-coloured great coat; the short, a dark one. They had a bald-face horse; my master is Mr. Clarke, who had just then come home; another gig came up, but I do not know who were in it.

Cross-examined by Mr. Andrews. The first gig had time to get on a mile or two before the other came up. It was a dark night. Whilst the first gig was there, I was baiting the horse; neither of the men got out of the gig.

MARY MALONEY said, the description given of the short person, corresponded with that of Mr. Weare.

JAMES FREEMAN, examined by Mr. Broderick. I am a labourer, living at a place called "The Folly," near Gill's-hill cottage. I had occasion to go out on the 28th of October, into the Gill's-hill-lane, about eight o'clock, to meet my wife and take her home; I had a gate to go through from my house; the gate was about thirty poles from Probert's cottage; when I got into the lane, I saw two gentlemen in a gig, going from Probert's cottage towards Batler's-green. I heard the gig before I saw it, coming in a direction from Radlett, which would be past Probert's cottage. It stopped at an elbow of the lane, and one of the gentlemen got out. I spoke to one of them. The horse had a very white face. I have seen the horse in this town; it was shewn to me by Probert. I am sure that is the very same horse I saw in the lane that night. When I left my cottage, the moon was not up, but it was a star-light night. The moon rose afterwards, between eight and nine. I did not see enough of either of the men to be able to identify them. The one who jumped out had a light long great coat on. I afterwards met my wife, and we went home together.

Cross-examined by Mr. Platt. I should not know the gig again. I could not tell the colour of it. It was not a yellow gig.



PHILIP SMITH, examined by Mr. Broderick. I am a farmer, living at Aldenham. On the 24th of October I was on a visit at Mr. Charles Nicholls's, at Batler's-green; I left Mr. Nicholls's about ten minutes before eight o'clock; I had my wife and child with me; my wife and child were in a donkey chaise, and I was walking; I was going to a place called High Cross; I passed the corner of a lane leading to Gill's Hill; I know the spot where a person was supposed to be killed; in crossing the road that night, the nearest part I went to the spot was about two hundred and fifty yards; in going along I heard the wheels of some sort of a carriage, and then the report of a pistol or a gun. This attracted my attention, and I remarked upon it to my wife. In about a minute or two afterwards I heard groaning. I then stopped the donkey-chaise. The groaning lasted about a minute or two. I did not go up to the spot from whence the sound proceeded, as my wife was alarmed.

Cross-examined. I was about 250 yards from the spot where the supposed murder took place, at the time I heard the report. I was behind the chaise.

MRS. SMITH, wife of the last witness, and the nurse, were then tendered, but not called, as their evidence went to the same facts.

RICHARD ADDIS, examined by Mr. Bolland. I lived as servant with Probert of Gill's-hill-lane, on the 24th of October last. He had a horse and gig. He had the horse two months before the 24th of October. It was a bay horse, of great power. On the 24th of October, I heard the wheels of a gig pass the cottage, at about a quarter after eight in the evening; I thought it was my master, but the gig passed on. About nine o'clock, there was a ring to the bell, which I answered. I found John Thurtell at the gate; he desired me to take charge of a horse and gig. I observed the horse, which I have since seen; it was an iron-gray horse. From the position in which the horse stood, I judged that

the gig came from Batler's-green. After giving me the gig, Thurtell said, he would walk and strive to meet Probert. I saw him on his return, after having walked in search of my master. I was just going to throw a cloth over the horse, and he told me not to mind it for a while. I saw a gun poked out on each side of the gig, under the leather. On the Saturday morning, I lifted up a bag, which was on the ground. It was a carpet-bag. I also saw a box in the parlour. [Here the articles were identified by the witness.] Mr. Thurtell desired me to take the box out of the parlour, and place it in the gig. Thurtell was dressed in a light grey coat. In about three quarters of an hour my master returned. He was accompanied by Thurtell and Hunt, who were in a gig. My master hung behind it. I observed some spots of blood on John Thurtell's great coat. I am confident he had a sponge on the Friday night, and that he was sponging his coat. I think it was after supper. Thurtell went out and got the sponge, and then asked whether there was any water. He dabbled about with the sponge in the water. My master came to me at the stable, and asked for the lantern. Hunt, Thurtell, and my master then went out. They took the direction of Batler's-green. My master said he was going to Mr. Nicholls's. They returned in about three-quarters of an hour. I heard one of them as they passed tell Susan to dress the pork-chops. I then went into the stable to do up the horses. John Thurtell and Hunt came to me there. I believe John Thurtell was employed brushing his coat. They remained a short time, and seemed to go into the house. I then rubbed down the horses, and went into the kitchen. Probert came there to look for a bottle of rum, which was kept in a large safe. I went into the parlour by order of my master, to ask what o'clock it was, and Thurtell produced a watch without a chain. Mrs. Probert said, it was awkward to have a watch without a chain. I got to bed at twelve o'clock. I rose on Saturday morning

about six o'clock, to look after the horse and fetch up the cow. When I fetched up the cow, I saw Hunt and Probert in the kitchen. Hunt was sponging John Thurtell's coat on the table. The coat appeared to be spotted all over. I cleaned their boots, which were covered with fresh dirt. My master was walking about the garden in low spirits. On Sunday morning I saw Hunt after he had come down. He was in dark-coloured clothes; went up stairs, and dressed himself. He seemed very decent. I saw Mr. Noyes on Sunday. I was sent on Sunday afternoon to Nicholls's, with a message. I saw some blood in Gill's-hill-lane—a good deal. I went in consequence of what I had heard. On Monday morning, by Probert's directions, I went to London along with Mr. Thomas Thurtell. It was in the gig; and Hunt was with us. Having put John Thurtell down, we went to Tetsall's, where we stayed some time. I had nothing to do in London.

Cross-examined by Mr. Andrews.—I had been often put up and down Gill's-hill-lane. It is so narrow, that it is almost impossible for a carriage or even a gig to turn. There is a heap of mud in the corner, and that is the only place you can turn round in. In going to Batler's-green, I don't know that we must have passed Mr. Nicholls's house. When I came to Probert's gate, the horse's head was as if it came from Batler's-green. We must have passed very near, within 200 or 300 yards of Nicholls's house, before we could turn. Between Nicholls's house, and where the road turns off, there is a good bit of road—a smartish bit. To turn round, we must have gone thereabouts. I have been asked by different persons five or six times about the sponging. I always said I could not be sure of it. I cannot exactly say, but I think it was about seven o'clock on Saturday morning that I saw Probert first. I don't know of my master's going out early on that morning at all. I had known Thurtell to sleep one or two nights on the sofa in the parlour, before the Friday.

Cross-examined by Mr. Thessiger. It was Probert who told me to go to town with Mr. Thurtell. He said he had no occasion any more for me, and that Thurtell would provide me with a situation.

By the Court. I knew all about the rooms of the house, and I can say where persons slept in it. It was about a fortnight before, that John Thurtell had been there, and then he had a bed there.

SUSAN WOODROFFE having been called and sworn, Mr. Broderick was proceeding to examine her, when, it now being about nine o'clock,

Mr. Justice PARK interposed and addressed the Jury. In the suggestion he was to make, he considered not his own convenience, but that of the Gentlemen of the Jury. By the Law of England, he was not allowed to discharge the Jury in criminal cases, and he was not enabled to allow them to return to their families until the case was finished. He was obliged to keep them together, though, no doubt, proper accommodation would be afforded them. But he was, for himself, perfectly willing to go on to finish the case before they separated. If, however, it was more convenient and agreeable to the Jury to retire to what he hoped would be their night's rest, he had no doubt they would be furnished with proper accommodation. He (the Judge) had no personal wish on the subject. He had been accustomed to bear fatigue of this kind, and he was willing to bear it. The Foreman would consult with his brethren, and collect their wishes before they proceeded to the examination of another witness.

After a short consultation, the Foreman said, the Jury thought that if they could be allowed to retire for an hour, to take refreshment, they could proceed with the trial.

Mr. Justice PARK. I have made up my mind never to agree to the practice of retiring. Within my experience, when I was a young man, I have seen so many examples of fatal results from this practice

to the prisoners, and to the ends of justice, that I must resist the proposition.

A Juryman suggested, that if they had some refreshment in the box they might proceed.

Mr. Justice PARK. To that I have not the least objection. The Sheriff will, no doubt, attend to your wants, and in the meantime we will proceed with witness.

JOHN HARRINGTON, examined by Mr. Bolland. I am a labourer, living at Aldenham; and was at work with a man named Richard Hunt, in Gill's-hill-lane, on Saturday morning after the murder. I went to work about six, and about ten minutes after six two gentlemen passed me; I should know one of them again.

Mr. Bolland,—directing the attention of the witness to the dock,—Is either of those persons the gentleman to whom you allude?

Witness,—indicating the prisoner Thurtell,—Yes, that is one of them. He was the tall one. The other was a short gentleman, pale, rather stout, and with light whiskers; he also had a white hat. They passed me about ten poles on the left hand, and then grabbed in the hedge. They seemed to me as if they had lost something, and wished to find it. About two minutes they stayed there, and then went three or four poles up on the right, and returned again towards Gill's-hill-lane. They spoke to my partner, Richard Hunt. It was the tall man, with a white hat, who said that last night he had been capsized out of his gig, and had lost his penknife and a handkerchief. I don't know what Hunt, my partner, answered, nor did I hear what he said to my partner again. They then went away; and afterwards Richard Hunt and I, at about eight o'clock, when I had taken my breakfast, we walked up to the place where I had seen them grabbling, and there found a small penknife.

By the COURT. That is the gig-road towards Batler's-green, and that knife I gave to Mr. Charles

Nicholls, That is the knife [identifying it.] When I found it, it was all over dirt. About ten o'clock I found a pistol. The knife was in the cart ruts; the pistol lay among the brambles of the bushes. [The pistol was produced and identified by the witness.] The witness continued—That is the pistol. I did not see whether it was covered with blood, but that is certainly the pistol. Afterwards I gave it to Mr. Nicholls. The knife I speak of had two blades. One of them was broken, and was so when I picked it up. I wiped the blood off before I gave it to Nicholls. The pan of the pistol looked as if the pistol had been fired off. The cock was down just as it is now. Mr. Nicholls came by at the time, and told me to go on with my work. He was in company with me when I found it. Mr. Nicholls called me up to that spot where I had observed the marks of two men who had been tumbling about. There was a very large hole through the hedge, and a good deal of blood on the stuff about. I could not see whether it had the appearance of any thing having been drawn through it. A gig could not turn where the blood was. It must go to the end of the lane, which was about fifty poles off. About eleven o'clock on the same morning, the same persons passed by in a gig, going to Batler's-green. It was an iron-gray horse. I am sure they were the same persons. I know Probert now; I did not then. I saw him on that day about twelve o'clock; he had a large dog with him, and came straight down the lane. He wished me good morning, and told me it was a good job I had done in mending the road. I said I was glad of it.

Cross-examined by Mr. Andrews. The gig might have been turned before it came to Mr. Nicholls's house, but it must be near it. I had never seen either of the two persons before.

RICHARD HUNT was then called, when Thurtell addressed the Court. "My Lord," said he, "I must pray you again to speak to the Gentlemen of the

Jury on the subject which you have before mentioned, namely, the propriety of postponing further proceedings till to-morrow. I beg them to consider the peculiar situation in which I stand, having been up since six o'clock this morning. By the time the remaining witnesses, of whom I understand there are twenty still to be examined, have been gone through, I shall be too much exhausted to do justice to my defence.

Mr. Justice PARK. By the law of the land, a case ought to go on till it is closed, and I am ready to go on with it. I am willing, however, to do what I can to accommodate either the Gentlemen of the Jury or yourself. It is with the Jury, however, that the matter must rest.

Thurtell. I hope the Jury will take my situation into consideration.

Mr. Justice PARK. I cannot order the Court to be adjourned unless the Jury desire it—it is for them to say.

Thurtell. My Lord, you are very good; I hope the Jury will take into consideration the situation in which I stand. Gentlemen, I have been up so many hours, and so much of the case yet remains, that I shall be exhausted before I begin my defence.

Mr. Justice PARK. Gentlemen of the Jury, the counsel for the Crown say that the remainder of the case will be very short. [The Jury began to consult together].

Thurtell. But after that, my Lord, there are two of us, Mr. Hunt and myself, who have to enter on the defence separately.

Mr. Justice PARK. Let us then at any rate go on with the remainder of the case for the prosecution; I see many reasons why we should; and then if you state that you cannot conveniently go on with your defence, I will take it on myself to adjourn the Court.

Thurtell bowed, and thanked his Lordship in a low tone. In the whole of his conversation with the Learned Judge, the conduct of Thurtell was per-

fectly firm, temperate, and respectful. He seemed at the same time persevering in his request, and rational and attentive to the objections urged.

**RICHARD HUNT** examined by Mr. Broderick. I was with Harrington in Gill's-hill-lane on Saturday, Oct. 25; I know no more than he does; I saw the two men passing through the lane; I should know them [Mr. Broderick "Look round"]; the two gentlemen sitting there are they, I think (pointing to the two prisoners). One of them entered into conversation, and said he was capsized out of a gig. One of them had a white hat, the side bulged in; another a black one.

**WILLIAM BULMER** examined by Mr. Bolland. I am a labourer; I was walking in Probert's garden in October last; on the morning after the murder, about six o'clock, I saw two persons in that garden; the tallest of the two had a white hat; they went towards the house.

**GEORGE NICHOLLS.** I know Probert; neither Probert nor any of his friends came to me on the night of the murder; on Monday a labourer delivered a knife and a pistol to me, which I afterwards handed over to Simmons, the officer; it was bloody; on Monday evening I observed what appeared like brains about the barrel of the pistol. Probert came to my house on Monday; something passed between us respecting what happened in the lane.

**JOHN PIDCOCK.** I am a surgeon; I was at the Artichoke, at Elstree, when the body of Mr. Weare was there; I took the shawl from off the neck; saw a sack over the shawl; I saw the body first at the Artichoke; when the sack was taken from the body I found a handkerchief, which I delivered to Simmons, the officer; the body was quite naked.

**JOHN FLEET.** I am assistant to Mr. Johnson, the messenger. On the 24th of October I was at the Cock public-house, in the Haymarket, acting officially under a commission; Hunt came in a gig there, about half-past four in the afternoon; he deli-



vered a note to me, which I have destroyed; John Thurtell lived at the Cock; I have seen him living there. I knew the room he occupied; it was No. 10. The contents of the note were—"Have the goodness to give Mr. Hunt my great coat and red shawl, which you will find in a closet at No. 10." I went to the room, took the things out, and brought them down, and gave them to Hunt. The shawl produced is something like the shawl I gave to Hunt. I do not know the hand-writing of the note.

**CAROLINE WILLIAMS.** I was servant at the Cock, which was kept by Thomas Thurtell; his brother, John Thurtell, lodged there; he had a shawl like the one produced.

**LUCY SLATER.** I was a servant at the Cock; John Thurtell lodged there; I have seen him use a shawl similar to the shawl produced.

**JOHN MARSHALL.** I am a gunsmith in London; I know the gun produced; I saw it last a twelvemonth ago; I saw it at Mr. Weare's chambers in Lyons' Inn.

Cross-examined by Mr. Andrews. It is at least a twelvemonth ago since I saw it.

**W. BLAKESLEY.** In October I lodged at No. 9, King-street, Golden-square, the residence of the prisoner Hunt and his wife; remembered Hunt coming home on the 27th of October, in a single horse chaise; I saw him take out a carpet bag, filled with things, a gun with a dark case, similar to that produced; a dressing case, similar to that on the table; they were carried into his apartments; there were also some coats.

**JOHN UPSON.** I am an officer. I took the prisoners from London to Watford; we came in two gigs; at Watford, the next morning, a conversation took place between me and Thurtell, about Hunt's confession; I made use of no previous promise or threat; in the course of the conversation about Hunt's confession, I asked Thurtell what he did with the watch, and he told me that he threw it away in a

place among some trees where there were some palings. This is the account he gave me.

Cross-examined by Mr. Thessiger. When we were at Watford, Hunt gave me an order for the things to be given up, and told me where they were to be found.

J. FOSTER. I am a constable at Rickmansworth; on the 30th Oct. I had Thurtell in my custody at the Plough; he made a communication to me; I made use of no previous promise or threat; he said that Hunt was a rascal for *nosing* him so; that he (Thurtell) would not do so to him (Hunt) particularly after he (Thurtell) had offered the watch for sale in Hunt's name, and as his property. He said he was offered no more than twenty-five pounds for it, though it was worth sixty.

The Jury here signified their willingness to accede to the prisoners' request to adjourn till the following morning.

Mr. Justice PARK. Gentlemen of the Jury, you have relieved me from a great difficulty; I should not have acceded to the wish of the prisoners, had not you also expressed your concurrence in that course; one advantage arising from which will be, that we shall have given the case the fullest and most patient attention. I shall now adjourn the Court to to-morrow morning. Let two of the most steady constables be sworn according to the form which I shall direct.

Two constables were then sworn "To keep the Jurors in some safe and convenient place until the sitting of the Court to-morrow; to furnish them with every proper and convenient accommodation, and not to speak to them themselves, or to allow others to speak to them, touching the matter in issue, without the leave of the Court."

The Court was then adjourned to nine o'clock on the following morning.

The prisoners remained at the bar for a considerable time, talking to some persons about them. Mr.

Harmer was in conversation with the prisoner Hunt, and such was the interest excited by their appearance, that almost the whole of the persons who had crowded the Court during the day, still continued looking towards the dock. At length Mr. Justice Park, who had left the Bench, and stood talking to some gentlemen near him, asked why the prisoners were not removed? Mr. Wilson answered that they were engaged talking with their professional advisers.

Mr. Justice PARK. They must talk to them elsewhere; you must remove them; you run a great risk by keeping them here.

The prisoners were then re-conducted to the gaol in the same order in which they were brought in the morning. They appeared to be considerably exhausted. The crowd continued in the Court and in its avenues to the last moment, and many of them followed the prisoners back to the door of the gaol. On the return of the men to their cells they were furnished with every necessary refreshment, for which they expressed becoming gratitude.

The Learned Judge, and almost every person in Court, appeared to be equally exhausted with the prisoners; and although the Court sat nearly fifteen hours, there were many persons in the gallery who were unable to move from their seats.

The Jury were accommodated with beds in the Court-house. They were placed in the large room. After leaving the Court, they dined together, and partook of various refreshments which were provided for them, and sent over from the Salisbury Arms.

When the prisoners had been re-conducted to the gaol, Thurtell did not appear at all dispirited, Hunt was much affected. They were supplied with proper refreshments, and Thurtell was indulged with a pipe. Far from seeming alarmed by the powerful evidence given against him, he expressed satisfaction at the course things had taken. He spoke as if confident that the verdict would be "Not Guilty," and remarked to those who conversed with him, that "It's

all safe, it's all right." He remarked thus much very emphatically to one individual in particular.

From the commencement of the proceedings in December, up to the present time, the prisoners Thurtell and Hunt had not spoken to each other; on the contrary, so strong a degree of hostility towards his former associate seemed to influence the mind of Thurtell, that, as we have before stated, Mr. Wilson, the gaoler deemed it prudent to obtain an assurance from him, that he would offer no violence towards his fellow-prisoner. On their return, however, to the gaol, after the business of the first day of the trial, this feeling suddenly subsided, and the prisoners not only shook hands with apparent cordiality, but continued in familiar and friendly conversation for some time.

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### *SECOND DAY OF THE TRIAL.*

At eight o'clock the doors of the Court-house were open and the public admitted, the Sheriff's officers exercising against those who required the greatest accommodation, the same spirit of opposition which manifested itself on the preceding day. The press of the crowd for admission exceeded, if possible, the former efforts of the curious, and the Court was thronged, even in such a degree as to obstruct the ingress and egress of witnesses, long before the prisoners entered the Court.

The expectation that Thurtell would commence his defence upon the opening of the Court, was the great excitement. The bench was, as before, crowded with magistrates, among whom were Lord Verulam, Lord Errol, Earl Cowper, Sir J. Sebright, and Captain Fitzclarence.

## THE PRISONERS

had been called up soon after seven, and conducted to Mr. Wilson's room, in the gaol, where they had a comfortable breakfast. Shortly after eight a post-chaise was brought to the prison gate, and at half-past eight a lane was formed through the crowd which was assembled for the prisoners to pass. Two of the turnkeys then mounted the box, and the prisoners came forth. Thurtell was first, and looked extremely well; on getting into the carriage he laughed at the curiosity of the multitude; Hunt followed immediately, and took his seat beside Thurtell, with whom he immediately began a conversation, and they both smiled; but the smile of Hunt was forced, and his agitation was very great.

Mr. Jay had had an interview with Thurtell in the course of the morning to arrange his defence. Mr. Harmer also remained for some time with Hunt, to whom he intimated his intention of memorializing the Crown in the event of his being found guilty.

They were then conducted to the bar, and, as they approached, bowed respectfully to the Court. They were both dressed as we described on the previous day, with the exception of Thurtell, who wore a white handkerchief instead of a black stock. Thurtell looked assured; he held in his left hand some manuscripts, and had near him a blue pocket-handkerchief filled with books and other papers, which he carefully assorted upon the desk near him. Hunt looked dispirited. They sat close to each other in the dock, and appeared to converse together on the most friendly terms.

## THE TRIAL

was then resumed. At nine o'clock, Mr. Justice Park took his seat on the bench, and all the witnesses for the prisoners, (except Mr. Wadeson, who was

to be first called,) being ordered out of Court, the following additional

### EVIDENCE FOR THE CROWN

was taken; Mr. Justice Park examining both the witnesses himself.

**JOHN RUTHVEN**, (the Bow-street officer,) deposed as follows:—I know Conduit-street, Hanover-square; I think Tetsall's house is on that side of Conduit-street that is in the parish of St. George, Hanover-square; Whitcomb-street is also in the County of Middlesex.

Cross-examined by Mr. Andrews. I had Probert in custody at Mr. Nicholson's at Gill's Hill, on the Tuesday; he was not in my care while the Coroner's Inquest was sitting. He had not at that time expressed a wish that I should convey any message to the Coroner or Magistrates. I subsequently told him that if he had any such wish, I should convey it, as he said that he wished to explain something. I said that was no answer, and wished him to say directly what message I should convey. He then said that he wished to have communication with the Magistrates. This took place two days after Hunt had made an acknowledgment. Before that, Probert denied all knowledge of the transaction.

**THOMAS THURTELL**. I observed that Hunt had on a suit of black clothes on the Friday. He wore the same on the next day. I do not know whose they were. I knew that he did wear some clothes of my brother's. Hunt was very badly off in the world, and had borrowed clothes from my brother and money from me. I saw Hunt on the Sunday morning, when he had the same clothes on also;—but, after dinner, on the Sunday, he was better dressed.

With the evidence of these two witnesses the case for the Crown closed, and at this moment the greatest anxiety was manifested throughout the whole Court. The fact of the prisoner being about to address the Jury, being communicated to those without, the pressure for admission was renewed, and every avenue was crowded almost beyond endurance.

Mr. Justice PARK addressed the prisoner, Thurtell, as follows:—"John Thurtell, this is the time that it becomes your duty to make your defence."

A solemn pause ensued. Thurtell, who was standing forward in the dock, bowed respectfully, and in a low tone said a few words to Mr. Jay, his solicitor, who stood close to him.

Mr. Jay then addressed the Judge. My Lord, my client wishes to call his witnesses first.

Mr. Justice PARK. I cannot in my capacity attend to wishes; I must abide strictly by the rules of the Court. This, therefore, is the proper time for the prisoner making his defence.

Thurtell then retrograded a few feet in the dock, and placing himself in an oblique direction towards the bench, and with his face to the Jury-box, in a firm, sustained, and graceful attitude, addressed the Court as follows:—

### THURTELL'S DEFENCE.

My Lord, and you, Gentlemen of the Jury,

Under the pressure of greater difficulties than, perhaps, it has ever before fallen to the lot of man to sustain, I now appear before you to vindicate my character, and preserve my life. But appalling as are these difficulties, I have been supported under the impression that the hour would arrive when I should be enabled to defend myself in a land of liberty and fairness, before that tribunal which the free institutions of my country have awarded to the accused; namely, an enlightened Court, and a Jury of twelve fellow-subjects, uninfluenced by prejudice and unawed by power.

I have been represented by that Public Press, which carries on rapid wings to the extremity of the land, either benefits or curses, as a man the most depraved, the most habitually profligate, the most gratuitously cruel, that has appeared in modern times. I have been represented as a murderer, who had perpetrated his crime with greater atrocity, and under circumstances of more premeditated malice, than any that has hitherto been heard of in the sad catalogue of criminals. I have been stigmatized as a callous, cruel, heartless, remorseless, prayerless villain, who had seduced his friend into a sequestered path, in order the more securely to despatch him. I have been described as a viper, who had nestled in the bosom of my victim with the preconcerted intention of striking a surer blow—as a monster who, having committed a deed of horror, at which our common nature recoils, and humanity stands aghast, endeavoured to extinguish the upbraidings of conscience in the tumults of debauchery. These have been the descriptions given of me, not alone daily, but I may say hourly by the public Journals, and communicated from one extremity of the kingdom to the other.

You, Gentlemen, have no doubt read them; I will not say that you have been influenced by them; but it would exact too much from the common virtue of human nature to suppose that men could entirely divest themselves of impressions so successively repeated, or that they could dispossess themselves of those feelings—those creditable feelings, I will say—which such statements, if justified, were calculated to excite. But I feel satisfied, Gentlemen, that, as far as it is possible, you come to this investigation with minds unbiassed, and judgments unaffected by the atrocious slanders which have been published against me. I feel assured that you will decide as becomes the character of that sacred office with which you are invested.

Guilt, of such a complexion as that imputed is not the custom of this land; it must have sprung



from an innate principle, which must have advanced to maturity by a continued practice in crime. It must have "grown with my growth, and strengthened with my strength;" but you shall hear from men of the most unblemished reputation, of the most unimpeachable veracity, that at least there was a period of my life when the bosom of him who now stands before you as an accused murderer, throbbed with the most gentle and kindly feelings of affection and sympathy, and that my faults were those of an improvident generosity and an unsuspecting confidence. Beware then, Gentlemen, of preconceived opinions; oh, beware of an anticipated verdict! Believe not, that the years of a no very lengthened existence have perverted those natural feelings of benevolence; and, indeed nature must have taken a reflux course in my heart, if these qualities of early life were succeeded by vices which only demons could feel; rather do me the justice to believe, that they are the slanderous imputations disseminated by that press which was wont to be the shield of innocence, but which, in my case, and in the want of other intelligence, has pandered to the worst feelings of our nature.

Gentlemen, my entrance into life was under circumstances the most auspicious; I was reared by a kind, affectionate, and religious mother, who taught my lips to utter their first accents in praise of that Being who guides the conduct of your hearts, and of the learned Judge upon the Bench. My youthful steps were directed by a father, conspicuous for the possession of every good quality, but, above all, for his unaffected piety. On leaving my parental home I entered the service of our late revered monarch, who was emphatically styled the father of his people. For years I had the honour of holding his commission, and served under his colours, and I may justly take the credit to assert, that I never disgraced the one, nor tarnished the other. I have done my country some service. I have fought and bled for her, and in her cause have never feared to draw the steel

against an open foe, against my country's enemy. But to raise the assassin's arm, and that too against an unsuspecting friend! believe it not; it is horrid, monstrous, and incompatible with every feeling of my heart, and every habit of my life.

Amongst the numerous other vices attributed to me, it has been said that I have been what is termed a sporting man, a gambler. To that accusation, with a true penitence of heart, I plead guilty. I was a gambler some time past; but three years have now elapsed since I entered a gaming-house, or was present at a horse-race, or other sporting exhibition; but even had the charge been true, had I continued the practice, I am yet to learn why such a vice is unpardonable in me; why I am to be thrust out of the pale of society for the practice, when half the nobility set the example, and the most enlightened statesmen have been my apologists. True, too true, I have been a gambler, but an unfortunate one! My afflicted family have been the only sufferers, and myself the only victim. I feel that I labour under great disabilities, but you know from that authority that never errs, that the human heart is deceitful above all things. Beware, then, I repeat, in the discharge of your sacred duty, of preconceived impressions, beware of an anticipated verdict!

It has been the remark of one of the sages of antiquity, that no man starts decidedly wicked; and though I fear it will be too long a trespass on your attention, yet I am compelled, by the circumstances in which I am placed, to lay before you the details of my past life, calling upon you to extend to my conduct the benefit of such a truth. I fear it may be tiresome, but calumniated and charged as I am, what bosom can refuse the sigh? What eye can deny a tear? Though my pencil were dipped in the hues of heaven, it were still impossible to portray the feelings that at this moment actuate me. When you, who are to decide on my fate, carry in your mind the great hazard in which I stand; when you reflect upon the

state of feeling which must accompany a mind for a long time ill at ease; when it is recollected that I have been grossly injured by those from whom I had a right to expect kindness, you will, I am sure, feel disposed to pity the sufferer, and forgive his ramblings.

The close of the last war, which shed a brighter lustre than ever before beamed on the glories of our common parent land, cast a shadow on my fortunes. Having ceased to be actively employed in military service, I unhappily was induced to enter into the commercial world: I entered it under the influence of all those romantic feelings which the habits of a soldier's life had strengthened, but which were as hostile to my commercial pursuits as they were congenial with my military attachments. I considered my commercial connexion in the same light as I was wont to view a military mess, and my fellow-dealers as brother officers. I laid myself bare to the claims of the avaricious and the unfortunate; I relieved the distresses of the one, and was injured by the designs of the other. No fortune was competent to sustain this double drain to which it was subjected. I became a bankrupt! My solicitor, who had been my earliest friend, the friend of my bosom, became a traitor, and I found him, in the hour of my embarrassment, in the ranks of my bitterest enemies.

From the examination of my affairs, I had reasons to form the most confident grounds of re-establishment. I had hoped to re-assume my station—to be again restored to the respect of my connexions—to be again in possession of that self-esteem which I value above all;—but a baleful influence intervened. Too frequently, alas, does the over-reaching avarice of one, running counter to the feelings and interests of the other creditors, destroy for ever the prospects of the unhappy debtor. Such was my misfortune. Thomas Osborne Springfield was my assignee. I had procured the signature of some creditors, and the promises of almost the whole, to obtain a supersedeas

of the Commission of Bankruptcy; but when I thought the winter of my fortune had passed away, and that the blossoms of hope were ripening, a chilling frost came to blight them. My principal creditor demanded three hundred pounds for his signature; in this demand he was backed by my own solicitor, who was also his. I spurned the dishonourable offer, and in so doing was cut off from the prospect of retrieving my fortune, and cast upon the world, the dupe of many, and despised by all.

My brother, Thomas Thurtell, shortly after arrived in London; and availing himself of my assistance, embarked in the silk trade. His warehouse was accidentally destroyed by fire—accidentally, I repeat, as has been proved by the decision of a Jury, at a trial at which the Learned Judge who sits on the Bench presided; and yet this calamity was made the occasion of an attempt to fix on me the crime of removing fraudulently the goods—those goods which the verdict of a Jury had decided to have been destroyed by an accidental fire, and of the truth and justice of which decision the most unexceptionable evidence and most unequivocal corroboration will be given in the approaching trial on the alleged conspiracy\*. But where, Gentlemen, does the real con-

\* The following are the particulars of the transaction referred to. About twelve months ago, Thomas Thurtell took a warehouse in Watling-street, and effected an insurance in the County Fire Office on his stock. His brother John was to conduct the concern, but just before the business commenced, the premises were consumed by fire, and a claim was made on the office for £1900, as the value of the goods alleged to have been destroyed. The payment of the sum was resisted by the office, in consequence of various suspicious circumstances that appeared in the transaction. Thomas Thurtell, however, brought his action against the County Fire-Office, and obtained a verdict, principally through the evidence of his brother John, who swore to the value of the property consumed. Some circumstances growing out of the trial brought new facts to light, and an indictment was preferred and found against Thomas and John Thurtell, and others, for a conspiracy to defraud the office,

spiracy exist? where, but in the acts and expedients of a prosecutor? Yes, Gentlemen, the conspiracy will be found in the suborning of evidence, in the purchasing of witnesses, in the acts of a man, the pretended corrector of abuses, a specious assertor of liberty, who has dared to hoist the standard of rebellion in the front of the Palace of his Sovereign. He is of that description, who have just head enough to contrive a crime, but possess not a heart to feel for its consequences to others.

I have, my Lord, perhaps, given too free an expression to my feelings, but borne down as I have been by calumny and falsehood, the victim of accumulated slanders, it is impossible to confine myself to very measured language—

The flesh will quiver where the pincers tear,  
The blood will follow where the knife is driven.

You have been told, Gentlemen, amongst its other unfounded calumnies, by the public press, that a Mr. Woods has asserted, that he was inveigled into a house in Manchester buildings, where he supposed it was intended to murder him, and that he saw me standing in the passage. Happily, I am enabled, if such a charge were at issue, to prove, from the unquestionable testimony of some most respectable individuals, that I was, at the time I am thus described to be in Manchester-buildings, in the city of Norwich. Of Woods I shall say no more at present: I abstain from doing so from feelings of delicacy towards a most worthy female. In proof of my respect for her, I grant to Woods the mercy of my silence\*.

by willfully setting fire to the premises. Upon this indictment Thomas Thurtell has been committed to Newgate, where he now awaits his trial on this awful charge.

\* Thurtell and Woods were said to have been rival suitors for the hand of Miss Noyes, and the report to which the prisoner so indignantly refers, imputed to him, the intention of at once ridding himself of a rival, and possessing himself of the

When, I ask, Gentlemen, did it ever before happen to a British subject, to be called to answer for his life under such an accumulation of unfounded calumnies—such a mass of commented obloquy? When

property of his victim, by making him the first sacrifice to an organized system of assassination. The following is an abstract of the report, which appeared in most of the Journals of the day.

“ It is stated that a plan had been organized by a gang, at the head of which were Thurtell, Hunt, and Probert, by which the lives of all persons, who were either obnoxious to the parties, or whose deaths would lead to the possession of property, were to be sacrificed. Manchester-buildings, Cannon-row, Westminster, was chosen for the scene of those dreadful doings; and considering the vicinity of the river, and the facility thence afforded of floating the bodies of their victims downward to the ocean, the situation was but too well adapted for the purpose. A house in Manchester-buildings was taken under the pretence of Thurtell’s carrying on there his old occupation of a bombasin merchant, but it was wholly without furniture; and whoever considers the situation must be convinced that a wholesale warehouse there was entirely out of the question. It could be taken for no other purposes than those of robbery and murder; and there is little doubt that this more sequestered spot was selected for both. It does not, however, appear that any person has fallen a victim to this diabolical scheme, although a Mr. Woods has had a very narrow escape, as will appear from the following statement:—

“ On the morning of Monday, October 7th, about a quarter before seven o’clock, a man, habited as a journeyman carpenter, about five feet eight or nine inches high, of dark complexion, and with large black whiskers, called at Mr. Woods’ residence, and stated that a lady of the name of Brew, with whom Mr. W. was well acquainted, was desirous of seeing him upon some important business, at a house in a street in Westminster, the name of which he did not know, but it was a street just beyond the Horse-Guards. Mr. Woods was not satisfied with the account, and questioned him as to the cause of Mrs. Brew being in Westminster, as she resided at Kensington. His answer was, that she was stopping at a friend’s house, and wished to see Mr. W. that morning as she was going out of town. Upon this, Mr. Woods accompanied him to Manchester Buildings, where he stopped at No. 10, which Mr. W. immediately saw was an uninhabited house. The door being ajar, his suspicions were awakened that all was not correct, and he desired the man to step in, and tell Mrs. Brew that he (Mr. W.) was there. The man entered, and having proceeded along the hall or passage as far as the back-parlour door, Mr. Woods saw John Thurtell

has it ever before occurred, that the very actions of a man's life, which, if truly known, would have redounded to his credit, have been, by a strange perversion, construed into proofs of guilt? and by that press, too, which ought to be the shield of innocence, the avenger of oppression, the detector of falsehood, and, above all, the strongest support of that best security of English liberty—Trial by Jury! By that press, I say, all these slanders have been heaped upon me before trial; nay, it has whetted the public appetite for slanders still more atrocious. That engine which, in other cases, would have operated to

spring from the back-parlour and strike the man a heavy blow, which knocked him with great violence against the opposite wall. The man hallooed out something which Mr. Woods did not distinctly understand, but to the effect that Thurtell had mistaken his man. Mr. W. immediately retired, and, on looking back from the end of the street, he saw the messenger at the door of the house gazing after him, but not attempting any pursuit. Upon this Mr. W. waited on the son of Mrs. Brew, and was informed by him that that lady had been for three weeks in the Isle of Man. What follows is very mysterious. On his return home, he found the following letter, which had been left at his residence by a man of shabby appearance, almost immediately on his quitting the house with the messenger.

Dear Sir,

An unknown friend informs you that *there* is a writ out against you for £16.; keep out of the way till after Friday next.

In the evening of the same day he received the following letter also:—

Sir,

Monday Afternoon, Four o'Clock.

I am happy to inform you, that an unknown friend of yours *as* settled the action, which you *where* about to be arrested for this morning for £16. and costs; therefore you have no *occaton* to make yourself uneasy about it. I understand you are indebted to a Mr. Cozens for his *interfrance* in this ungentlemanly act.

I am, Sir, yours,

Clifford's-Inn.

JOHN CLARKE.

The inference drawn from this statement was that the first note was for the purpose of preventing any inquiry after Mr. Wood, had his intended assassination been carried into effect, until sufficient time had elapsed for his body to have been effectually disposed of.

refute the imputed falsehood, has been employed to give a deeper dye to my supposed guilt. One would have thought that the claims of an honourable service, spent in the army of my country, would have protected me, at least, till the day of trial, from such a persecution, if they did not go to dissipate the numerous calumnies so studiously circulated to my disadvantage.

Towards me, the very order of nature has been reversed. The few days of my late misfortunes have thrown a livid shadow over the glories of days long past. The actions of my life have been misrepresented—every kind of connexion and engagement which I might have formed, has been ransacked to supply the magazine of slander. You have been told\*, that even in the day of glory, when the battle's rage had ceased, and the peril of the conflict was over, the vanquished, unoffending, yielding, nay, supplicating foe—

Here the prisoner was deeply affected, and shed tears. Mr. Justice PARK said, Sit down, sit down. Thurtell for a moment gave way to his feelings, but soon resumed his wonted firmness.

You have been told, I say, that the yielding, vanquished, supplicating foe, has fallen in cold blood beneath my cowardly steel; that, not satisfied with the blood of my victim, I coolly set to plunder his person. Nay more, that, with a folly only to be

\* Thurtell here alludes to an anecdote which he was said to have related of himself in a conversation with Hunt, after their committal to Hertford Gaol, charged with the present murder. It was given in the following terms:—"He (Thurtell) was with the English at the storming of St. Sebastian, and when they entered the town, he saw a Polish officer in the French service, leaning against the wall, 'seemingly done up with wounds and hard work'—'I thought by the look of him,' he continued, 'that he was a *nob*, and must have some *blunt* about him—so I just stuck my sword in his ribs and settled him; and I found a hundred and forty doubloons in the —'s pocket!—a d—d good booty wasn't it, Joe?' turning to Hunt, who assented with a loud laugh."



equalled by the atrocity of such an act, I subsequently boasted of the ruffianly barbarity as the exploit of a soldier! Is there an English officer, is there an English soldier, or an Englishman, whose heart would not revolt at such a dastardly deed of cold-blooded cruelty? Better, far better had it been, ere I had seen this day, that I had fallen in honourable conflict, surrounded by my brave companions, after having assisted with my arm

‘To turn the tide of battle!’

than thus to be borne down, the object of unrelenting malignity. I should have been covered with honourable dust. My family might then, while mourning for my loss, have blessed my memory, and the glory of such a death would have rolled its fires into the fountain of their sorrows!

Before, my Lord, I proceed to read the remarks on the evidence which has been offered in support of the conspiracy against me, I take the liberty to return my sincere thanks to the High Sheriff, and the magistrates of this county, for their kindness and attention towards me. I cannot allow the present opportunity to pass without expressing my regret that any misunderstanding should have arisen between the Rev. Mr. Lloyd and one of my solicitors. I hope and trust that all angry feelings between them have now subsided, and that the bonds of amity are ratified. To the Rev. Mr. Franklin, the Chaplain of the prison, I owe my acknowledgments for his unremitting attentions, and his virtuous exertions to inspire me with the awful truths of religion. His exertions to awaken me to such considerations have trebly armed me to meet with firmness the trial of this day. Though last, not least, allow me to mention Mr. Wilson, the governor of the prison, whose fatherly conduct I can never forget. Memory must be indeed extinct, and my heart cold for ever, when it ceases to beat for the prosperity of himself and family.

The prisoner here paused, and drank a glass of water. He then opened a paper containing written remarks, from which he read as follows:—

I will now, Gentlemen, call your attention to the evidence in this case, which you will remark, instead of being clear, consistent, irresistible, is so far unlike the evidence usually adduced in support of so awful a charge, that it is contradictory, inconsistent, and derived from the mouths of persons who have been willing to save their own lives by any sort of falsehood or injustice towards others.

The first witness is Beeson; he has told you that there are several roads to Probert's cottage, so that the inference drawn from the circumstance of the gig being seen with the head from Batler's Green is now done away. He also mentions, that he went out to search for the body, and that those who sought were utterly at a loss for it till they were told where it was by Hunt. Hunt could inform them where the body was, and why could he do so, but because he had deposited it himself.

Beeson also told you that one person could not have thrown the body into the pond where it was found. Now what proof, I shall ask you, is there that the body ever was, as has been alleged, in Probert's pond? None but the evidence of Probert. I shall lay before you, at the proper time, what appears to me to be a view of the probabilities of this part of the case. There was also, Beeson tells you, a large pond near the small one in which the body was found. Who could have chosen the smaller pond but a person acquainted with the country? Who could possibly have known that the larger pond was sometimes dry, and the small one not? Who but Probert himself? It appeared, in an answer given to a judicious question of the learned Judge, that both the sack in which the body was enveloped, and the cord with which it was tied, were bought by Hunt.

I pass over the evidence of Field and Upson as immaterial. The next evidence is that of Rexwor-

thy. Rexworthy, you must recollect, is, from his own account, a gambler, and a supporter of gamblers; but his evidence, if worthy of any consideration at all, contains no fact that is material against me.

The next witness who bears upon the case is Ruthven, who produces some of the articles found in the room at Tetsall's when I was apprehended; but there is no proof that these articles are mine. I never wear white neckcloths; I have not worn a white neckcloth for two years till this day. You have been told there was another person in the same room with me. Now let me ask you, whether it was prudent on my part, if I had done the act with which I am charged, to suffer another person to be in my room, and have thus allowed him an opportunity of discovering my guilt? Mr. Simmons produced a red shawl handkerchief, which was proved to have been worn by Hunt, and which proved nothing against me.

I now come to the only evidence which at all connects me with the crime committed—the evidence of the only man whose testimony points at me. And who is he? What is he? He is himself the murderer. Is it credible that he would have introduced me, just hot from slaughtering, to his wife? Where was the murder committed? A quarter of a mile from his own house. Where was the body found? In his own pond. Who took it there? Himself. Who took me to Tetsall's? Probert. He gives here the true account respecting the ten pounds, but he gave a different one before the Coroner and the Magistrates. Is such a man to be believed? Before you doom a fellow-creature to an ignominious death, I conjure you to weigh well the statements of Hunt and Probert.

Gentlemen, are you to consign me to an ignominious death upon such evidence as this? Can you reconcile the difference between the statements of Hunt and Probert? And yet these men have been running a race to be admitted as approvers—these men have put up their evidence to auction, hoping to

find a bribe in proportion to the length of their consciences. The evidence of Probert throughout clearly tends to shew that the proposal of murdering Mr. Weare was familiar to him. He tells you I informed him that I was going "to do" for Mr. Weare, "for he had robbed me of several hundreds." Can you believe that I was so egregious a fool as to make such a declaration to a person who was a previous stranger to such a transaction?

Probert says, I told Hunt to stop at certain places on the road; he was a stranger to that part of the country, and Mr. and Mrs. Probert both say, he never was at their cottage before. Mr. Weare was to be put down at an appointed place. Why? because Hunt and Probert thought that it was the most proper place to commit the murder. Look at Hunt's confession before the magistrates, and Probert's evidence yesterday, and see whether they do not both say that this was the particular spot intended for the sanguinary deed. Is it credible that Probert would have induced a stranger to visit him at a house where he had no accommodation for company unless he had some unfair design towards him?

It is in evidence that Probert advanced twenty shillings to enable Hunt to go down by himself. He clearly did not take him in his gig, and in going down Hunt was allowed to purchase a loin of pork, and pay for it with Probert's money. Is not this the conduct of men who were going on a joint business? He said, I passed him four miles on the road, and he describes Hunt as having used some ambiguous remarks; and therefore I believe that Hunt and Probert enticed Mr. Weare near the fatal spot, and that I too was intended as their victim. I think it is clear that they had prepared themselves for this bloody business, by the quantity of brandy and water which they got on the road. Probert tells you that Hunt and I were to sleep at his house. According to Mrs. Probert's account, there was not sufficient accommodation for us. Why did he then invite me

down? The motive is plain—why, in order to cast upon me the odium and the consequences of the guilty deed which he and Hunt had meditated.

It must not be forgotten, that there was no spare bed without depriving Miss Noyes of hers. Would you have done otherwise than he did? Is it not manifest that the object of bringing me there was to throw all suspicion from himself upon me? The conversation which Probert attributes to me on the night in question is utterly inconsistent with his own innocence. Is it possible that I should have introduced matters of such great and awful danger to a man like Probert, if he himself had no previous intimation on the subject?

Probert, in his evidence, has not failed to press into his service the most gratuitous odium upon my character, and has invented things which could never have been said by me. He says I told him that I would murder Mr. Barber Beaumont and Mr. Woods—the latter being on the eve of marrying Mrs. Probert's sister, and then keeping company with her. If such had been my intention, is it credible that I should have mentioned such a subject to Probert, above all other persons?

Observe next the difference between the evidence of Probert and that of his wife. He says that I and Hunt went for the body and took it over Mr. Wardle's field near to the gate, and that we then dragged it to the bank of the pond. Mrs. P. says we took it into the stable and dragged it down the walk from the stable to the pond. Probert said that we had no lantern; but Mrs. Probert winds up this part of the story by saying that it was a fine moon-light night. These are manifest contradictions, but they are still more obvious when you come to consider the local situation of the garden in which they lay this scene. The garden, as described by Probert, had a house on one side, and a stable on the other, which last was in such a situation, that it was impossible for him to have seen what he describes. Probert says, that

after this he went to bed immediately; and I beg you will bear it in mind that he states, that he did not get up next morning till nine o'clock, a fact which is flatly contradicted by the evidence of his servant boy. Probert states, that he told me on Sunday, that Mr. Nicholls knew all about this business, and that I then said, 'I am baked;' and yet after this warning I returned to town, to the place where I usually lived, and where I was well known, and could easily have been found at any time, and where, in fact, I was found. Mrs. Probert says that Hunt came down in dirty clothes, and that those very clothes were seen on him on the Friday night, although, previously to his leaving London, I had lent him some of my brother's clothes, which he did not return to me till Tuesday, the day before my apprehension. Probert has told you, in order to add weight to his testimony, that on the Monday I took his servant out of the way, that he might not answer questions; but the truth is, that the very next day Probert was to quit his cottage, having received a regular notice to quit from his landlord.

Gentlemen, I will not disgust you by many more remarks upon this cold-blooded act. I cannot help persuading myself, that the discrepancies I have already pointed out are quite sufficient to discredit such witnesses in your judgment; and I am sure at least you will receive with great caution the testimony of such a man as Probert. Between him and Hunt you will bear in mind that there has been a struggle who should obtain the mercy of the Crown. He has been admitted as an approver, and therefore every word of his testimony must be regarded with the strongest suspicion. You will observe, that after much prevarication, and after swearing in his examination in chief that he did not come down stairs on the Saturday morning till after nine o'clock, he refuses to swear that it was so late as eight, although his servant boy swears it was but seven. You will not fail to have remarked on the character of this

witness. It was wrung from him by Mr. Andrews, that he had six or seven times been committed by the Commissioners under his bankruptcy, for perjury: you will not forget that he introduced Hunt to me, with an intention which is now too manifest.

The disgusting affectation with which Mrs. Probert gave her evidence, is quite sufficient to lay her credit under the strongest suspicion; what faith can you put in the testimony of a female who confesses that she put round her neck the gold chain which had been plundered from the murdered man? and that after the sanguinary tragedy had been perpetrated, she called upon the blood-stained Hunt to sing her a song? You will recollect that this is the conduct of a woman who well knew that a murder had just been committed, and that the hand of the assassin, whom she called upon to sing, was still reeking with his victim's blood. The bare statement of this fact is sufficient to overwhelm her as a witness, and render her utterly unworthy of her sex. I must, however, call your attention to some of the facts which she has stated. She says she saw two men bring a horse to take the body out of the back gate; that some digging took place on the spot; and that she saw the body carried out. She also details a long conversation in whispers between myself and her husband, which, she says, took place at the distance of a flight of stairs from one door to another. In answer to a question put by the learned Judge, she says that this long conversation was after she had seen the digging, and yet her husband says that immediately after leaving the body he went to bed.

Is it not clear, Gentlemen, that this whispering, pretended to have been overheard, was a scheme settled between Probert and his wife? I know not, but I believe most firmly, that the body never was in Probert's pond. From Mrs. Probert's description of what is called the garden and yard-gate, you will see that my statement is confirmed, as well also by the difference between her and her husband's state-

ment, as to the bringing in of the body. I may here explain the circumstance of the supposed grave, by telling you that it was a potato field, and that the potatoes were taken away previously to Probert's leaving the cottage.

Probert said that the body was stripped by the side of the pond, but I could not learn from the evidence on which side it was. In the print in a Sunday Newspaper of November 9, it is represented to have been on the opposite side to where Mrs. Probert says she saw it dragging. From the evidence of Probert and others, it is clearly proved that Hunt hired the horse and gig, and got every thing ready on the occasion; and from the evidence of Fleet it is found that Hunt took the shovel, which has been produced. Probert supplied the sovereign to pay Hunt's expenses.

I beg to call your serious consideration to the evidence of Mr. Clarke, the landlord of the White Lion, at Edgware. You will remember he states, that as he was returning home, he met a gig on the wrong side of the road, and that at the same time a coach was passing, by the lamps of which he was enabled to distinguish my person. Does not your own experience prove this to be false? And I now hereby declare most solemnly that it is utterly false. Is it possible that on a wide road, in a dark night, a man passing at a quick rate, being thirty yards off, could be able to distinguish the countenance of another in an opposed gig, by the lamps of a coach? Would not the lamps in such a case hinder, rather than assist the view? Does not every night's experience prove this? But the circumstance of my being on the off side, and having, as he says, a gentleman with me, is, I submit to you, the strongest proof that he could not catch a glimpse of my countenance. We all know, according to general principles, that when a witness tries to prove too much, he fails in every particular. The testimony of Mr. Clarke is therefore not to be depended upon, and I shall be able to



prove that he is a man on whom no reliance can be placed.

I beg also to draw your attention to the evidence of the hackney-coachman who set Mr. Weare down at a quarter past four o'clock. You will please to recollect that he said positively it was half-past four when the deceased left his coach; that I met him, and assisted in carrying away his bag. Now all the other witnesses say that I did not leave Mr. Tetsall's till five. These facts prove that I could not be the man who met him, and establish the fact, that some other person must have met the deceased. It is obvious, therefore, that this coachman is also introduced to assist in the conspiracy against me; and I have no doubt that, if he had been allowed to see me in prison, and I had been pointed out, he too, like the other witnesses, would have identified me.

The witness, Freeman, says he met a gig in Gill's-hill-lane; before the Magistrates he said it was a yellow gig, but now he says he never did say so, although to my perfect recollection he did. The evidence of Mr. Clarke's hostler proves that the night was so dark that it was impossible to distinguish any thing. Probert, who I am sure you will think is unworthy of credit, says, if my recollection be correct—

Mr. Justice PARK here interposed, and said, "Prisoner, I don't wish to interrupt you, but I wish you not to deceive yourself by stating as a fact that which is not well founded. In the depositions taken before the Magistrates, which I have before me, it does not appear that the witness Freeman asserted that it was a yellow gig; you have asserted that he did say so, but I cannot allow that to be said. Go on with your observations. I only interrupt you for your own sake."

Thurtell then bowed respectfully to his Lordship, and resumed his defence.

That is the strong impression upon my mind, I assure your Lordship. The evidence of Probert is, that he left the Artichoke public-house eleven minutes before nine, but Mr. Field says, that he left at a quarter past seven. Taking this statement to be true, it is clear that Probert and Hunt had time enough to go to the top of Gill's-hill-lane, and return to the Artichoke after they had perpetrated the murder, so as to enable them to throw the guilt upon the shoulders of any other person than their own. Can you believe, or can any body believe, that Probert, without some inquiry, would have left his companion Hunt, on a dark night, at nine o'clock, half a mile from his own cottage? Is that possible, or can you be so much imposed upon as to believe it? No; I am satisfied you will not. I am satisfied you will consider this circumstance as sufficient to overrule Probert's statement; and without that there is no evidence to support the charge against me.

I must now advert to the testimony of Mr. Clarke's hostler. He stated, that two gentlemen arrived at his master's house, at a quarter past seven; that it was dark, and that he could not distinguish the countenance of either; and yet he takes upon himself to distinguish the countenance of one of the gentlemen, whom the laundry-maid comes forward to say she believes was Mr. Weare. But, Gentlemen, there is no other person to prove this fact; there is no other person to prove that the gig did stop at his master's house. And, let me ask you, when this unhappy business was agitated, why did not the hostler come forward to offer his evidence at the Coroner's Inquest, or before the Magistrates? He certainly did not; and he now comes forward for the first time. I now declare, that, looking at Mr. Clarke's evidence, and the hostler's, it was utterly impossible for me to have been seen by them.

As to the evidence of the man who sold the pistols, I am sure you must be quite satisfied it does not at all identify me with this transaction. With respect

to the evidence given by Upson and Forster, as to the conversation they have mentioned, certainly something of the kind did occur, but they have entirely mistaken the purport and nature of it. I am quite certain that the real meaning of any thing I might say was no more than to express my disapprobation of the persons suspected, and to designate them by the word 'scoundrel.' If I had been in this horrible affair, I certainly would never have betrayed my companions. Enough has been said to you about the watch; it has been most minutely and circumstantially described, and yet it is not forthcoming. Have you not a right, and have I not a still greater right, to ask, "Where is it? what has become of it? why do they not produce it?"

My Lord and Gentlemen of the Jury, I ought to rejoice that the circumstances alone on which the prosecutors rely in support of their case, afford the strongest evidence of my innocence. The case for the prosecution is founded entirely on circumstantial evidence. I have demonstrated to you that the circumstances proved do not point at me, as being concerned in the perpetration of this murder. But, Gentlemen, circumstantial evidence is at best but a fearful guide to human judgment. If human judgment is to be guided by circumstantial evidence alone, the greatest errors may be committed. Nothing can be more frail, more liable to deception and false conclusions, than mere circumstances, which are at all times equivocal. In the annals of foreign and domestic jurisprudence, some of the most melancholy and dreadful instances are to be found of a too fatal adherence to the supposed infallibility of circumstantial evidence. Among the former we find a father condemned to death, upon mere circumstances, for the supposed murder of a child, and a poor servant-girl convicted of a theft of which she was wholly guiltless; and among the latter the instances are many.

My Lord Hale, in his Pleas of the Crown, vol. 2, p. 200, says, I could never convict any person of

murder or manslaughter, unless evidence of the most satisfactory nature respecting the body of the deceased, and the nature of the wounds which had caused his death, should be produced in aid of the circumstances by which the accusation was to be supported.

The same learned Judge quotes a case showing the necessity of such a resolution, which he states to have happened in Staffordshire, within his own recollection. A. was missing, and there being a strong presumption that he had been despatched by B. who was suspected of having consumed his body to ashes in his own oven, B. was indicted for the murder, convicted and executed. About a year afterwards A. returned home from beyond seas, whither he had been sent by B. against his will ; so that, although, perhaps, B. really deserved death, he was clearly innocent of that crime for which he suffered.

Another case, from the same high authority, was that of a nobleman who had the care of bringing up his niece, to whom he was the next in succession to certain property. The child, it seems, had committed some offence, for which her uncle had found it necessary to correct her, and she had been overheard saying, " Good uncle, don't kill me." The child was afterwards not to be found ; the uncle was committed for the murder, and the Judge, before whom he was tried, admonished him to find the child against the next assizes. When that period arrived, the uncle could not find the child, but produced another, like his niece, in years and in figure. On examination, it was discovered that this child was not the one which had disappeared, and the uncle was found guilty and executed. It appeared afterwards that the child had been terrified, had run away, and had been received by a stranger who maintained her ; and when she became of age she claimed her land, and was put in possession of it, having satisfactorily proved herself to be the true child.

Thurtell then proceeded to read from the PERCY

ANECDOTES, a work which he observed was dedicated to the Lord Chancellor, the following interesting

*CASES OF CONVICTION ON CIRCUMSTANTIAL EVIDENCE.*

CASE OF THE FARMER IN THE REIGN OF QUEEN ELIZABETH.

“ In the reign of Queen Elizabeth, a person was arraigned before Sir James Dyer, Lord Chief Justice of the Common Pleas, from whose own notes the account is said to have been taken, upon an indictment for the murder of a man who dwelt in the same parish with the prisoner.

“ The first witness against him deposed, that on a certain day, mentioned by the witness, in the morning, as he was going through a close, which he particularly described, at some distance from the path, he saw a person lying dead, and that two wounds appeared in his breast, and his shirt and clothes were much stained with blood; that the wounds appeared to the witness to have been made by the puncture of a pitchfork or some such instrument, and looking about he discovered a fork lying near the corpse, which he took up, and observed it to be marked with the initials of the prisoner's name; here the witness produced the fork in court, which the prisoner owned to be his.

“ The prisoner waved asking the witness any questions.

“ A second witness deposed, that on the morning of the day on which the deceased was killed, the witness had risen very early with an intention of going to a neighbouring market town, which he mentioned; that as he was standing in the entry of his own dwelling-house, the street-door being open, he saw the prisoner come by dressed in a suit of clothes, the colour and fashion of which he described; that he (the wit-

ness) was prevented from going to market, and that afterwards the first witness brought notice to the town of the death and wounds of the deceased, and of the prisoner's fork being found near the corpse; that upon this report the prisoner was apprehended, and carried before a justice of peace; that he, this witness, followed the prisoner to the justice's house, and attended his examination, during which he observed the exchange of clothes the prisoner had made since the time he had seen him in the morning; that on the witness charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon witness mentioning this circumstance of change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that this witness attended and assisted at the search; that after a nice search of two hours and upwards, the very clothes the witness had described, were discovered concealed in a straw bed. He then produced the bloody clothes in Court, which the prisoner owned to be his clothes, and to have been thrust in the straw bed with the intention to conceal them on the account of their being bloody.

“ The prisoner also waved asking this second witness any questions.

“ A third witness deposed to his having heard the prisoner deliver certain menaces against the deceased, whence the prosecutor intended to infer a proof of *malice prepense*. In answer to this the prisoner proposed certain questions to the Court, leading to a discovery of the occasion of the menacing expressions deposed to; and from the witness's answers to those questions, it appeared that the deceased had first menaced the prisoner.

“ The prisoner being called upon for his defence, addressed the following narration to the Court, as containing all he knew concerning the manner and circumstances of the death of the deceased. ‘ He rented a close in the same parish with the deceased,

and the deceased rented another close adjoining to it. The only way to his own close was through that of the deceased; and on the day the murder in the indictment was said to be committed, he rose early in the morning, in order to go to work in his close with his fork in his hand; and passing through the deceased's ground, he observed a man at some distance from the path, lying down as if dead or drunk: he thought himself bound to see what condition the person was in; and on getting up to him he found him at the last extremity, with two wounds in his breast, from which much blood had issued. In order to relieve him he raised him up, and with great difficulty sat him on his lap; he told the deceased he was greatly concerned at his unhappy fate, and the more so as there appeared reason to think he had been murdered. He entreated the deceased to discover, if possible, who it was, assuring him he would do his best endeavours to bring him to justice. The deceased seemed to be sensible of what he said, and in the midst of his agonies attempted to speak to him, but was seized with a rattling in his throat, gave a hard struggle, then a dreadful groan, and vomiting a deal of blood, some of which fell on his (the prisoner's) clothes, he expired in his arms. The shock he felt on account of this accident was not to be expressed, and the rather as it was well known that there had been a difference between the deceased and himself, on which account he might possibly be suspected of the murder. He therefore thought it advisable to leave the deceased in the condition he was, and take no further notice of the matter; in the confusion he was in when he left the place, he took the deceased's fork away instead of his own, which was by the side of the corpse. Being obliged to go to his work, he thought it best to shift his clothes, and that they might not be seen, he confessed that he had hid them in the place where they were found. It was true he had denied before the justice that he had changed his clothes, being conscious this was an ugly circum-

stance that might be urged against him, being unwilling to be brought into trouble if he could help it. He concluded his story with a most solemn declaration that he had related nothing but the exact truth, without adding or diminishing one tittle, as he should answer for it to God Almighty.'

"Being then called upon to produce his witnesses, the prisoner answered with a steady, composed countenance, and resolution of voice, 'he had no witnesses but God and his own conscience.'

"The Judge then proceeded to deliver his charge, in which he particularly enlarged on the heinousness of the crime, and laid great stress on the force of the evidence, which, although *circumstantial only*, he declared he thought to be irresistible, and little inferior to the most positive proof. The prisoner had indeed cooked up a very plausible story; but, if such or the like allegations were to be admitted in a case of this kind, no murderer would ever be brought to justice, such deeds being generally perpetrated in the dark, and with the greatest secrecy. The present case was exempted, in his opinion, from all possibility of doubt, and they ought not to hesitate one moment about finding the prisoner guilty.

"The foreman begged of his lordship, as this was a case of life and death, that the jury might withdraw; and upon this motion an officer was sworn to keep the jury locked up.

"This trial came on the first in the morning; and the judge having sat till nine at night expecting the return of the jury, at last sent an officer to inquire if they were agreed on their verdict. Some of them returned for answer, that eleven of their body had been of the same mind from the first, but that it was their misfortune to have a foreman who, having taken up a different opinion from them, was unalterably fixed in it. The messenger had no sooner gone, than the complaining members, alarmed at the thought of being kept under confinement all night, and despairing of bringing their dissenting brother over to



their own way of thinking, agreed to accede to his opinion, and having acquainted him with their resolution, they sent an officer to detain his Lordship a few minutes, and then went into court, and by their foreman brought in the prisoner not guilty.

“ His lordship could not help expressing the greatest surprise and indignation at this unexpected verdict; and, after giving the Jury a severe admonition, he refused to record the verdict, and sent them back again with directions that they should be locked up all night without fire or candle. The whole blame was publicly laid on the foreman by the rest of the members, and they spent the night in loading him with reflections, and bewailing their unhappy fate in being associated with so hardened a wretch. But he remained inflexible, constantly declaring he would suffer death rather than change his opinion.

“ As soon as his lordship came into Court next morning, he sent again to the Jury, on which the eleven members joined in requesting their foreman to go into Court, assuring him they would abide by their former verdict, whatever was the consequence; and, on being reproached with their former inconstancy, they promised never to desert or recriminate upon their foreman any more.

“ Upon these assurances they proceeded again into Court, and again brought in the prisoner *not guilty*. The Judge unable to conceal his rage at a verdict which appeared to him in the most iniquitous light, reproached them severely, and dismissed them with the cutting reflection, ‘ That the blood of the deceased lay at their doors.’

“ The prisoner on his part fell down on his knees, and with uplifted eyes and hands to God, thanked him most devoutly for his deliverance; and, addressing himself to the Judge, cried out, ‘ You see, my Lord, that God and a good conscience are the best witnesses.’

“ When the prisoner arrived at this passage, his voice faltered, and he shed a few tears; but almost

instantly recovering himself he put his hand to his eyes, and then with a firm voice proceeded.

“ The circumstance made a deep impression on the mind of the Judge ; and, as soon as he had retired from court, he entered into conversation with the high sheriff upon what had passed, and particularly examined him as to his knowledge of the foreman of the Jury. The high sheriff answered his lordship, that he had been acquainted with him many years ; that he had a freehold estate of his own of above 50*l.* a-year ; and that he rented a very considerable farm besides ; that he never knew him charged with an ill action, and that he was universally beloved and esteemed in his neighbourhood.

“ For further information, his lordship sent for the minister of the parish, who gave the same favourable account of his parishioner, with this addition—that he was a constant churchman, and a devout communicant.

“ These accounts increased his lordship’s perplexity, from which he could think of no expedient to deliver himself, but by having a conference in private with the only person who could give him satisfaction ; this he requested the sheriff to procure, who readily offered his service, and without delay brought about the desired interview.

“ Upon the foreman of the jury being introduced to the Judge, his lordship retired with him into a closet, where his lordship opened his reasons for desiring that visit, making no scruple of acknowledging the uneasiness he was under on account of the verdict, and conjuring his visitor frankly to discover his reasons for acquitting the prisoner. The juryman returned for answer, that he had sufficient reasons to justify his conduct, and that he was neither ashamed nor afraid to reveal them ; but as he had hitherto locked them up in his own breast, and was under no compulsion to disclose them, he expected his lordship would engage upon his honour to keep what he was about to unfold to him a secret, as he himself had

done. His lordship having done so, the juryman proceeded to give his lordship the following account:—‘ The deceased being the tithe-man where he (the juryman) lived, he had, the morning of his decease, been in his (the juryman’s ground, amongst his corn, and had done him great injustice by taking more than his due, and acting otherwise in a most arbitrary manner. When he complained of this treatment, he had not only been abused with scurrilous language, but the deceased had struck at him several times with his fork, and had actually wounded him in two places, the scars of which wounds he then showed his lordship. The deceased seemed bent on mischief, and the farmer having no weapon to defend himself, had no other way to preserve his own life but by closing in with the deceased, and wrenching the fork out of his hands; which having effected, the deceased attempted to recover the fork, and in the scuffle received the two wounds which had occasioned his death. The farmer was inexpressibly concerned at the accident which occasioned the man’s death, and especially when the prisoner was taken up on suspicion of the murder. But the assizes being just over, he was unwilling to surrender himself and to confess the matter, because his farm and affairs would have been ruined by lying so long in gaol. He was sure to have been acquitted on his trial, for he had consulted the ablest lawyers upon the case, who all agreed that as the deceased had been the aggressor, he could only have been guilty of manslaughter at most. It was true he had suffered greatly in his own mind on the prisoner’s account; but being well assured that imprisonment would be of less consequence to the prisoner than to himself, he had suffered the law to take its course. In order, however, to render the prisoner’s confinement as easy to him as possible, he had given him every kind of assistance, and had wholly supported his family ever since. And, to get him clear of the charge laid against him, he had procured himself to be summoned on the jury, and sat at

the head of them ; having all along determined in his own breast rather to die himself, than to suffer any harm to be done to the prisoner.

“ His lordship expressed great satisfaction at this account; and after thanking the farmer for it, and making this farther stipulation, that in case his lordship should survive him, he might then be at liberty to relate this fact, that it might be delivered down to posterity, the conference broke up.

“ The juryman lived fifteen years afterwards; the Judge inquired after him every year, and happening to survive him, felt himself at liberty to make a disclosure of this extraordinary occurrence.

#### CASE OF A MAN UNJUSTLY EXECUTED FOR THE SUPPOSED MURDER OF HIS FATHER

“ A man was tried for, and convicted of, the murder of his own father. The evidence against him was merely circumstantial, and the principal witness was his sister. She proved that her father possessed a small income, which, with his industry, enabled him to live with comfort; that her brother, who was his heir-at-law, had often expressed a great desire to come into possession of his father's effects; and that he had long behaved in a very undutiful manner to him, wishing, as the witness believed, to put a period to his existence by uneasiness and vexation; that on the evening the murder was committed, the deceased went a small distance from the house to milk a cow he had for some time kept, and that the witness also went out to spend the evening and to sleep, leaving only her brother in the house; that returning home early in the morning, and finding that her father and brother were both absent, she was much alarmed, and sent for some of the neighbours to consult with them, and to receive advice what should be done; that in company with these neighbours she went to the hovel in which her father was accustomed to milk the cow, where they found him murdered in a most

inhuman manner; that a suspicion immediately falling on her brother, and there being then some snow upon the ground, in which the footsteps of a human being to and from the hovel were observed, it was agreed to take one of her brother's shoes, and to measure therewith the impressions in the snow. This was done, and there did not remain a doubt that the impressions were made with his shoes. Thus confirmed in their suspicions, they then immediately went to the prisoner's room, and after a diligent search, they found a hammer in the corner of a private drawer with several spots of blood upon it.

“ The circumstance of finding the deceased, and the hammer, and the identity of the footsteps, as described by the former witness, were fully proved by the neighbours whom she had called; and upon this evidence the prisoner was convicted and suffered death, but denied the act to the last.

“ About four years after, the sister, who had been chief witness, was extremely ill; and understanding that there were no hopes of her recovery, she confessed that her father and brother having offended her, she was determined they should both die; and accordingly, when the former went to milk the cow, she followed him with her brother's hammer, and in his shoes; that she felled her father with the hammer, and laid it where it was afterwards found; that she then went from home, to give a better colour to the horrid transaction; and that her brother was perfectly innocent of the crime for which he had suffered.

“ She was immediately taken into custody, but died before she could be brought to trial.”

CASE OF WILLIAM SHAW, EXECUTED ON CIRCUMSTANTIAL EVIDENCE, FOR THE SUPPOSED MURDER OF HIS DAUGHTER.

“ An upholsterer of the name of William Shaw, who was residing at Edinburgh in the year 1721,

had a daughter Catherine, who lived with him, and who encouraged the addresses of John Lawson, a jeweller, contrary to the wishes of her father, who had insuperable objections against him, and urged his daughter to receive the addresses of a son of Alexander Robertson, a friend and neighbour. The girl refused most peremptorily. The father grew enraged. Passionate expressions arose on both sides, and the words 'barbarity, cruelty, and death,' were frequently pronounced by the daughter. At length her father left her, locking the door after him.

"The apartment of Shaw was only divided by a slight partition from that of one Morrison, a watch-case maker, who had indistinctly heard the conversation and quarrel between Catherine Shaw and her father; and was particularly struck with the words she had pronounced so emphatically. For some time after the father had gone out, all was silent; but presently Morrison heard several groans from the daughter. He called in some of the neighbours; and these listening attentively, not only heard the groans, but also her faintly exclaim, 'Cruel father, thou art the cause of my death!' Struck with the expression, they got a constable, and forced the door of Shaw's apartment, where they found the daughter weltering in her blood, and a knife by her side. She was alive and speechless; but on questioning her as to owing her death to her father, she was just able to make a motion with her head, apparently in the affirmative, and then expired.

"At this moment Shaw enters the room. All eyes are upon him! He sees his neighbours and a constable in his apartment, and seems much disordered; but at the sight of his daughter he turns pale, trembles, and is ready to sink. The first surprise and the succeeding horror leave little doubt of his guilt in the breasts of the beholders; and even that little is done away, on the constable discovering that the shirt of William Shaw is bloody.

“ He was instantly hurried before a magistrate, and upon the deposition of the parties, committed for trial. In vain did he protest his innocence, and declare that the blood on his shirt was occasioned by his having blooded himself some days before, and the bandage having become untied. The circumstances appeared so strong against him, that he was found guilty, was executed, and hung in chains at Leith. His last words were, ‘ I am innocent of my daughter’s murder.’ ”

“ There was scarcely a person in Edinburgh who thought the father innocent; but in the following year a man who had become the occupant of Shaw’s apartment, accidentally discovered a paper which had fallen into a cavity on one side of the chimney. It was folded as a letter, and on opening it, was found to contain as follows:—‘ Barbarous father! your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I always hated, has made me form a resolution to put an end to an existence which is become a burden to me.’ ”

“ This letter was signed, ‘ Catherine Shaw ;’ and on being shewn to her relations and friends, it was recognised as her writing. The magistracy of Edinburgh examined it, and on being satisfied of its authenticity, they ordered the body of William Shaw to be taken from the gibbet, and given to his family for interment; and as the only reparation to his memory, and the honour of his surviving relations, they caused a pair of colours to be waved over his grave, in token of his innocence.”

CASE OF JONATHAN BRADFORD, EXECUTED FOR  
THE SUPPOSED MURDER OF Mr. HAYES.

“ In the year 1736, Mr. Hayes, a gentleman of fortune, in travelling, stopped at an inn, in Oxfordshire, kept by one Jonathan Bradford. He there met with two gentlemen, with whom he supped, and

in conversation unguardedly mentioned that he had then with him a considerable sum of money. Having retired to rest, the two gentlemen, who slept in a double-bedded room, were awakened by deep groans in the adjoining chamber. They instantly arose, and proceeded silently to the room where the groans were heard. The door was half open, and on entering they perceived a person weltering in his blood, in the bed, and a man standing over him with a dark lantern in one hand, and a knife in the other. They soon discovered that the gentleman murdered was the one with whom they had supped, and that the man who was standing over him was their host. They instantly seized him, disarmed him of the knife, and charged him with being the murderer. He positively denied the crime, and asserted that he came there with the same intentions as themselves; for, that hearing a noise, which was succeeded by groans, he got up, struck a light, and armed himself with a knife in his defence, and was but that minute entered the room before them.

“ These assertions were of no avail; he was kept in close custody until morning, when he was taken before a neighbouring justice of the peace, to whom the evidence appeared so decisive, that on writing out his mittimus, he hesitated not to say, ‘ Mr. Bradford, either you or myself committed this murder.’

“ At the ensuing assizes at Oxford, Bradford was tried, convicted, and shortly after executed, still however declaring that he was not guilty of the murder. This afterwards proved to be true; the murder was actually committed by Mr. Hayes’s footman, who, immediately on stabbing his master, rifled his pockets, and escaped to his own room, which was scarcely two seconds before Bradford’s entering the chamber. The world owes this knowledge to a remorse of conscience of the footman on his death-bed, eighteen months after the murder; and dying almost immediately after he had made the declaration, justice lost its victim.



“ It is, however, remarkable, that Bradford, though innocent, and not at all privy to the murder, was nevertheless a murderer in design. He confessed to the clergyman who attended him after his sentence, that having heard that Mr. Hayes had a large sum of money about him, he went to the chamber with the same diabolical intentions as the servant. He was struck with amazement; he could not believe his senses; and in turning back the bed-clothes to assure himself of the fact, he in his agitation dropped his knife on the bleeding body, by which both his hand and the knife became stained, and thus increased the suspicious circumstances in which he was found.”

CASE OF JOHN JENNINGS, EXECUTED ON A FALSE  
CHARGE OF ROBBERY.

“ In the year 1742, a gentleman in travelling was stopped by a highwayman in a mask, within about seven miles of Hull, and robbed of a purse containing twenty guineas. The gentleman proceeded about two miles further, and stopped at the Bull Inn, kept by Mr. Brunell. He related the circumstances of the robbery, adding, that as all his gold was marked, he thought it probable that the robber would be detected. After he had supped, his host entered the room, and told him a circumstance had arisen which led him to think that he could point out the robber. He then informed the gentleman that he had a waiter, one John Jennings, whose conduct had long been very suspicious: he had long before dark sent him out to change a guinea for him, and that he had only come back since he (the gentleman) was in the house, saying he could not get change; that Jennings being in liquor, he sent him to bed, resolving to discharge him in the morning; that at the time he returned him the guinea, he discovered it was not the same he had given him, but was marked, of which he took no further notice until he heard the particulars of the robbery, and that the guineas which the highwayman

had taken were all marked. He added, that he had unluckily paid away the marked guinea to a man who lived at some distance.

“ Mr. Brunell was thanked for his information, and it was resolved to go softly to the room of Jennings, whom they found fast asleep; his pockets were searched, and from one of them was drawn a purse containing exactly nineteen guineas, which the gentleman identified. Jennings was dragged out of bed, and charged with the robbery. He denied it most solemnly; but the facts having been deposed to on oath by the gentleman and Mr. Brunell, he was committed for trial.

“ So strong did the circumstances appear against Jennings, that several of his friends advised him to plead guilty, and throw himself on the mercy of the court. This advice he rejected; he was tried at the ensuing assizes, and the jury without going out of court found him guilty. He was executed at Hull a short time after, but declared his innocence to the very last.

“ In less than twelve months after this event occurred, Brunell, the master of Jennings, was himself taken up for a robbery committed on a guest in his house, and the fact being proved on his trial, he was convicted and ordered for execution.

“ The approach of death brought on repentance; and repentance, confession. Brunell not only acknowledged having committed many highway robberies, but also the very one for which poor Jennings suffered. The account he gave was, that after robbing the gentleman, he arrived at home some time before him. That he found a man at home waiting, to whom he owed a small bill, and not having quite enough of money, he took out of the purse one guinea from the twenty which he had just possessed himself of, to make up the sum, which he paid to the man, who then went away. Soon after the gentleman came to his house, and relating the account of the robbery, and that the guineas were marked, he

became thunderstruck! Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and the marked guineas would soon become publicly known, detection, disgrace, and ruin appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last struck him; and thus to his other crimes he added that of the murder of an innocent man."

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*CASES OF CONVICTION ON CIRCUMSTANTIAL  
EVIDENCE IN FRANCE.*

"The case of M. de Pivardiere is one of the most singular instances of criminal precipitation and iniquity that the annals of French justice furnish. Madame de Chauvelin, his second wife, was accused of having had him assassinated in his castle. Two servant maids were witnesses of the murder; his own daughter heard the cries and last words of her father: —'My God! have mercy upon me!' One of the maid servants falling dangerously ill, took the sacrament; and while she was performing the solemn act of religion, declared before God that her mistress intended to kill her master. Several other witnesses testified that they had seen linen stained with his blood; others declared that they had heard the report of a gun, by which the assassination was supposed to have been committed. And yet, strange to relate, it turned out after all that there was no gun fired, no blood shed, nobody killed! What remains is still more extraordinary: M. de la Pivardiere returned home; he appears in person before the Judges of the Province, who were preparing every thing to execute vengeance on his murderer. The judges are resolved not to lose their process; they affirm to his face tha

he is dead; they brand him with the accusation of imposture for saying that he is alive; they tell him that he deserves exemplary punishment for coining a lie before the tribunal of justice; and maintain that their procedure is more credible than his testimony! In a word, this criminal process continued eighteen months before the poor gentleman could obtain a declaration of the court that he was alive!"

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“ In the year 1770, a person of the name of Monthaille, without any accuser, witness, or any probable or even suspicious circumstances, was seized by the superior tribunal of Arras, and condemned to have his hand cut off, to be broken on the wheel, and to be afterwards burnt alive, for killing his mother. This sentence was executed, and his wife was on the point of being thrown into the flames as his accomplice, when she pleaded that she was *enceinte*, and gave the Chancellor of France, who was informed of the infernal iniquity that was perpetrating in the sacred name of justice, time to have the sentence as to her reversed.

‘ The pen trembles in my hand,’ says Voltaire, ‘ when I relate these enormities!’ We have seen, by the letters of several French lawyers, that not one year passes, in which one tribunal or another does not stain the gibbet or the rack with the blood of unfortunate citizens, whose innocence is afterwards ascertained, when it is too late.’ ”

Thurtell was about to close his quotations of cases of conviction on circumstantial evidence, when he was privately addressed by his solicitor, probably to remind him of an omission, when he immediately referred to his papers, and added the following :—

CASE OF HOLMAN FALSELY ACCUSED OF  
MURDER.[From the *Newgate Calendar* \*.]

Gentlemen, there is one more case to which I shall call your attention. It is from the *Newgate Calendar*. As it is long, I shall not detain you by reading it all; but shall give you the heads of it.

It is the trial of a man named Holman, in 1748, at Kingston, for the murder of a young woman. The young woman lived for ten weeks after receiving the wounds which eventually caused her death. She stated, before her death, that she had been attacked by a man named Holman. Holman was taken up; and a strong case of circumstances being made out against him, he was executed, protesting his innocence to the last moment. In about three years after this, two persons were tried for another murder, and found guilty: they then confessed that Holman had suffered undeservedly; that he was wholly innocent of the crime. They acknowledged that it was committed by one of them, who assumed the name of Holman, in order that he (Holman) might afterwards be charged with it."

Thurtell read the whole of these cases in a firm and distinct voice, and in a most impressive manner. His whole demeanour was becoming and interesting. Having concluded the documentary part of his defence, he resumed his paper, and continued the argumentative part of his address.

And now, gentlemen, having read these cases to you, am I not justified in saying, that unless you are thoroughly convinced that the circumstances before

\* See *New Newgate Calendar Improved*, by Theodore Wilkinson, Vol. II. p. 176, published by Mr. Kelly, Paternoster Row.

you are absolutely inconsistent with my innocence, I have a claim to your verdict of acquittal? Am I not justified in presuming, that you may have arrived at the conclusion that all the circumstances stated might be true, and yet I be innocent? I am sure, gentlemen, you will banish from your minds any prejudice which may have been excited against me, and act upon the principle that every man is to be deemed innocent until he is proved guilty. Judge of my case, gentlemen, with mature consideration, and remember that my existence depends upon your breath. If you bring in a verdict of guilty, the law afterwards allows no mercy. If upon a due consideration of all the circumstances you shall have a doubt, the law orders, and your own consciences will teach you, to give me the benefit of it. Cut me not off in the midst of my days. I implore you, gentlemen, to give my case your utmost attention. I ask not so much for myself as for those respectable parents whose name I bear, and who must suffer in my fate. I ask it for the sake of that home which will be rendered cheerless and desolate by my death. Gentlemen, I am incapable of any dishonourable action. Those who know me best know that I am utterly incapable of an unjust and dishonourable action, much less of the horrid crime with which I am now charged. There is not, I think, one in this Court who does not think me innocent of the charge. If there be—to him or them, I say, in the language of the Apostle, “Would to God, ye were altogether such as I am, save these bonds.”

“Gentlemen, I have now done. I look with confidence to your decision. I hope your verdict this day will be such as you may ever after be able to think upon with a composed conscience; and that you will also reflect upon the solemn declaration which I now make—SO HELP ME GOD I AM INNOCENT!”

Thurtell pronounced this last sentence in the most emphatic manner. He raised his eyes to heaven,

and extended his arms a little, then drew them back and pressed his hands closely to his heart. He then bowed to the Judge and Jury, and resumed his seat. His whole defence seemed to have created a strong feeling in his favour.

The Judge, then addressing himself to the prisoner Hunt, said, "Joseph Hunt, it is now your time, as your counsel cannot address the Jury on your behalf, to say what you think proper in your defence; but before you begin, the purposes of justice require that the witnesses for the other prisoner should be heard first."

#### WITNESSES ON BEHALF OF THURTELL.

Mr. SAMUEL WADESON was first called; examined by Mr. Andrews. In the course of my profession, I became acquainted with Probert. It was when he became a bankrupt, I was the solicitor for the creditors. There were several meetings and examinations. From what I then saw and knew of Probert, I would not believe him on his oath, unless his testimony was supported by other and credible evidence.

Mr. HAYDON, examined by Mr. Platt. I have known John Thurtell. The impression on my mind, from my knowledge of him, is, that he is humane and kind-hearted.

By the Court. When was your last intercourse with him? Witness answered that he had not ceased to know and see him. He met him frequently.

Captain M'KINLAY, examined by Mr. Andrews. I am a Captain in the royal navy. (We think the witness added, that he held some situation at Greenwich, but we could not distinctly hear.) I have known John Thurtell. He served under me. He was under my command from 1812 to 1814. I was then Captain of the *Bellona*. He always acted with correctness as an officer. I found him correct,

humane, and liberal. I have not known him since 1814.

Mr. W. WALMSLEY, who was examined by Mr. Chitty, stated, that he had known John Thurtell for the the last thirteen or fourteen years, and that he had, during that time, always considered him a humane well-disposed man.

The counsel for Thurtell having intimated that they had no more witnesses to call, the prisoner Hunt was now asked by the Judge whether he had any thing to say in his defence?

Hunt.—My Lord, I have a defence to make, but from extreme anxiety of mind, I do not feel myself competent to read it.

Mr. Justice PARK.—Let the officer of the Court read it.

The paper was then handed up to Mr. Knapp, and that officer proceeded to read

### HUNT'S DEFENCE.

My Lord,

Having, under a positive assurance that I should be admitted a witness for the Crown, made a full and true confession of all the facts within my knowledge respecting this horrible and melancholy event, and having implicitly relied on the good faith of the Magistrates for the due performance of their solemn promises, made previously and subsequent to my disclosure, I forbore to make the slightest preparation for my defence; and, after your Lordship shall be made acquainted with all the circumstances under which that confession was drawn from me, your Lordship's feeling and compassionate heart will be able to appreciate, although I am unable to describe the painful emotions of surprise and disappointment by which I was overwhelmed, when, only a few days before the Assizes, it was notified to me, for the fir-



time, that I was to be placed in my present perilous and awful situation.

Your Lordship will perceive that the very circumstance which I was told would procure me forgiveness, and ensure my safety, has alone rendered me amenable to the laws—namely, my own disclosure and declarations; for, although the prosecutors may not offer my confession in evidence, yet, as that confession has been published in every newspaper in the kingdom, and has been circulated in many thousand pamphlets, and been the subject of universal conversation, is it probable, or even possible, that any of the gentlemen who are now sitting in judgment on my case can be ignorant that such a confession has been made? How futile, then, and unavailing would be any observations or arguments to raise a presumption of the innocence of a man, who already, to a certain extent, stands self-condemned? Feeling myself in this dilemma, I shall abstain from troubling your Lordship with any detail of facts or observations upon the main question involved in the indictment, but merely assert, that I was not present when the unfortunate deceased lost his life, and that I was ignorant of any premeditated plan or intention to destroy him; I never knew of the murder until after it was committed; my crime consists solely in concealment; and my discovery could not bring the dead to life; my error arises, not from any guilt of my own, but from my concealment of the guilt of others. I am now on my trial for having been privy to the previous design—I never was; I certainly concealed it afterwards, sooner than betray the misfortune which had been confided to me. Your Lordship, however, will, I am sure, tell the gentlemen of the Jury that no concealment or conduct of mine after the death will make out the present charge; and, I hope both your Lordship and these gentlemen are too just and merciful to convict me from prejudice, and not from proof

I now, my Lord, most respectfully solicit your humane attention to the following statement:—

“ On the morning of Wednesday, the 29th Oct. I was apprehended in London, and directly conveyed to Watford, where an investigation was going on respecting the then supposed murder of Mr. Weare. On my arrival I found several magistrates assembled, and Mr. Noel, who was apparently conducting the prosecution, addressed me as follows:—‘ Mr. Hunt, for God’s sake, tell the Magistrates whatever you know of this murder, and in all probability you will be admitted as an evidence. It is clear that Mr. Weare has been murdered, and we only want to find where the body is, and if you know, for God’s sake tell us.’ I repeatedly denied all knowledge of the circumstance, and Mr. Noel as frequently importuned and urged me to confess.

“ At last the Magistrates said, ‘ Mr. Hunt, you had better retire and consider the offer made to you, and recollect your perilous situation.’ I was then conveyed into another room, and was presently followed by Mr. Noel, who, in the presence of Ruthven and Upson, repeatedly told me that if I would tell where the body was (provided I did not actually commit the murder), that I should be admitted as an evidence, and my life would be spared; and added, that the Magistrates had authorized him to make a pledge to this effect. Still, however, I was firm in my denial, and continued so until Upson the officer tortured my feelings by the mention of my family. He said to me, ‘ Hunt, you have a mother?’ I answered, ‘ Yes, I have.’ ‘ And a wife also?’ I said ‘ Yes.’ ‘ And you love them dearly?’ I answered ‘ Yes, very dearly.’ Then, said he, ‘ For their sakes do not risk suffering an ignominious death, but tell where the body is, and give your evidence immediately, or you may be too late; for Probert or the other will disclose, and then nothing can save you.’

“ This address had a great effect upon me, and

Noel perceiving it again pressed me, saying, 'Do not hesitate, for you have now a chance; consider the situation you are in, and avail yourself of the offer now made to you, for I am authorized by the Magistrates to say, that you will be admitted as an evidence for the Crown, and not treated as the others. You will merely be confined until the trial, to give your evidence, and then be discharged.' On receiving this assurance I consented to become a witness, and Mr. Noel then asked me if I knew where the body was? I told him yes; that I could not describe the place by name, but I could point it out; on which Mr. Noel struck his hand on the table, and exclaimed, 'That's all we want,' and shaking me by the hand said, 'Hunt, I am very glad you have saved your own life.'

"We now returned into the room where the Magistrates were, and Mr. Noel told them I was ready to make a disclosure, and said, I have made known to him, by your orders, that if he discovers where the body is, he is to be admitted as an evidence; but, before he says any thing, I wish him to have that assurance in your presence, that he may be satisfied from yourselves that I was authorized to make the promise. The Magistrates, Mr. Clutterbuck and Mr. Mason, replied, that Mr. Noel had their authority for what he had done; and then Mr. Noel said, 'Now, Mr. Hunt, having heard the Magistrates' decision as to your being a witness, I hope you are satisfied, and I beg you will take a seat, and tell us all you know.' I then detailed every thing that occurred to my recollection, but having been apprehended early on the preceding day, conveyed into the country, and harassed and importuned throughout the night, it could hardly be expected that I should, at four or five o'clock in the morning, in making a very long statement, recollect every circumstance; indeed, the Magistrates were aware that such could not be the case, and they told me, that as in the hurry and confusion of the moment, I had, no doubt, omitted

many facts that I should afterwards on reflection recollect, if such should be the case, I had only to address a letter to the Magistrates, and they would immediately attend to it.

“ Shortly after quitting the room, several particulars came to my recollection which I had not named, and I directly sent for Mr. Noel and mentioned them to him. At nine o'clock the same morning, I went with the officers and pointed out the spot where the body had been deposited; I was then taken back to the Magistrates to sign my statement, and previous to my being taken to prison, Mr. Clutterbuck desired that I should be treated with kindness, and not put under any unnecessary restraint. I was accordingly conveyed to St. Alban's, without being ironed or handcuffed, and was there treated with every possible indulgence.

“ On being taken before the Coroner, I experienced very different treatment; but still I had no intimation given me that I was not to be admitted as a witness for the Crown until just before the present indictment was found.

“ It is perfectly true, that when before the Coroner I was admonished to make no farther confession; but the admonition was a mockery. I had already, under a solemn promise, confessed every thing material; and the Coroner himself, when he thus affected to forewarn me, well knew that he and his Jury were that instant sitting in inquest on the body solely in consequence of my disclosure; no Jury could have sat—no death could have been proved—no body could have been found—no trial could have been had, but for my instrumentality.

“ I was trepanned into a confession by the plighted faith of the Magistracy of this county. If they break it now, they will not merely make me the victim of its violation, but they will be answerable to society for every future crime against the discovery of which their conduct will be an eternal admonition. Who can confide in promises hereafter? Who can rest his

life on magisterial assurances? To no human being can they ever pledge themselves more sacredly than to me; yet here I stand to-day a proof of their sincerity; nay, more than this, not only have they broken faith and violated honour, but while the press was unceasing in the excitement of prejudice—while the theatre and the painter were employed in poisoning the public mind—while every engine was at work to diminish the chances of an impartial trial, these very men, who had thus ensnared me by perfidious declarations, closed their prison door against friends and legal advisers, and opened them only to the mandate of the King's Bench.

“ Thus was I first ensnared, and afterwards sought to be sacrificed. Seduced into a confession, which was trumpeted through the world, and then cruelly secluded until the time arrived when I was to suffer—not for my crime, but my credulity; not because I erred, but because I trusted; not because I violated the law, but because I confided in the conscience of its ministers. It is in vain to say that my confession was not complete; it was as ample as could have been expected at the moment, from an exhausted frame and an agitated mind. It was subsequently amended, where it was at first deficient; and no sophistry can evade the fact that through that confession alone the body was discovered. Thus, then, the main circumstance, that on which every thing turned, was disclosed at once; and it is absurd to attribute to aught but momentary confusion, any minor concealment, when the great, essential, and indispensable development had taken place.

“ As a proof that even the Coroner himself considered my confession so ample as to ensure my pardon, and that in his mind, notwithstanding his admonition, the promise of the Magistracy ought to be held inviolate, hear his own words to Mr. Nicholls, one of the witnesses examined. ‘ The consequence of your delay has been the escape of Hunt from justice; for he has been admitted a witness for the Crown by the Magis-

trates, as they were afraid the body was disposed of.\* Now what did these words mean, if the Coroner was not fully convinced that I had merited and ensured my pardon?

“The prosecutors, my Lord, may affect to say, that as they refuse to grant me the boon promised for the disclosure, they will decline using, or taking any advantage of the confession, and I humbly submit that such a line of conduct would be alone consistent with justice and fair dealing; for if they retract their engagement, they ought not to place me in a worse situation than I was in at the first moment, when, confiding in their integrity, I unbosomed the secret. If the prosecutors act with liberality, and forbear to offer a tittle of evidence respecting the body, and, in conducting the case, consider it as still undiscovered, I can have no cause to complain of plighted faith and broken promises, because your Lordship need not be reminded that it has been laid down as a principle, that no death can be considered as proved unless the body be found, and, consequently, in this case, no conviction can take place. But if witnesses are produced to prove the finding of the body, can it be said that my confession has not been taken advantage of? and will not the prosecutors be taunting me by an affectation of candour, if they take credit for not giving in evidence any declaration made by me, while they avail themselves of the very essence and substance of the communication?

“In confirmation of the promises made to me by the Magistrates and Mr. Noel, I beg to refer to a statement which the latter gentleman has published in the newspapers; wherein he says, ‘It is now incumbent on me to state the reasons for the offer of mercy held out to Hunt,’ and then he thus proceeds: Notwithstanding the most diligent searches for the body, no discovery had been made of it as late as four o’clock past midnight of Thursday morning, the 30th of October, the sixth day after the murder, and at that hour the informations and investigations had ter-

minated with no clue whatever to the real person murdered.' Mr. Noel next describes his invitations to me to make a disclosure, with a view to my being admitted as an approver; his desiring me to retire to consider of his proposal; and after I had left the room, he says he addressed the Magistrates as follows:—'Gentlemen, if you do not approve of the offer of mercy held out to Hunt, say so, and I will go to him. Recollect, without the body is found, notwithstanding the strong evidence against one of the parties, we shall do nothing; and Mr. Clutterbuck and Mr. Mason both gave unqualified approbation to my mode of examination, and of the offer of mercy held out to Hunt.'

" And in another part of Mr. Noel's statement, he says, 'Not only at Watford, but at the Inquest, it was the general opinion of Mr. Mason and the Magistrates, that the body might have remained concealed in Hill's Slough, the place where it was found (a distance of three miles and a half from the spot where the murder was committed) until it had been decomposed, and beyond the possibility of identifying; and such was the insignificance of the slough, that persons employed to drag all pits, ponds, &c., would have passed by it, and therefore they were confirmed in their opinion as to the policy and propriety of sanctioning my offer of mercy to Hunt; and previous to the offer being made, it was our united opinion that the corpse had been removed to London, and probably thrown into the Thames either entire or piecemeal.'

" In addition to this statement, Mr. Noel inserts a letter from Mr. Clutterbuck to himself, in which the Magistrate observes, that as my case was then gone out of the hands of the Magistrates, all that could be done for me was to ask of the Court whether they would allow me to be evidence for the Crown.

" Having now, my Lord, faithfully stated the inducements by which I was led to make that disclosure which alone rendered myself and my fellow-pri

soners amenable to justice, I respectfully submit to your lordship, whether, in being now put upon my trial, and made the victim of my own credulity, I have been fairly and candidly dealt with? I will not, my lord, attempt to point out or discuss the mischiefs likely to arise if such engagements as were entered into with me are to be cancelled at pleasure, because they will occur much more forcibly to your lordship's enlightened mind: indeed, so far as I am individually concerned, my fate is a subject of trifling importance. I have no desire to prolong a wretched existence, unless it be to afford the opportunity of endeavouring by prayer and penitence to obtain mercy and forgiveness of the Almighty, for the sins and transgressions I have committed. But in pity to the feelings of an aged and respectable mother, a virtuous and amiable wife, and my dearly beloved brother and sister, I do feel most anxious to avoid an ignominious death; and it is therefore for their sakes, more than for my own, that I fervently and earnestly entreat the performance of the solemn pledge made to me of sparing my life. I have nothing further to add, but most humbly repose my fate to the justice and humanity of your lordship.'

When Mr. Knapp had concluded the reading of this document, Hunt rose and said, that he had another paper which he wished to have read. He was proceeding to read it himself, when

Mr. Justice PARK asked him whether he had not better allow that paper also to be read by the officer of the Court.

Hunt replied, that as the paper was very short, he would proceed to read it himself. He wished to add to the defence which had already been read, that the greater part of Probert's evidence was false, and especially that part of it in which it was stated, that he (Hunt) was acquainted with all the circumstances which occurred previously to the murder. In order to save his own life, Probert had found it necessary



to sacrifice his. One fact which Probert had stated, every body must see must be false. Probert had said, that he (Hunt) had pointed out the place where he was to be set down on the road. Now it was in evidence that he had never before been in that part of the country. How, then, could he know any thing about the places on the road?

Mr. Justice PARK, finding that Hunt had concluded, desired one of the Hertfordshire constables to be placed in the witness-box. One of them was accordingly placed there. The learned Judge then asked him, whether he knew where Gill's-hill-lane was? He replied that he did not. He was in consequence dismissed.

Mr. Justice PARK said, that his reason for examining the constable was, to have legal proof that Gill's-hill-lane was in the county of Hertford. Perhaps there was some in court who could prove it.

It was stated that the Coroner was in court, and could prove the point in question. He was accordingly put into the witness-box, and proved that not only Gill's-hill-lane, but also the place where Mr. Weare's body was found, were in the county of Hertford.

### THE JUDGE'S CHARGE TO THE JURY.

A few minutes before twelve o'clock the learned Judge proceeded to sum up the evidence to the Jury.

The present case his Lordship said, was one of great importance, and had already occupied a very great portion of their time and labour. It was a case which was of vast importance to the prisoners, and scarcely of less importance to the public. The prisoners was indicted in this manner—one of them, John Thurtell, as the principal felon, and the other, Joseph Hunt, as the party who had stirred up, moved, abetted, procured, commanded, hired, counselled, and

directed John Thurtell to perpetrate the murder, or, in legal language, as an accessory before the fact. If he had only been guilty of concealing the murder after it had been committed, he was only, as he said in his defence, an accessory after the fact, and therefore could not be convicted upon this indictment.

The question which they had to decide was, like all other examinations into the death of a man, of great importance: for the law of England placed, and very properly placed, so high a value on the life of a citizen, as to deem every killing a murder; and, it therefore threw upon the person accused, the burden of showing the circumstances of extenuation, which reduced the killing from murder to manslaughter, or which made it no killing, but that which the law excused or justified. The present question did not, however, depend upon any point of that nature. The only question before the Jury was, who committed the murder of Mr. Weare; for, it was not pretended by either of the prisoners, that, if they committed it, there were any circumstances which justified them in doing so.

The defence of the principal in this indictment was, that he did not commit the fact charged against him; and, if he did not commit that fact, all inquiry regarding the accessory was useless and unnecessary. There was this distinction between the two prisoners at the bar, a distinction which, though it made no legal defence in their situation,—for accessories before the fact stood exactly on the same ground as principals, was still worth their notice—there was this distinction between the two prisoners, that if they thought that there was no testimony to affect John Thurtell, then they needed not to inquire as to the guilt of Joseph Hunt; for Hunt being only indicted for counselling and abetting John Thurtell in the commission of this murder, it was clear that if they thought that John Thurtell did not commit it, Hunt could not have counselled or abetted him in the commission.

There was likewise another difference between

them, viz. that though they might think John Thurtell guilty, it did not follow that they must necessarily find Joseph Hunt guilty of aiding, counselling, and abetting him. He trusted that he had thus explained to their satisfaction the distinction which existed in the cases of the two prisoners.

The Jury had heard, as well as he had, the topics which had been offered by Thurtell in his defence; and before he went into the evidence, which he should detail to them very minutely, and should examine with all the discrimination which his mind could bring to it, he would beg leave to call their attention to them. He should not be doing justice to that defence, if he did not fully admit that the beginning and end of it were eminently manly, energetic, and powerful, and were highly creditable to the party who had drawn it up. He could not, however, help saying, though he was not one of those who took pleasure in saying any thing harsh, that he could not admire the judgment of those who had advised the prisoner to disfigure and deform that defence by putting so foolish a middle between so able a commencement and conclusion. If it had been the wish of the parties to have weakened the defence as much as possible, they could not have effected their purpose better than by quoting cases from the *Percy Anecdotes*, and other volumes, of which no lawyer knew any thing, and which, for any thing he knew, might even be mere volumes of romance. By such a proceeding, the defence had lost all the effect of the opinion of that eminent man Lord Hale—an opinion which was so sound, that no man in his senses would presume to question it—an opinion on which he had recently acted in a case in Sussex—namely, that in order to prove the crime of murder, it should be shown that the man said to be murdered was absolutely dead. That opinion was founded in common sense; it required no authority save that of Lord Hale, and it certainly acquired no weight from the farrago of romance and nonsense which somebody had put into the hands of the prisoner; for he did not

suppose that the prisoner was the person who had himself collected it.

The principal, Thurtell, had chiefly rested his defence on the danger of giving too implicit credence to circumstantial evidence. If the doctrine which he had that day advanced were to be carried to the extent for which he contended, there would be an end at once to the judicature of man. As long as man was the infirm and imperfect creature which he now was—as long as his knowledge remained of the confined and limited nature that it now was—how could he arrive at any certainty in matters of this description, except by a concatenation of circumstances, all leading to one and the same result?

It would be absurd to deny the value, the great and important value, of circumstantial evidence; for though in the lapse of some hundred years, some cases might be cited in which it had led to unfortunate conclusions, yet circumstantial evidence in the testimony of all persons who were accustomed to attend to judicial proceedings, not only of those who had sat on the bench to which he had been raised, but also of those who were most eminent as practitioners at the bar, was considered as more satisfactory in producing conviction in the human mind, than the direct testimony of any single individual who saw the crime in question committed.

He would endeavour to exemplify the doctrine which he had been laying down on this point by a particular instance. This man Probert—than whom a more infamous character could not easily be conceived—a man, who by the very fact of his being admitted as evidence for the crown, was placed before them as an accomplice in murder—who had not been rendered a whit blacker than he was before by the very respectable testimony of Mr. Wadeson, who being asked whether he would believe Probert upon oath, replied, with a caution which was not more than he (Mr. Justice Park) had expected from a long acquaintance with his (Mr. Wadeson's)

character, "I would not believe him upon his oath, unless he were corroborated by other witnesses,"—for how could that man who had committed perjury on his examination before the commissioners regarding his bankruptcy, be considered as less vile than the man who had concealed the murder of his friend?

This man Probert—(for he formed an example well calculated to illustrate the difference between direct and circumstantial evidence) might be influenced by bad motives against the prisoner Thurtell, and, therefore, might frame his evidence in such a manner as to ensure his conviction. He would assume that such bad motives did exist, and that Probert and one or two others had conspired against him. Then in what situation were the jury and himself placed—acting as they would have to act on the oath of a man who was declared not to be a credible witness on his oath? Were they to conclude that the fifty-three other witnesses who had been examined on this trial, who had corroborated the statement of Probert and others, and of whom some did not even know the person of the prisoner Thurtell, were likewise conspirators against him? Or were they to conclude that the corroboration of Probert and others by so many indifferent witnesses, was a decisive proof of the truth of their statements? For his own part, he would say, that there never was a case in which circumstantial evidence was more useful.

Circumstantial evidence, however, was said to be doubtful. He allowed that it was, and so, indeed, was all evidence. If not, why were they and he in that court together? They were well aware that they were met to exercise their judgment in sifting all the evidence, direct as well as indirect, that might be submitted to their notice. They were not sift the circumstantial evidence merely, they were to sift the direct evidence also; and if upon a review of both, they entertained any strong doubt

as to the guilt of the prisoners, such as rational men who valued the sanctity of their oaths ought to feel, then, as the prisoner Thurtell had observed, they were bound to give the benefit of such doubts to the prisoners, and to acquit them of the charge which had been brought against them.

There is, said the learned Judge, another circumstance in this case, which renders it particularly distressing to those who have to look upon it in a judicial point of view. We are met at the very outset of it by an evil which no man can deny, and which I think few will be found to palliate. It is painful for me to reflect upon it, or to consider of the consequences to which it must ultimately lead. It is my practice—and I am sure that those who know me will bear testimony to the truth of my observation—it is my practice never to go out of my way to say any thing harsh of any human being; but I should be unworthy of the situation which I now fill, I should even deserve to meet with impeachment, if I did not fully and fearlessly discharge those duties which my judicial station imposes upon me; and I shall therefore proceed to make those observations which I conceive justice demands from me, even though I may be attacked for them by all the artillery of libel.

It is peculiarly distressing to me to find that both the prisoners are obliged in the very outset of their defence to beseech, entreat, implore, and conjure you, if you have ever heard or read of any thing to their prejudice or disadvantage in the last few months, to dismiss it entirely from your thoughts, and to avoid it as you would the breath of a pestilence. Much, too much, has unfortunately been published upon this subject; and I cannot but say, that such statements of evidence, as I am informed have appeared regarding this case, are calculated to corrupt justice in its very source. If they are not checked immediately by authority, I, for one, shall tremble for the constitution of my country. We

have long boasted, and I think justly boasted, of the purity with which justice is administered amongst us; but if the practices which are recently grown up are allowed to continue, that boast must before long become a mere idle boast.

You are called into that box, Gentlemen of the Jury, to decide, by the help of that judgment which God has given you, fairly, impartially, and without prejudice, upon the evidence which is submitted to you in this Court. But how can you do this, if you are allowed to have your minds previously poisoned with that which is no evidence at all in the case? How can you come to an unprejudiced consideration of the guilt or innocence of the prisoners, if you are permitted to read a confession like that of Hunt's, published in every newspaper? That confession has been printed in all the papers, and has been read by the public, and has, perhaps, been considered by some of you, Gentlemen, as evidence in this trial—a confession which the Learned Counsel of the Crown never ventured to tender to me as evidence, and which, if he had tendered it, I should, under the circumstances which have come to my knowledge since this trial commenced, have rejected at once, as no evidence at all.

Therefore it is that I say, that the public mind is poisoned by the publication of these statements; and it was upon that consideration that I took upon myself at our last meeting the responsibility of postponing this trial, and also the additional labour, which I by no means regard, of meeting you here a second time. At that time I did not think it fair, nor have I altered that opinion since, to put the prisoners on their trial before the prejudice had had some time to subside, which must have been occasioned by the libels which the affidavit which on that occasion was read to me stated, had been generally propagated concerning them. I have the satisfaction of my own consciousness that I acted right upon that occasion, and I believe that I may say that I have the approbation of

those whose approbation is most valuable, for the proceeding which I then adopted.

I must again repeat, that every circumstance connected with this case renders the publication of the statements which have appeared regarding it particularly painful to all who are concerned in it. Why they are so to the prisoners, every one of you will clearly perceive. To me, they are productive of the greatest pain and anxiety, lest by some unintentional lapse of mine you should be impressed by certain evidence which has been, but ought not to have been, brought before you, and which ought not to produce any effect upon your mind. I am sure, however, that no newspaper publications—no pamphlets—no libels of any description will make the slightest impression upon your minds; but that you will do your duty to the prisoners and to your country, as you will answer it hereafter to God and to your own consciences.

These are the principal observations which suggest themselves to my mind regarding the nature of circumstantial evidence, and the prejudice which may exist in consequence of the improper publications in the daily newspapers. The Learned Judge then proceeded to observe, that the point which the other prisoner, Joseph Hunt, had made, was a point rather to be considered by him than by the Jury.

A motion had been yesterday made before him, which the greater part of them had perhaps heard, and in which the same arguments had been used by the Learned Counsel who then argued the case, as had been that day advanced by the prisoner himself, tending to show that he was bound to put off this trial, in order to afford Hunt an opportunity of appealing to the Crown to be admitted evidence. The form in which that argument was put by the Learned Counsel, who argued it with considerable power and ability, showed him that he could not properly postpone the trial. Supposing that Hunt had ever had any reason to make an appeal to the Crown of the nature which his Counsel recommended, and he did not know whe



ther Hunt might not already have made such an appeal, it was clear that Hunt had already had time enough to make it, owing to the former postponement of the assizes. If he had put off the trial, as the Learned Counsel had requested him to do, he should only have given the prisoner an opportunity of doing that at present, which he was at full liberty to have done a month ago. Therefore, powerful as the argument urged by the prisoner might be, it was one upon which neither he nor the Jury could act at present. Thus far, however, he should have acted upon it,—that if the Learned Counsel for the prosecution had offered Hunt's confession to him as evidence, he should have rejected it as inadmissible.

Much had been said regarding the effect of this confession, and of the manner in which it had been obtained. He was however sure that the professional advisers of this young man were well aware, that even if a confession were extorted from a criminal by any promise of pardon or pledge, that it would be better for him to make it; yet if, in the case of stolen goods, the goods were found, or in the case of murder, the body of the murdered person were produced, the finding of the goods in one case, and the production of the body in the other, would show, that though the confession might have been extracted from him unworthily, still he had spoken truth, and had not from fear or any other motive accused himself or others of a crime which had no existence. Therefore he said there was no peculiar hardship in the case of this young man, and that he was only suffering that which every other criminal had previously suffered in his situation. He was stating these points for their consideration, and he had now finished all the preliminary observations he had to make upon the topics which had been presented to his mind by the defence of the prisoners.

He should now proceed to the investigation of the evidence which he should go through with the utmost minuteness, stating to them the impressions which it

had made upon his mind, and leaving them to be adopted or not by the Jury, as they might think proper. The first observation he should make on the evidence was, that the great body of this crime depended on the evidence which Probert and his wife had given regarding these dreadful transactions. As Probert was an accomplice in this crime, he would state to them what the law of England was regarding the evidence of an accomplice.

It ought never to be forgotten that, when an accomplice came into the witness box to be examined, he came into it loaded with all the guilt of the parties against whom he gave his testimony ; and that it was therefore impossible to make him a blacker character than he already was by his own confession. If he came to accuse his accomplices of house-breaking or robbery, he placed himself before the Jury as a house-breaker and a robber. If he came to accuse them of murder, he was, in point of moral guilt, equally a murderer with those whom he came to accuse, though he was not in point of law, liable to the same heavy consequences.

The law of England was, that an accomplice might be set up to be examined in the first instance ; he was a perfectly competent witness, and the only question was, whether he was a credible one. It was the province of the judge to decide as to his competency, and of the Jury to decide as to his credibility. He now, therefore, told them that Probert was a competent witness ; but having set him up as such, he was next bound to advise them not to attend to one syllable that he uttered, unless they found him corroborated in the main points of his evidence by other witnesses of unimpeachable integrity. He did not say corroborated in all points, because if he were corroborated in all, there would be no need of his testimony, and he ought to be placed at the bar to be tried along with his associates. He was placed in the witness-box not to be corroborated in all points, for his evidence was only wanted on a few points, on

which full light could not otherwise be thrown; but if he were corroborated in the main points of his statements by other witnesses, who had no connexion with him, then they were bound, in his opinion, to give him credit upon those in which he remained unsupported.

A great many sensible observations had been made upon the value of Probert's testimony by the prisoner, Thurtell. He would not weary the Jury by recapitulating them, but would tell them in one word, that with all that Thurtell had said upon that subject, he fully and cordially agreed. He would say with Mr. Wadson, that he would not believe that individual upon oath, unless he found him corroborated from some other quarter.

His Lordship then adverted to the observations which had been made regarding the impolicy of admitting accomplices as evidence. In reply to them, he would only state that it was a practice of daily occurrence and absolute necessity, seeing that without it many criminal acts must go entirely unpunished. He conceived that it was very important that the evidence of accomplices should not only be received, but should also be credited; for it was important that men of low degree, who confederated together for the commission of crime, should know that all friendships which rested upon such a foundation were hollow, treacherous, and perfidious, and that the first appearance of danger was certain to make the members of such a confederation disclose such circumstances regarding their fellows, as would rescue themselves from the perilous situation in which they might happen to be involved.

In the very case which they were now trying, it appeared from Hunt's own words, that he had asked Mr. Noel (who, by the by, appeared to have acted a most unwarrantable part in these transactions, with which he had no more to do than any by-stander) to run to the Magistrates and inform them that he was willing, upon certain terms, to confess what he knew,

evidently showing by such conduct that he was afraid lest some person should be beforehand with him in making a disclosure. It was important to the well-being of society, that such a feeling should exist amongst those who were confederated against it, and as there could be little difference of opinion upon that point, he would proceed to another subject, on which he thought it necessary to make a few observations. That subject was the power of Magistrates to promise pardon to accomplices for giving evidence against their fellows.

He wished it to be generally understood that Magistrates had no such power. Indeed, Mr. Noel must be ignorant of the duties of his profession if he did not know that circumstance, and neglectful of them if he did not communicate it to the prisoner, Hunt. All the power which the Magistrates had upon that point was to inform the party that they would instruct the counsel for the prosecution to recommend to the Court that he should be admitted as evidence. Whatever might be said or sworn upon this subject, there was one fact which proved most decisively that the Magistrates had never accepted Hunt as evidence for the Crown. If they had accepted him as such, they would have sworn him, and taken down his deposition upon oath. It was not even pretended by the other side that this had ever been done; and among the number of depositions which had been transmitted to him, he did not find one which bore the signature of Hunt. Thus the matter stood at present with regard to that individual.

The learned Judge then proceeded to read the evidence to the Jury. After reading the testimony of Beeson, Field, and Upson, who found a body of a murdered man in the pond near the Elstree-road, he came to the testimony of Rexworthy, who positively swore to the body so found being the body of Mr. Weare. That evidence showed that Mr. Weare had been killed, and gave him an opportunity of making some observations on the cases mentioned by Lord

Hale, and quoted by the prisoner, Thurtell. Those cases made it necessary that those who had known Mr. Weare living should speak to his identity when dead. It was some time since he had read Lord Hale's admirable book, but he believed that the tenor of his Lordship's observation was this—"I never will allow a person to be convicted of murder before me, unless I have the direct testimony of some person who saw the fatal blow struck, or unless the body of the murdered person be found." The observation was worthy of Lord Hale, and was marked by that good sense and sound feeling which had rendered his name illustrious with all posterity. For, in an indictment against C. D. for the murder of A. B., it was certainly necessary to prove that A. B. was absolutely dead.

The learned Judge declared, that he had himself recently acted upon that principle, in a case which came before him in the county of Sussex. A woman had been there indicted for the murder of her bastard child. A mass of matter was produced as the body of that child, which, from having been undiscovered for two months after it was alleged to have been born, was nothing but an ugly mass of corruption—there were no lineaments of the human face to be traced in it, and it was impossible even to ascertain to which sex it belonged. Under such circumstances, he had felt it his duty to stop the prosecution; but whether he was right or wrong in so doing it was not for him to determine.

Acting upon the same principle, he must here declare, that it was necessary that the body found in the pond should be identified as the body of Mr. Weare. The learned Judge then read over the evidence, until he came to that of Mr. Ward, the surgeon of Watford, merely remarking that there could not be a doubt that they were now sitting to inquire upon the death of Mr. Weare. Before he entered into an examination of that gentleman's evidence, he was bound to say that he had never in the whole course of his

experience heard a surgeon give his evidence in a more plain, simple, unaffected, and sensible manner. He did not know any thing of Mr. Ward, but common justice impelled him to make that remark upon his evidence.

His Lordship then read the indictment: he observed that the first count of it charged John Thurtell with having, with a certain pistol, in and upon the left side of the head of William Weare, struck, forced, and penetrated, and with having, by such striking, forcing, and penetrating, given him one mortal fracture, of which he died; and that the second count of it charged him with having inflicted on the left side of Mr. Weare's neck, with a knife, a mortal wound, of which he had subsequently died. Now the evidence of Mr. Ward completely supported this indictment; for it was clear from it that Mr. Weare might have died either by the wound occasioned by the cutting of the jugular vein, or by that occasioned by the fracture in the skull. Two points were therefore clearly settled—first, that the person murdered was Mr. Weare; and secondly, that he was murdered in the manner described in the indictment.

They now came to the great question in the case—was John Thurtell the principal in this murder, or was he not; and was he aided, assisted, and abetted in it by Joseph Hunt? It was not necessary to decide this point on the present trial; but he should think that if a party came in before a murder was fully completed, and stood by without preventing it, and afterwards assisted in concealing it, he made himself as liable as the principal, and became an accessory before the fact. That question, however, he repeated, it was not necessary to decide now; but he thought it requisite for public utility and public safety, to make some remarks upon it. It appeared manifest in various cases which had recently been decided, that it was very common for men of low degree to flatter themselves, that if theirs

was not the hand which committed the fatal deed, they were perfectly safe from all consequences, even though they were present at the murder. Nothing could be more fallacious than such an idea. In point of morals, it was wrong; and in point of law, it was equally so; for if two persons went to commit a robbery, or to break open a house, and one party committed the felony with his hand, and the other stood idly by, both were equally guilty in the eye of the law; and it was laying a false and dangerous unction to their souls, to suppose that both would not be equally liable to punishment. He made this observation for the sake of public morals and hoped it would have due effect.

The learned Judge then read the evidence of George Ruthven, the officer who apprehended Thurtell, and called the Jury's attention to the facts of his having found a pocket pistol on the person of Thurtell—a fact which he only wished them to notice as confirmatory of Probert's evidence in part. One would naturally expect that the prisoner (Thurtell) would have given some account of that pistol, and also of its being the fellow to the pistol which another witness found in Gill's-hill-lane, all covered with blood. This witness also described Thurtell's sleeve, his coat, and his hat, as having marks of blood on them. It was unfortunate that he should have on his person, at the very time of his apprehension, some of those stains which had been described by others. The witness, the first time he searched Hunt's lodgings, did not take away any thing; but on his second search, he found a double-barrelled gun, a carpet-bag, a shooting jacket, a whistle, a back-gammon board, several shirts, one of which was marked "W. W." (the initials of "William Weare,") and another marked "W." alone. This was a very strong point of the evidence in bringing Hunt and Thurtell together. It here appeared that Hunt had in his possession, when he was taken up, an enormous quantity of articles which were distinctly proved to

have belonged to this unfortunate person. The carpet-bag, the double-barrelled gun, and the backgammon board were proved to have been in his possession on the 24th of October, when he set out to the country; and on the 30th, only six days afterwards, they are found in the lodgings of Hunt. All this might be true of an accessory *before* the fact as well as *after* it; and it was argued by the counsel for the Crown, that Hunt must have had a guilty knowledge of what was intended to be done, before it was actually effected, and that he received those articles as a reward or *douceur* for the part he had taken in this transaction.

The next witness was Henry Simmons, constable of Watford, who produced the pistol and knife which were found upon the spot where the murder was committed, and also a box and gold chain, which he had received from Mrs. Probert. The former was the fellow to the pistol found on Thurtell. William Probert was the next evidence, and certainly it was, in every point of view, most important. He came forward in the character of an accomplice, and certainly his conduct had been most base, in being privy to the commission of a murder, and concealing it. He spoke of Thurtell as being a very intimate acquaintance—as a person who was in the habit of coming down to sport, and who was well acquainted with all the roads in the neighbourhood. This was an important point in answer to that part of the defence which rested on Thurtell's alleged ignorance of the country, from which it was assumed that he might have missed his way in proceeding to the cottage.

Some stress had been laid on the suddenness of Thurtell's visit at the cottage; but looking to the intimacy between Thurtell and Probert, it was not surprising that he should go down, without an invitation, and even that he should take a friend with him. The singularity of the case was his having said, without hesitation, as was stated in evidence, "If Weare



comes down, I will do *him*, for he has done *me* out of several hundred pounds." Thurtell, it appeared in evidence, when he proceeded for the cottage, left the Coach and Horses public-house in a gig alone. The gig, it was stated, was drawn by an iron grey, or roan horse, with a white face. This circumstance was very important, as it was most clearly proved that such a horse was hired by Joseph Hunt. This fact was substantiated by persons from town, and by the little boy Addis, who gave his evidence extremely well. Some of these persons deposed as to the colour of the horse hired by Hunt, and the boy, Addis, proved that the horse which drew the gig in which Thurtell arrived at his master's cottage at night, was of the same description of colour. It was very clearly proved that Thurtell went away from town with such an animal as that described, and that he arrived alone at the cottage, his gig being drawn by an animal, similar in appearance to that which was so described.

On the apparent discrepancy of the evidence with respect to time, which appeared in the statement of the coachman who took up Weare, and who spoke to its being daylight when he set him down, and the statement of others, who spoke to the period at which Thurtell left the Coach and Horses, the learned Judge observed, that nothing could possibly be more uncertain than the keeping a correct account of small portions of time.

The question for the Jury was, whether the discrepancy was not of a trivial nature—whether, considering the fact, that his watch might go a little slower or a little faster than that of another person—whether, looking to the circumstance that a man might make an erroneous guess at the time, with reference to a matter which had passed some days before, the discrepancy which was likely thus to arise, should militate against a statement, which, on the whole, presented very little appearance of inconsistency, with reference even to time. The learned Judge, in pur-

suing his observations on the evidence of Probert, referred to the evidence of Clarke and Field, the publicans, as corroborative of what had been sworn by Probert, and pointing out a complete link of evidence.

Mr. Justice Park incidentally alluded to that part of Mrs. Probert's evidence in which she described Hunt as having talents for singing.—[Here Hunt placed one of his hands before his face, swayed his head from side to side, and exhibited all the appearance of extreme distress. The eyes of the whole Court were attracted towards him, whilst he exhibited this appearance, which continued for two or three minutes. He then resumed his composure.]

The general effect of this evidence (of Probert's) went to show that Hunt was aware of the various facts of which it imputed to him a guilty knowledge; particularly that part which regarded the circumstances that took place when Hunt and Probert stopped to drink at the Artichoke. The boy Addis proved the coming in of the three parties together to him in the stable. First, of all, Hunt came in by himself; but having gone out, he returned accompanied by Probert and Thurtell.

Probert's evidence proved another fact—the going out of the parties into Gill's Hill-lane, after the supper had been ordered, on the night of the murder, and the hour at which this incident took place. Now how was all this confirmed? By the evidence of the woman (Woodroffe) who cooked the victuals which were eaten at that supper, it appeared that she received orders from her master (Probert) not to dress them so soon as they had been ordered; and she believed that her master, Thurtell, and Hunt, did then go out. They said they were going to Mr. Nicholls's, and they stayed nearly an hour.

Now let the Jury ask themselves what these men did during this time? Did they, in fact, go to Mr. Nicholls's? Mr. Nicholls, on his cross-examination, said he was at home all this while; that he was never

out on that evening; and that neither Probert, nor any of his friends, called upon him on that day. The question, then, for the Jury was, whether, if the parties had not gone out, agreeably to their own account, to Mr. Nicholls's, they had not gone out with some purpose, which, to say the least, they thought fit to keep entirely secret, and of the suspicious character of which the Jury could not feel much doubt in their own minds. The witness deposed, that John Thurtell, when they went out before supper, took with him a cord and a sack; and he carried a lantern down the lane.

Now, all through this case, it was shown that the body was found in a sack, and had a cord round it. The Court then adverted to the passages in Probert's evidence, which regarded the expressions used by Thurtell in allusion to the part of the lane in which lay the body of the deceased; the finding of the body with the red shawl about its neck, and the search in the leaves and grass for the knife and pistol. Here, again, confirmation was not wanting.

If the Jury believed the evidence of the two labouring men, Harrington and Richard Hunt, they would remember that those witnesses did see two men in this same lane the next morning after the alleged murder; the one of them with a black, and the other with a white hat. Harrington had sworn to the man in the white hat, whom he had pointed out in the prisoner, Thurtell; and he deposed that the other party wore large bushy hair, and had black whiskers, and a black hat. Now it was proved that John Thurtell had no white hat of his own, but Probert had. And in the course of the proceedings, Probert had been very properly asked by counsel, who had repeatedly addressed the question to him, whether he had not that morning walked out with a white hat on? The witness positively denied it. This was, however, a most important fact to be considered by the Jury. Had Thurtell on a white hat or not on the day in question? They could not have forgot that Sarah

Woodroffe had sworn, that about six or seven, or seven or eight o'clock on the morning of the same day on which these two men were seen in the lane, she went into the parlour at Gill's-hill-cottage, and saw John Thurtell lying on the sofa "with a white hat on his head." Now of the two men who were seen in the lane that morning, the labourer, Richard Hunt, swore that the prisoner, Joseph Hunt, was one, and that Thurtell was the other; Harrington swore only to Thurtell. They also swore to the seeing them searching, on the morning after the murder, in the hedge; and therefore the fact of the pistol being found by the labourers, as it was, on that very spot, was of singular importance; not so much, perhaps, in itself, as that it went mainly to confirm the testimony of the witness Probert.

When Thurtell had taken the sack and cord, and, accompanied by Hunt and Probert, had found the dead body on the other side of the hedge, and had possessed himself of the three five-pound notes, according to Probert, Thurtell and they put the body in the sack head-foremost. Probert did not know how far the sack came down; but other witnesses proved, that when found, it reached somewhere about the knee, and it was tied with a cord. Was this account of Probert's supported? Yes; by the evidence of Mrs. Probert.

Of Mrs. Probert, the Court would just observe that she was a competent witness now, for her husband had been acquitted. If her husband had still been to be tried, (and it might seem necessary to explain this to the Jury), she would have been an incompetent witness. And by this, they were to understand the Court as meaning, "incompetent," not as if she were a wicked or worthless woman, but because of that rule of law which, for the prevention of domestic jars and wicked contrivances, by wife or husband, with a view to the effecting injury to the other, had wisely provided that the wife should not be an admissible evidence against the husband. He,

however, being acquitted, she was a competent witness; and though the impropriety of her accepting the chain which she wore after Thurtell put it round her neck was calculated to excite some suspicion, yet it would be carrying the principle of caution too far, and to a degree not warranted even by the facts, or by the ordinary feelings even of humanity, to require that she should have suspected that a murder had been just previously committed.

It had been proved by innumerable witnesses, that the chain which she gave up to the constable on the 5th of November last, was the same that the deceased wore about his person when he last left his chambers in Lyon's-inn. From whom did she receive it? One witness said she put it about her own neck; she deposed that Thurtell put it there; but this was a very trifling difference of testimony. Now, from the evidence of Upson and that of Foster, which had been much commented on by the prisoner, the question was, whether there was not direct corroboration of Probert's evidence in respect of Thurtell's possession of the watch to which this chain was attached? Upson deposed that Thurtell told him that he had thrown the watch over some palings near Watford. If the Jury believed Charles Forster, this fact was also confirmed; for Forster, who was a constable, spoke to Thurtell's telling him that Hunt was a rascal for *nosing* him in such a manner, and that he had offered the watch for sale as Hunt's property. This was on the 30th of October.

The Court had here been drawn in, to notice Foster's evidence, but it would keep its faith with Mr. Thessiger, the Learned Counsel for the prisoner Hunt, who had very properly objected to this evidence, on being offered, by urging that it could not be received as against his client, being mere hearsay; and it would not be received, perhaps, as against Hunt; but it was good evidence against the prisoner Thurtell, who himself had made the declarations it referred to. There was a part of Probert's evidence to which he

(the Learned Judge) should now particularly advert ; it was, that Thurtell said, as the party were returning to the cottage after looking at the body, " When I first shot him, he jumped out of the gig, ran like the devil up the lane, singing out that he would deliver up all that he had won of me, if I would only spare his life ;" and the witness added, that he, witness, believed the term " singing out" might be one which was used in the navy. The Court had since learned from the evidence of that very respectable officer, Captain M'Kinlay, that in fact, Thurtell had formerly been at sea. Now, " singing out" was certainly a maritime term ; and used to express the act of those on board of one vessel, crying out to those in another.

The question here for the Jury would be, whether the use of such a term by Thurtell was not a circumstance to be taken as confirmatory of the truth of the evidence ? Again, the statement that Thurtell said the deceased offered to restore all he owed him, if he would spare his life, was to be carefully observed. Experience showed, that in all cases where such great crimes were committed, a motive must be looked for. For such an atrocious and horrible murder as that which was here charged to have been perpetrated, no adequate motive, in truth, nor any thing like an adequate motive, could be surmised. But it would appear that the deceased had won a considerable property from the prisoner, at play ; and if this was so, it was to be considered whether that dreadful, that horrible vice, by which he had suffered, and which the prisoner himself had in his address most properly stigmatized with the strongest reprobation—that vice which destroyed the good order of society, sapped the foundations of all morals, and too often drove men into the commission of crimes that otherwise they would never contemplate—whether this had really been the motive of the fatal crime that had been committed ? If it had been, the Learned Judge sincerely hoped that the event of this day, whatever way the

business might terminate, would operate as an awful lesson. If what the prisoner had stated was indeed true, that the nobility and gentry of this country commonly indulged in the destructive vice of gaming, the Court trusted that this would have a salutary effect upon them.

As to Probert's testimony to Thurtell's declaration, that he began to cut the deceased's throat, as he thought, about the jugular vein, and finding he still could not prevent his singing out, jammed the pistol in his head and gave it a turn round, it was testimony that of course could have no direct confirmation; but the evidence of the surgeon showed very strongly that such must have been the fact. The observation said to have been made by the same prisoner on presenting Mrs. Probert with the chain, was confirmed by the evidence of Mrs. Probert herself. Miss Noyes spoke to the same matters, and to Hunt's singing after supper. It was proved by other witnesses that he did sing two or three songs. As to Probert's account, that Thurtell gave him and Hunt six pounds a-piece, saying that was their share of the "*blunt*"—*blunt* was a cant phrase which, happily, the Court did not understand.

The evidence of Probert as to the taking out of the gig the carpet-bag, and the other articles which Thurtell said had belonged to the murdered man, and as to the latter's saying he meant to have Barber Beaumont and Mr. Woods next, was very strong. For that there were a carpet-bag, a gun, and other articles, so taken out, did not depend on this witness alone; the fact was proved by a boy and a woman-servant; and that the things were the property of the deceased was proved by other witnesses. How came they, then, into this cottage, and into the prisoner's possession? If the Jury believed Probert, it was very clear that the murdered man had brought them down in the gig with him; but the boy and the woman differed as to whether Thurtell or Probert brought them into the cottage. A gun was seen in

the gig by Probert's boy, and in that gig to the cottage Thurtell came alone. Probert and Hunt, the other prisoner at the bar, came in Probert's gig, and these, consequently, were circumstances all of them requiring to be accounted for.

Thurtell here interrupted the Learned Judge, and said, my Lord, that gun of mine was sold by public auction, at a sale of Probert's effects.

The Court. That fact does not appear in evidence.

Thurtell. No, my Lord; I overlooked it.

The Court. If, prisoner, you have overlooked it in evidence, and can supply it properly now, I will do so for you. The Jury will observe, that what the prisoner may observe to the Court merely, is no evidence in itself.

In adverting to Thurtell's saying "he was bagged," on Probert's informing him that cries of murder were heard near the lane on the Friday, and to Probert's observation that he was afraid the business would ruin him, the Learned Judge expressed a wish that Probert had acted up to this his impression, and had sent for some magistrate, whose interference might have prevented some of the acts that subsequently took place. Unfortunately, all this conduct of Probert's had been, undoubtedly, most infamous, and was not to be defended.

The story about going to Probert's pond, taking out the body, disposing it for the time naked on the green sward, returning for the gig, and putting it in there enveloped in the sack, Hunt in the mean time remaining in the parlour—this was confirmed by the evidence of Mrs. Probert, who saw Hunt, as she thought, and Thurtell dragging something weighty through the garden, and afterwards overheard them and her husband in the parlour whispering. She also thought she heard them trying on clothes. Now the Jury would hear by-and-by, whether any person was afterwards seen in the deceased's clothes. Mrs. Probert also overheard them tell her husband,



“ that they must say to the boy, that a hare had been laid on the gig-seat, and that they had had a hare made them a present of.” This looked as if some blood had been spilt in the chaise, and that it was thought necessary, by a false story, to delude the boy’s mind as to the manner in which it had been occasioned. All this occurred at an early hour of the morning, and Thurtell said he had his revenge. At this part of the evidence there seemed some slight degree of confusion; for one or two facts were spoken to by others, whereas it did not appear that, excepting Hunt, Probert, and Thurtell themselves, any body but Mrs. Probert was up at this time.

Thurtell. Will you allow me, my Lord, to call the Sheriff now, in order to prove that my gun was sold previously at a sale of Probert’s goods?

The Court. You don’t mean the High-Sheriff, prisoner, of course?

Thurtell. No, my Lord; the Under-Sheriff.

Mr. W. Nicholson, the Under-Sheriff, was then called.

Examined by Thurtell. I ask you, Sir, whether my gun was not sold among Probert’s effects.

The Under-Sheriff. Certainly there was a double-barrelled gun sold under an execution levied on Mr. Probert’s goods. Whether that gun belonged to you or not, I cannot say. We supposed it to be the property of Mr. Probert.

The JUDGE. “ Of course you did, Mr. Under-Sheriff, or else you would not have sold it.”

The Court then observed, that it hoped that it had not proceeded wrongly, in allowing the prisoner to mend his defence: but what he had offered had, as the Court at first feared, turned out to be nothing at all. The boy Addis, who saw the gun in the chaise upon the night of the Friday, met Probert walking down Gill’s-hill-lane, with a double-barrelled gun, on Saturday afternoon; and Probert was proved to have been seen on that afternoon walking with a

double-barrelled gun, as if he were out shooting. Now the identity of the gun which the boy saw, with that which Probert had, was not proved in evidence; but the identity of the gun that came and went away again with John Thurtell in his gig was clearly proved; and therefore could not be that gun of Probert's which was sold. Still, looking at Probert's evidence, the Jury would observe, that Thurtell said he had been down the lane to look for the pistol and knife which had been lost in the leaves and the grass. Was this true? Did it depend upon the testimony of Probert alone? Certainly not, for the Jury had had the evidence of two labouring men, who saw the prisoner Thurtell thus occupied; and of which two men, one had sworn to the person of Thurtell, and the other to both Hunt and Thurtell. Again, the evidence as to the spade, which had been given by Probert, was strongly corroborated. A new spade purchased, it was said, to bury the deceased, and which was brought down in the carriage that conveyed Hunt and Thomas Thurtell to Probert's house on the Sunday, had been produced. Thomas Thurtell swore, that when they arrived there, it was thrown over the garden-wall.

Then as to Hunt's wearing clothes which had belonged to the deceased, it was not likely that Hunt or the prisoner Thurtell, should say any thing about that fact in the hearing of indifferent persons. But that Hunt went up on the Sunday, dressed in such clothes, there could be surely scarce any doubt whatever. And this received some degree of confirmation from the circumstances under which he went down with the two Thurtells to the cottage, and from the throwing of the spade. The Learned Judge then observed upon this observation of Hunt's—"Probert, they can do nothing with you or me either, because neither of us was at the murder." The Court availed itself of this opportunity to observe again, that such was the erroneous doctrine which the minds of men, such as Hunt appeared to be, were apt to

entertain. He seemed erroneously to suppose, that if he did not actually perpetrate the murder, he was not liable to the punishment of the law. The mischievous consequences of such a misconception the Court was most anxious to guard against.

Miss Noyes proved, that on the night of Friday, the 24th of October, Hunt, Thurtell, and Probert, soon after their arrival at the cottage, went out together, with the alleged intention of asking Mr. Nicholls, who lived in the neighbourhood, for a day's shooting. She also spoke to their return—the expression of their disappointment—the manner in which the evening was passed, and their incidents, which received strong confirmation from the testimony of Mr. Nicholls himself. That witness deposed, that on the night of Sunday Probert did call upon him, and that some conversation passed between them with respect to something that had happened in the lane; but the same witness added, that although on Friday he was at home all the evening, he saw neither Probert nor any of Probert's friends.

Probert's account was, that after his return from Nicholls's on Sunday evening, and his conversation with Thurtell as to what Nicholls had said, Hunt and Thurtell sate up all night: the witness went to bed, as did Noyes, Thomas Thurtell, and his children; and that on the next morning, John Thurtell and Hunt said to him, that they had gone out last night to dig a grave to bury the body in; but the dogs barked so, all the time, that they were obliged to desist. On the Monday morning, J. Thurtell, T. Noyes, and Miss Noyes went to London in one chaise, following another which contained T. Thurtell and Hunt, and the witness's boy Addis. They went altogether therefore; and the boy in order to be out of the way of being asked questions. This part of the story was supported by the evidence of Addis; for it was sworn by him that the parties did go together, in the manner deposed to. The Learned Judge then recapitulated Probert's evidence as to

the return of John Thurtell and Hunt, on that evening, to the cottage ; Thurtell's proposition to witness to go and get the body out of the pond, leaving Hunt with Mrs. Probert, the manner of effecting this purpose, the taking the body out of that sack in which it had been put, the cutting the clothes off, and the putting the corpse in a new sack,.

The Court, at first, could not quite make out this part of the case, inasmuch as it had been sworn that the body was put into a sack (after the murder) with the clothes on ; and yet the body, which was dragged out of the pond at Elstree, was naked. But it had not been proved (a matter that possibly the counsel had overlooked) whether that body was dressed or not. This man (Probert) swore that it was not, when he and Thurtell removed it from Probert's pond, which was a matter that required some proof, and proof, indeed, it had received. The very respectable surgeon of Watford, Mr. Ward, and the witness Pidcock, had both agreed in deposing that the body found at Elstree was naked when taken out of the sack. But did Probert receive further confirmation on this subject ?

The servant, Susan Woodroffe, had given strong evidence on this point ; for she proved that upon going into the chaise-house on Tuesday morning, she saw a sack cut open and very wet, hanging up upon a nail. Now this was on the morning after the body was taken out of Probert's pond and put into the new sack. The evident presumption was, that that into which it had been first thrust was the sack Woodroffe saw in this wet condition, hanging up in the stable. Probert having stated in his cross-examination, that on the night of the murder he had conversed with Mrs. Probert, but could not swear whether he had told her what had passed, was asked by the Counsel for the prisoner (for the Counsel for the Crown could not put the question) what it was that had passed between himself and Mrs. Probert on that occasion ? and he had answered, that he

thought he told her, when she asked him about the dragging, that it was some netting which John Thurtell had brought down, and they had gone out with to snare game. The Court did not exactly remember whether this was confirmed or not; but it had itself put a question to Mrs. Probert, not as to the whole of the conversation between her and her husband on the occasion, but as to whether she had then said any thing about this matter to Probert; and the answers of the wife went to confirm the statement of the husband.

As to the account which Probert had given of himself, his transactions, and his conduct, the Court could do no more than repeat, in the strongest manner, its utter reprobation of his conduct, which had been most disgraceful. It appeared that he had been brought up before the Commissioners of Bankrupts six or seven times; and the very highly respectable witness, Mr. Wadson, being called, proved this fact, and his committal; but the same gentleman's evidence showed that the Commissioners must have been satisfied at least, because Probert ultimately passed his examination. The Jury were not quite aware, perhaps, of the nature of those proceedings; but it was sufficient for the Court to observe, that the presumption must be, that the Commissioners had been finally satisfied by Probert, or else they would not have passed him. He deposed that he could recollect no playing at cards in the cottage on the Sunday. Now the fact, though differently stated by another witness, might be so, although the Jury could not give credit to any decorous or conscientious feeling in Probert's mind, as having deterred him and his friends from an action which was, on Sundays, highly improper, without doubt. On his further cross-examination by another counsel, Probert stated, that he had met the prisoners at Tetsall's more than a week before the night of Friday; and had known Hunt more than twelve months, having himself introduced him to Thurtell. The pork which was purchased in Oxford-street, Pro-

bert swore to have been paid for by Hunt, and the sum he does not remember to have ever repaid him; neither had he, on the other hand, ever applied to Hunt for the remainder of the twenty shillings he had given him at Thurtell's request. Now, neither of these circumstances could create any surprise in the minds of the Jury; for all the parties appeared to have since engaged in transactions, of which the history was too full of bloodshed and atrocity to allow of any calm recollection of such pecuniary matters.

Probert admitted that he said to Mr. Franklin, the clergyman, that up to the day of his going before the Grand Jury, that Hunt and himself were innocent of the murder. And very like it was, the Court thought, that he did say so. Such an assertion (especially under the sort of unfounded notions that these men might be supposed to entertain about legal guilt) was natural enough to a person in such a situation. The witness might have said he was innocent, and probably that Hunt was too. All this looked consistent enough; for, as the Court had remarked before, it was a common subterfuge with such men to suppose that if they did not commit the particular crime, they were innocent altogether. Hunt, again, might have said to Mr. Franklin, whom the Court believed to be a most respectable officer of the county of Hertford, that he was or was not guilty.

The Court, however, could not too much reprobate such confidences, if they were not shown to be entirely necessary and justified, especially between clergymen and accused or suspected parties. There was nothing of such confidences recognised in the doctrine of the Church of England, whatever might be the case in the Romish communion; although, in these criminal cases, his Lordship apprehended, even that communion did not exactly encourage them. With us, however, they ought by no means to prevail. The Court then proceeded to observe on the evidence of Mrs. Probert; and on the fact of Thurtell's producing a watch, and presenting her with the chain. It re-

marked that the Jury would undoubtedly remember, that the boy Addis had deposed that a gold watch was on that evening put down in the kitchen on the table by John Thurtell. The Learned Judge considered that Mrs. Probert's account of the proceedings at the cottage, and the departure of Hunt and Thurtell on the Monday, was much confirmed by her husband's evidence, and by the fact in proof of Hunt's arrival at his own lodgings in town the next morning at a very late and unseasonable hour. What the fact of the hole dug for potatoes in the garden—a very usual mode of deposit for that vegetable—was examined into for, as in Mrs. Probert's case, the Court did not rightly understand.

The evidence of Thomas Thurtell was excessively important; for he swore, to his recollection, that on the 24th of October, his brother John (the prisoner) and Hunt dined at Tetsall's; and he remembered, he thought, that after dinner Hunt brought a sack with him and a gig to the door. The Jury would particularly mark this fact as applicable to Hunt's case.

The Learned Judge next remarked, that the fact of Hunt having shaved off his whiskers after the 25th of October, as mentioned by the witness Rexworthy, merited the attention of the Jury. He might observe, however, that Rexworthy was not a man whose character was of the best description. He was the keeper of a house appropriated to billiard-playing, and he (Mr. Justice Park) considered persons who kept such places to be panders to the bad passions of men. He would show no favour to men who kept houses of that nature, and if it were necessary, he should feel it his duty to make some severe observations respecting his character; but that was not the case, because the evidence of Rexworthy was confirmed by many witnesses.

He now came to a most material witness—namely, Mrs. Malony, the laundress of Mr. Weare. She deposed that she saw the carpet-bag and other articles, which were seen in the possession of the prisoners at

nine o'clock on the evening of the 25th of October, in the hands of their owner, Mr. Weare, at three o'clock on the afternoon of the same day. It was an everyday observation of judges, that if stolen property was found, shortly after the robbery had been committed, in the possession of an individual who could give no account of it, it was a strong ground of suspicion against him. It was not sufficient for prisoners under such circumstances to indulge in general declarations of innocence; they were bound to show by evidence in what manner they became possessed of the property.

The next witness, upon whose evidence he felt it necessary to remark, was John Shepherd, the servant of Mr. Probatt. Shepherd swore, that when Hunt came to his master's yard to hire the gig, he stated that he was going to take it to Dartford. If Hunt had known nothing of what was to be done on that night, why did he not say that he wanted the chaise to go to the neighbourhood of Elstree, instead of putting the stable-keeper on a wrong scent, by saying that he was going to Dartford? The evidence of Mr. Probatt showed that Hunt had a most depraved mind. His language was coarse and brutal, and he talked of murder as a matter of indifference. Mr. Probatt's evidence did not merely prove that Hunt indulged in declamation, for if it had gone no further than that, he would have felt it his duty to prevent it from being laid before the Jury; but Mr. Probatt stated that Hunt on one occasion took a pistol from his pocket, and said, "This is the boy to do business." He would leave it to the Jury to form their own judgment of such a proceeding.

Thurtell here interrupted his Lordship, and begged him to read the evidence of Mr. Field, the landlord of the Artichoke public-house, at Elstree.

Mr. Justice PARK said that he would not, because he had already read every word of it.

Thurtell. I beg pardon, my Lord; but I think



you omitted that part in which Mr. Field stated that Hunt was alone at his house on the Tuesday.

Mr. Justice PARK. I do not see what reason you have for wishing the fact to be stated, if it were so.

Thurtell said something which was not very intelligible, about Probert having confessed to five men in the gaol that he had planned the whole affair in conjunction with Hunt.

Mr. Justice PARK observed that he could not understand what the prisoner meant.

Thurtell. There is another thing, my Lord,—

Mr. Justice PARK said that he could not permit the prisoner to comment on the evidence.

Thurtell said that he did not wish to make any comments, but merely to offer an observation.

Mr. Justice PARK told him to communicate what he wished to say to his Counsel.

Thurtell accordingly spoke to his Counsel, who afterwards addressed Mr. Justice Park in an under tone.

Mr. Justice PARK, addressing the Jury, said, he had asked the prisoner's Counsel to enable him to know what Thurtell meant. From what he could understand, Thurtell wished it to be inferred, that because Hunt was at the Artichoke on Tuesday, he must have been there for the purpose of throwing the body into the pond. It rested with the Jury to say whether that inference could be fairly deduced from the fact.

His Lordship was here addressed by the prisoner's Counsel; after which his Lordship stated, that he was informed Thurtell wished to call new evidence, which he (Mr. Justice Park) was willing to receive.

A person named Isaac Pye was then placed in the witness box. He stated something about a double-barrelled gun having been sold at the auction which took place at Probert's cottage. [We could not perceive what bearing this evidence had on the case.]

Mr. Justice PARK desired the witness to stand down, observing that his testimony was of no importance. His Lordship then proceeded with his view of the evidence. He observed, that James Freeman had deposed, that on the evening of the 25th, he saw two gentlemen going from Probert's cottage in a gig, drawn by a white-faced horse.

Thurtell again interrupted his Lordship with an observation, the purport of which was, that Freeman, in his deposition before the magistrates, had sworn that the horse was of a different colour.

Mr. Justice PARK referred to the deposition which Freeman had made before the magistrates; and then observed that the prisoner's assertion was quite unfounded. He had described the horse on that occasion precisely as he had done before the Court.

Thurtell said he alluded to the deposition of Mrs. Freeman.

Mr. Justice PARK said, that Mrs. Freeman had not been examined; and the Court could not contrast evidence given by a witness who had not been examined there, with that given by a witness examined elsewhere. He understood, however, that Mrs. Freeman had been called for the purpose of affording the prisoner's Counsel an opportunity of propounding some question to her, but she had not appeared before the Court.

I have now, Gentlemen, gone through every fact of the evidence by which your consideration of this case ought to be governed. Among the witnesses called by the prisoner Thurtell, is Mr. Wadson, a most respectable solicitor, who, upon being examined, has told you that, from his knowledge of Probert, he would not believe any thing he should say upon his oath, unless it was confirmed by some other testimony. To the same question, from what I have seen of the witness Probert, I should have returned a similar answer, I would not believe him, unless his evidence was confirmed. You have heard the respective addresses of the prisoners, and they will have

such weight with you as they merit, considering at the same time the depositions of the witnesses for the prosecution. You will remember, Gentlemen, that the prisoner Thurtell is in one respect distinguished from the prisoner Hunt, as the former has called three witnesses to his character. Of these, Captain M'Kinlay, a most respectable officer, was one, but whose knowledge of the prisoner was of an ancient date. If that gentleman had known him since 1814, as he knew him before, and if he could have given him the same character for good temper and humanity during the lapse of nine years between that period and the present, then his testimony in the prisoner's behalf would be entitled to much greater weight.

The other two witnesses, Mr. Haydon and Mr. Walmsley, spoke to the prisoner's character, and with their testimony you, Gentlemen, will deal as you think fit. I must, however, observe to you, that character should only prevail where a rational doubt exists—in other terms, that you must decide this case, not upon the character of the prisoners, but upon the facts. If the facts are sufficient to bring conviction home to your minds, however respectable may be the family of the prisoner (and I give him credit for what he has told you respecting his parents, whose case I feelingly lament, but whom I do not know), then how much soever you may regret that such a man should be guilty of the crime imputed to him, this regret ought not to influence your verdict. You are not trying his good character, much less his bad character, and God forbid that the laws of the country should be swayed by any such circumstances. If calumnies and prejudices have been, as he says they have, raised against him, by imputing to him former bad conduct, such calumnies have been most cruel; and it is astonishing that men of education, and of the smallest pretensions to right feeling, or to the welfare of the people, should lend themselves to practices so injurious to sound religion and good morals. You are not to try whether the prisoners have been

bad men, (if bad they have been), but whether one of them has committed a murder, and the other was his accessory before the fact. If he were otherwise as pure as an angel, and you were satisfied of his guilt in this instance, it would be your duty, in justice to your fellow-creatures, to pronounce your verdict accordingly. But if, in the imperfection of human intelligence, a rational doubt should prevail in your minds, then you must give the prisoner the benefit of that doubt, and let the weight of his character be thrown into the scale.

Gentlemen, and I can say no more than this, after the careful examination of the evidence through which I have led you, you must consider the weight of the facts proved in that evidence. If, notwithstanding the darkness at the time the crime was committed—if, notwithstanding the secrecy with which guilt seeks to shroud itself, the finger of God has pointed as plainly to the criminals as if they had committed their crime in the face of day, and before your eyes; it is your duty to your country, your duty to God, your duty to yourselves, to pronounce the verdict which must satisfy your consciences, notwithstanding any feeling you may have towards the individuals its consequences may affect. Gentlemen, consider of your verdict.

The Jury having consulted, desired to withdraw.—  
An officer was sworn to attend the Jury in the usual form.

While the Judge was summing up, the contrast between the prisoners was very striking. Hunt appeared ready to sink whenever any strong observation was made against him, and his demeanour betrayed the greatest timidity and depression. Thurtell, however, preserved a manly firmness, which was evidently not forced or constrained. He was in full possession of his faculties, and his mind keenly on the alert to

seize and avail himself of any opportunity to benefit his case, and if possible induce a belief of his innocence. He did not hesitate frequently of his own accord, to interrupt the Learned Judge, and endeavour to obviate or explain some of the strong points in the evidence against him, and on which he found particular stress was laid.

Hunt, on the contrary, could not be induced to say a word, although urged by his Solicitor to state to the Judge the communication he was making to him, namely, that Mr. Probatt, the innkeeper, was certainly mistaken in his evidence; for in the first place he had been long acquainted with Mr. Reece—he had not only used his house frequently, but visited him when a prisoner in the Fleet, consequently he could not have wanted to know who he was; and that, so far from meditating any harm against him, he had a respect and regard for him, for many kindnesses he had received at his hands.

Notwithstanding the firmness which he displayed, and the composure with which he was evidently prepared to meet his fate, Thurtell had still a great anxiety to gain a short extension of time; for almost immediately after the Jury withdrew to deliberate on their verdict, he asked Mr. Platt, one of his Counsel, whether he thought the Judge would postpone the execution until after Sunday, and being answered in the negative, he presently after made a similar inquiry of Mr. Harmer, who was then close to the bar conversing with Hunt, who gave him the same opinion as his Counsel. Thurtell then asked with some apparent surprise “What! has not the Judge the power to respite for a few days?” Mr. Harmer said the Judge certainly possessed the power, but he had never known it exercised in cases of murder, unless some doubt was entertained as to the correctness of the conviction; still, however, there would be no impropriety in his respectfully soliciting the Judge to grant him that indulgence.

Thurtell after this joined in a general conversation with several persons who were immediately around him. It was remarked by one, that his address to the Court and Jury was very powerful and energetic, not only as to its composition, but its delivery; and Thurtell frankly avowed that he had compiled it from various sources, and said, "what did you think of the conclusion; was it not very fine?" and being answered in the affirmative, he said, "that I took principally from Phillips's speeches; it is in the defence he wrote for Turnor, the bank clerk!" Thurtell heard some one remark that the worst man of the three had escaped punishment altogether, and he directly said with great emphasis, "I would rather suffer death, twenty times over, than be Probert and live!" and he particularly ridiculed the idea of Probert's evidence being true, as to his having stated that Weare had nearly got the better of him; for, said he, "Weare was a very little man; and to think it possible that such a person could get the better of me, is all nonsense."

A friend of Thurtell's observed—"At all events you cannot be accused of betraying your companions?" "No," replied the prisoner, with marked expression, "before any one could have got the secret from me, he must have torn my heart from my breast." His friend, thinking perhaps this observation rather too strongly implied an admission of his guilt, and apparently wishing him to alter its import in that respect, said, "You mean if you had been concerned." Thurtell answered—"Yes, of course."

He inveighed with much bitterness against one of the witnesses, to whose testimony alone, he said, he should attribute his conviction, if the Jury found him guilty; and he with great ingenuity, pointed out the improbability of his evidence being true, from the relative situations which the witness described himself and him (Thurtell) to be in, when he undertook to speak to the fact deposed to.

A gentleman complimented him on the firmness and talent he had displayed, and said, whatever was the result, no one could dispute his title to those qualities. Thurtell replied, "I think I have taken a little of the sting out of the poisoned shafts levelled against me, and I know that the lads of the village will be pleased with my conduct."

About ten minutes before four, the Jury returned into Court, and were called over by their names, to which they all answered.

When the Jury came into Court, Hunt was much agitated: Thurtell drew himself up into an erect posture, placed his hands loosely in each other, and seemed to look very intently at each Juryman as he entered, and he heard the verdict without betraying the slightest emotion; the Foreman, however, was so overcome, that he could scarcely articulate the word "Guilty," and was some seconds before he recovered himself sufficiently to deliver a similar verdict as to Hunt.

The Clerk of the Arraignment asked in the usual form, whether John Thurtell was Guilty or Not Guilty of the Murder of which he stood arraigned?

Foreman of the Jury, in a low tone, GUILTY.

Clerk. How say you, is Joseph Hunt Guilty or Not Guilty?

Foreman. GUILTY, as an Accessory.

Clerk. Then you say they are both Guilty as they are indicted?

Foreman. Yes

The utmost silence prevailed throughout the Court, and every eye was turned towards the prisoners, upon whom the verdict made no visible impression.

## MOTION IN ARREST OF JUDGMENT.

Mr. ANDREWS now rose and moved in arrest of judgment, on grounds which would be stated by his learned friend, Mr. Chitty.

Mr. CHITTY then addressed the Court; but the commencement of his speech was made in so low a tone as to be altogether inaudible where we sat. As he proceeded, we understood him to say, that the objection he was about to urge was, he believed, entitled to great weight. If he did not think so, he declared to God that he would not propose it for the consideration of the Court. His objection was, that the trial of the prisoners had been held on the 6th of January, the feast of the Epiphany, and was therefore, as he was prepared to show, altogether illegal. His argument was founded upon a statute of 5th and 6th of Edward VI., which he then read. The preamble set forth, that it was the duty of Christians, at certain seasons of the year, to cease from all labour, and to apply themselves to holy works. It was therefore enacted, that on all Sundays, and on the feast-days thereafter mentioned, all public and other business should be suspended. Among these days was mentioned the feast of the Epiphany; and by the same act a punishment was provided for the offenders. This act was repealed in the following reign of Queen Mary, and was re-enacted in the reign of her successor, Queen Elizabeth. The learned counsel then quoted a passage from Dr. Burn's *Ecclesiastical Law*, in which it was stated, that offenders against this statute might be punished by fine and imprisonment. Among the holy days mentioned in this act, that of the "Epiphany" was, of all others, entitled to peculiar respect. It was the day on which the birth of the Saviour was made manifest, and therefore, among Christians, possessed the most holy character. In a late case in the Common Pleas, (*Martin v. Goold*, 7th Taunton, p. 316), where a motion had been



made against the sealer of the writs, for not sealing a *capias ad respondendum* on the day of the Epiphany, Sir Vicary Gibbs said, that these days should be kept sacred, and that no business should be done on them. The learned counsel went on to argue, that as it was the duty of every person to attend divine service, and to assist in the holy offices of religion on this day, all business that might be transacted on it would be in violation of the statute he had quoted, and therefore unlawful. There were decisions in the books, that if a Court were held by custom on Monday, or any other day on which Christmas-day should happen to fall, it must be postponed, or all the proceedings would be *coram non judice*.

Mr. Justice PARK.—How is it in the case of a charter, Mr. Chitty? In the city of London, for example, they are obliged by their charter to do certain things on the 8th of November, and although this should fall on a Sunday, they go through the ceremony, nevertheless.

Mr. CHITTY replied, that it was not his duty there to argue upon the expediency of the statute, but he submitted that the Court must be governed by the rule of law, and however inconvenient the delay might be, that rule was so strong that it must be obeyed. His Lordship would recollect the anecdote of Lord Kenyon, who said to Mr. Sergeant Hill on the day before Good Friday, "I shall sit to-morrow," to which the learned sergeant replied, "Then, my Lord, you will be the first judge that ever did so since Pontius Pilate."

Mr. Justice PARK.—"But he was not the last." I think as highly, I trust, of the religion of my country as any man, and I see no objection to sitting on a Good Friday. I remember that an excellent and learned judge, now no more, to whom when I was a young man I expressed some surprise that he should sit on a Good Friday, told me, that by holding the Court after he came from church on Good Friday, he kept many persons from ale-houses; and for my own

part, I shall, as long as it pleases God to spare me, continue to sit on a Good Friday. The statute which has been referred to passed at a very early period of the reformed religion, and its object was to relieve the people from the burden of the numerous holydays of the Romish church.

Mr. CHIRTY said, he did not know how the judges who sat in courts on those days which were to be kept holy could turn their minds to religious concerns, or could, in reality, regard the day at all. Here was a direct act of parliament which should be repealed, not by usage, or by violation, but by positive enactment, and which, till so repealed, must be recognised as a part of the law of the land. The doctrine of the obsolete in law could not be endured. It was his solemn opinion before God [Mr. Justice Park—"Oh! oh!"] that the ground for an arrest of judgment was valid, and he therefore moved it. The statute, at all events, entitled him to claim the opinion of the twelve judges on the point he had raised.

Mr. Justice PARK.—I am of opinion that there is no validity whatever in the ground laid for this motion, and I must hope, that in future counsel will not appeal to the Deity for the sincerity of their opinions, because such an appeal gives a sort of sanction approaching to the nature of an oath to their assertions, which they are not called upon to give. A counsel is not only not blamed, but honoured for advancing an opinion with ingenuity which his deliberate and impartial judgment might not confirm, but he is not called on to sanction it by appeals to the Deity. If I had the least possible doubt in this case, I should give the prisoners the benefit of it, but the uniform practice of courts under the statute left no doubt on the head, and it was for the learned gentleman or his advisers to indict them if they pleased; (though he much doubted the doctrine of Dr. Burn) that even against real breakers of this statute indictment would lie—seeing that the censure in the Spiritual Court

was specially provided. Surely all who turned to the history of their country, must know the nature and cause of the statute quoted. Edward VI. was the first Protestant monarch properly so called; for though Henry VIII. made some reforms, and abjured some of the errors of the Church of Rome, his conduct was so uncertain, and he vacillated in that sort of way, that he seemed Protestant one day, and Papist the next. I honour every man, who, in his leisure, regards with reverence the days that are set aside as holy by this statute, but I cannot think that the pure and holy administration of justice will affect the purity or holiness of any of these days. It was not the intention of the statute to establish, but to limit, the number of holydays, which were too numerous and too superstitiously observed in Popish times. I much wonder, however, that in that statute the fast of Good Friday is not mentioned. Perhaps that day in particular had been too superstitiously observed. The practice for near 300 years, under that statute, had shewn the sense of the legislature. True it is, that during Term time there are certain days set aside when the peace of Holy Mother Church, according to ancient language, is to be kept, but it has never been thought, that any day is less sacred for the sacred administration of justice. And after this uninterrupted practice, that I should be called upon in the nineteenth century to say that all the business transacted on such days in courts of justice has been *coram non judice*. Why, my Lord Chief Justice is at this very time trying causes, on which thousands depend, in Guildhall! What becomes too of the Old Bailey? The motion is made on grounds so large, so extensive, so novel, so dangerous, and so unsubstantial, that I should think myself utterly disgraced if I paid any attention to it.

## SENTENCE OF DEATH.

The officer of the Court then said—You, John Thurtell, have been indicted, that you did feloniously, and with malice aforethought, murder William Weare ; and you, Joseph Hunt, have been indicted as having counselled, aided, hired, and abetted the said John Thurtell, to commit the said murder, and you have pleaded not guilty to this indictment, you have thrown yourselves on your country, whose verdict you have heard. What have you, or either of you, to say why sentence of death should not pass on you ?

Thurtell.—My Lord, before you pass sentence, I pray you to take into your serious consideration what I say, I now, for the last time, assert that I am innocent. I entreat a short delay in the execution of the sentence you may pass, as I have friends now at a distance, with whom it is necessary that I should transact some business. It is for the sake of some friends that are dear to me, that I ask this indulgence, not for myself, for I am this moment ready ; my request, I hope your Lordship will take into consideration ; and beyond Sunday next is all I ask.

During this short address, the prisoner spoke in a subdued though firm tone of voice, and was evidently labouring under considerable anxiety. Whenever any allusion was made to his family, he seemed to be much affected.

The prisoner Hunt declined to address the Court.

Mr. Justice Park having put on the black coif, addressed the prisoners as follows :—

John Thurtell, and you, Joseph Hunt, after a very full, a very fair, and, I trust, a most impartial trial, a Jury of your country have with, I think, the most perfect propriety, found you guilty. You, John Thurtell, as the principal in the commission of a foul murder, and you, Joseph Hunt, as an accessory before the fact of the same crime. It cannot but give great compunction to every feeling mind that a person who,

from his conduct this day, has shown that he was born with capacity for better things—who, according to his statement, received in his childhood religious impressions from a kind and careful mother—who in his youth served his country without reproach—should, notwithstanding, have been guilty of so foul and detestable a crime. For, notwithstanding your repeated and confident asseverations of your innocence, I must declare, that such has been the force of the evidence against you, that I am, in my mind, as confident of your guilt as if my mortal eyes had seen the commission of the crime. And I trust that you will not lay that flattering unction to your soul, that the declarations of your innocence will avail you here, still less before the all-seeing eye, who searches all hearts, and not add to your misfortunes and your guilt by rushing into his presence with a lie in your mouth and perjury in your right hand.

You best know, or he best knows, what your conscience says to those declarations of innocence; but on the evidence on which we must act, it does most clearly appear that you have been guilty of one of the most foul, most bloody, and deliberate murders that has ever been perpetrated or punished. That you should go on with your victim into those haunts of gamblers which afford the incentives and the encouragement to the basest and the most furious passions—that you should propose to introduce him to the house of your friend—that you should lead him to make preparation for enjoyment and for social intercourse with you, and that in the moment of darkness, before he reached that house, you should betray and murder him, does seem the height of cruelty and crime.

If he was the person in point of human conduct which he is described to be, consider how much your guilt is aggravated in sending him to account before his Maker without one short moment of preparation, without even the space once to take the name of God religiously into his mouth. I say not this to aggra-

vate your sufferings—I say it only to awaken your mind to the sense of your awful condition, and to lead you to the only refuge that is now left for you. Short as is your time of preparation for your great change, I trust you will lose not a moment in applying to the Throne of Grace. Short as it may be, too, recollect that it was more than twenty times told the space given by you to the unhappy man whose blood you violently shed. And I trust, too, that even in the past month, which the postponement of your trial has afforded you, instead of having fixed your mind entirely on the means of defence against the last punishment, which you cannot escape here, you have employed yourself in a way which must have been, and which must be more profitable to you, in seeking to make your peace with that God with whom is mercy towards the worst of sinners. I understand that the clergyman of this gaol is a most respectable man; I understand from the statements of one of you that he has been assiduous in calling on those feelings in your bosom which he may not yet have awakened. He will shew you the way to salvation; he will shew you that grace may yet be given to a contrite heart. Seek, O! seek it earnestly, I beseech you; knock earnestly at that gate which is never shut to a repentant sinner. Pour yourselves out at the feet of your Redeemer in humbleness and truth, and to his grace and mercy I commit you; and, while you are seeking for it, you shall have my devout and constant prayers that your supplications may be heard.

The Judge was here much affected; the prisoner Hunt sobbed loudly, and placed his handkerchief before his face. Thurtell's countenance indicated no emotion; he was serious and profoundly attentive.

The sentence of law which I have to pronounce upon you, John Thurtell, according to the statute, is this—that you, John Thurtell, be taken to the place from whence you came, and from thence that you be taken on Friday, the 9th instant, to a place of execution, and that you be hanged by the neck till you be

dead, and that your body be taken down and given to the surgeons for dissection. On you, Joseph Hunt, the sentence of the law is, that you be taken from hence to the place from whence you came, and from thence to a place of execution, and that you be hanged by the neck till you be dead; and may God of his infinite mercy have compassion on both your souls.

Thurtell continued to display the same firmness to the end of this sentence: Hunt was extremely dejected. When it was finished, Thurtell talked for a few moments to some persons in the court, and then both prisoners quitted the dock with the gaoler and his officers.

The Judge soon after discharged the Jury, thanking them for their patient attention. "You have had much trouble," he said, "but the interests of justice required it."

The Court was then dissolved, and Mr. Justice Park soon after set off to return to London. The High Sheriff remained in the town to superintend the preparations for carrying the awful sentence of the law into effect.

### RETURN TO THE GOAL.

In about a quarter of an hour after the adjournment of the Court, the post carriage intended to convey the prisoners back to gaol, was drawn up to the iron gates. While waiting for its arrival the prisoners were perfectly silent. The moment every thing was ready, the prisoners walked rapidly to the vehicle, and jumped in. It was nearly dark, so that the immense multitude assembled to witness their departure, were scarcely able to get a glimpse of their persons, added to which the post-boy drove with great rapidity.

On their arrival at the gaol, they were conducted into the kitchen, where their irons were again put on.

While there, Bishop, the Bow-street officer, and a gentleman, a friend of Mr. Wilson's, happened to be present. Thurtell appeared to be struggling to maintain his firmness, and certainly succeeded in a great degree.

As is customary on capital convictions for murder, the persons of the prisoners were searched, in order that every thing which might be used as a weapon of destruction might be removed. While this ceremony was going on, Thurtell took out his snuff-box, which was completely exhausted, and wiping round the inside with his finger, took the last grain that was left. He then turned to Bishop, and said, "Bishop, can't you give me a pinch?" Bishop said that he was sorry it was not in his power, as he never carried a box; upon which Mr. Wilson's friend, addressing Thurtell in terms of politeness, pulled out a box, and said, "Sir, I fortunately have some, and it is at your service." He then emptied his box into that of Thurtell, who expressed his thanks in strong terms, exclaiming, "A friend in need is a friend indeed," taking at the same time a hearty pinch.

The fastening of his irons being completed, he was told he was to be placed in a different cell to that which he had previously occupied. He made no observation, but shaking his head in a significant manner, prepared to submit. Before he went he put out his hand to Bishop, and begged to shake hands with him for the last time; Bishop instantly grasped his hand, and they parted. He was then removed to one of the condemned cells, where he was left, attended by two persons, who are to remain with him, till taken forth for execution. Some suspicions were entertained that he might attempt to destroy his own life, but to prevent this every precaution was taken.

Hunt scarcely uttered a word; he submitted to be searched in silence, and heaved several heavy sighs. He was so much depressed, in fact, that he appeared incapable of entering into conversation. He, like Thurtell, was removed into a condemned cell, and



was attended by two persons in the same manner. He was informed that Mr. Harmer, his solicitor, had set off to town, in order that he might draw up a memorial to the Crown in his favour as quickly as possible.

### INTERVAL BETWEEN THE CONDEMNATION AND EXECUTION.

The room in which Mr. Wilson placed Thurtell little corresponded with the idea generally formed of a condemned cell. It was large, spacious, and airy, lighted by a lamp and candle, and warmed by a comfortable fire,

Three or four persons were ordered to attend him constantly. He was provided with some tea and bread and butter. His books were a Bible, Prayer-Book, and one or two other volumes, containing religious consolation.

As soon as the arrangements for his final confinement were made, the Chaplain of the gaol waited upon him. Thurtell, struck by the presence of the gentleman, whose appearance (as he uniformly expressed it) consoled him, burst into tears, and for the first time since his imprisonment, manifested the warmest and most agitated sense of his deplorable condition. The Chaplain expressed the gratification he felt at finding this happy change in Thurtell's demeanour, and impressed in the strongest manner the necessity of his availing himself of the few hours which remained to him, to offer up his contrition and prayer for mercy where alone he could now expect it. Thurtell instantly, with his eyes suffused in tears, declared that his contrition was sincere, that he forgave the world, and implored the merciful forgiveness of God. His manner was fervid and impassioned, but at the same time free from any whining affectation of mere penitence, or tremulous apprehension at the near prospect of the new scene into which he was about to pass. His declaration of

contrition was at once manly and resigned; and his manner so unaffected and solemn, that it was calculated to inspire very great interest in his fate, notwithstanding the dreadful circumstances of his now established and admitted crime. He said that death to him, after the misery of his late mode of life, was a relief, and that he could go forth with the firmness of a christian to his fate; but he added, that domestic recollections—the anguish of the surviving members of his family, and particularly of a mother and sister, whose instructions and society would, if adhered to, have made that life respectable which would only now be remembered with shame—these were, he said, the reflections which overwhelmed him with grief and sorrow. He was now ready to resign himself to any preparation for his fate, and more particularly with a gentleman who had never approached him, as others had done by letters, to tamper with his feelings, but to compose and assuage his affliction.

The attendants were struck with the altered manner of the prisoner, and more affected, almost, than he was himself. He became calmer after his interview with the Chaplain, and his firmness subsided into a decent resignation; he repeated his readiness to meet his fate as soon as possible, hoped for the forgiveness of his family, and the oblivion of his offences.

After his interview with the Chaplain, handcuffs were produced and placed upon his wrists. This seemed to affect him a good deal, but he made no remonstrance. When he was told they were to sit up with him all night, he made no reply, but threw himself on the bed in his clothes. One of the men covered him with the rug, and he soon after dropped into a sound sleep. His mind and body seemed to have been entirely exhausted from the fatigues and excitements of the day.

He waked once or twice during the night, and at one time exclaimed to one of the men—"William, are you there?" On receiving an answer in the

affirmative, he said, "that's right," and turning round, again slept most profoundly.

At seven o'clock, he desired the men to assist him to rise, and on being got out of bed, he sat upon a stool near the fire, which had been kept in all night. There were a Bible, a Prayer-Book, and a volume of religious tracts on the table, the latter of which he took up and read for a short time with perfect calmness; he then laid it down open, and mused for a few seconds.

At half-past seven Mr. Wilson entered his room, and finding him up, asked him "how he felt?" Thurtell replied, rather cheerfully, "Very well, Mr. Wilson—never better in health." He evidently derived pleasure from the presence of Mr. Wilson, and asked him what o'clock it was. Mr. Wilson told him, "half-past seven." On which he said, "By this time to-morrow, Mr. Wilson, it will be all *right*," but suddenly correcting himself—"I mean (said he) it will be *all over*."

He then made some common observations as to his room, and his good night's rest; after which he had his breakfast of bread and butter and coffee. He ate heartily, and was firm and collected.

After breakfast Mr. Wilson informed him they were all going to Chapel, and that he was to be present. Thurtell said, "Very well; I am ready." On again alluding to the time of execution, Mr. Wilson informed him it would not be so soon as he anticipated, on which he expressed his regret, and said, "the sooner the better, for I have taken my leave of this world; as my doom is fixed, the sooner I suffer the better." Mr. Wilson, and every member of his family betrayed a strong feeling of regret for the man, for, although a murderer, there was a manliness and a correctness in his general conduct which won their respect. The candid and warm manner in which he acknowledged Mr. Wilson's humane and benevolent attentions to him, also, could not but have produced a strong effect on that gentleman's mind.

## THE CHAPEL.

At half-past eight o'clock, Mr. Wilson ordered all the prisoners in the gaol to be conducted to the Chapel, in order that they might be present during the service that was about to be performed. They were conducted accordingly to the place appointed, and seemed to be awfully impressed with the scene which was about to be presented to them.

Soon after nine, the Rev. Mr. Franklin, the Chaplain, arrived. He brought with him a volume of Paley's Works, for the use of Thurtell, which contained some prayers considered by the Rev. Divine as particularly applicable to his situation.

All being in readiness, the prisoners proceeded at a slow pace, attended by Mr. Wilson and his son, to the Chapel. Thurtell walked with a firm step, and looked perfectly composed. Hunt looked the picture of despair; his mind seemed to be completely prostrate. On entering the Chapel, they were conducted to a seat appointed for their reception, and which was in full view of all the other prisoners. No other persons were allowed to be present, strict orders having been given by the High-Sheriff that no one whatever should be admitted to the Gaol, either on this or any future occasion, previous to the execution, without his permission. This proceeding originated in the most humane motives, and from a desire, at so awful a moment, that nothing should occur to distract the attention of the prisoners, or to remove their minds from that devotion from which they can alone derive consolation in this world.

The Chaplain commenced the service with the following prayer, which he delivered in the most impressive manner:—

## THE PRAYER.

“Oh! thou great and glorious Lord God! Thou high and holy one, who inhabitest eternity, and de-

spisest not the meanest of thy works, we humbly beseech thee to look down in compassion upon us, thy poor vile and sinful creatures, who now present our prayers and supplications unto thee. Have mercy upon us—O Lord, have mercy upon us! According to the multitude of thy tender mercies, blot out all our transgressions, and remember our sins and iniquities no more. And do thou, in pity to our infirmities, dispose our hearts, and strengthen our resolutions, to serve and fear thee, the only God, all the days of our lives.

“Grant us the grace of thy Holy Spirit, that we may every day become better, and wiser unto salvation; that we may be enabled to reform and amend all that is amiss in the frame and temper of our minds, and in the course and action of our lives; that we may mortify our lusts, govern our passions, and direct our whole conversation aright. Assist us mercifully, O God, to do all that is good; to avoid all that is evil; and finally, to be partakers of thy heavenly kingdom.

“We humbly beseech thee, O Lord, to bless and preserve us, thine unworthy servants, who are at this time assembled in thy name, to be present in the midst of us, and to assist us in the holy service of devotion in which we are engaged; and grant, that those truths which shall be delivered, out of thy revealed word, may have their due effect, and lasting influence upon the hearts and consciences, upon the lives and conduct of us all.

“These prayers, O heavenly Father, we humbly offer up unto the throne of mercy, in the name and through the merits and mediation of our Lord and Saviour Jesus Christ, in whose most comprehensive form of words we sum up all our petitions.”

The prayer being concluded, after a short and solemn pause, the Rev. Gentleman remarked, that this season of advent was appointed by the church, not only the advent, or coming, or appearance of

Jesus Christ in human shape on earth, but also to put us annually in mind of his second coming, that we may prepare our hearts and minds, our thoughts and actions, to meet him at his second coming to judge the world in righteousness. No subject could be more appropriate to this solemn and affecting season of the year, than the general judgment by Jesus Christ.

He then, in a manner the most impressive perhaps ever witnessed on any occasion, proceeded to the delivery of

### THE CONDEMNED SERMON.

*“We must all appear before the judgment-seat of Christ, that every one may receive the things done in his body, according to that he hath done, whether it be good or bad.”* 2 Cor. v. 10.

The Rev. Chaplain said, that in the beginning of the chapter, St. Paul expressed an earnest desire to quit this earthly tabernacle for a house not made with hands, and to be present with the Lord; but that, however the Almighty should dispose of him, he should make it his constant labour and study so to conduct himself, that both in this world and at his presentation into the next, he might hope to be approved and accepted by his God, and that to this end his actions were daily governed and directed. He then enforced upon the prisoners the simple and expressive rule of St. Paul, and emphatically pointed out the force and value of attention to it. He implored the prisoners to consider the certainty of a future judgment. Not to dwell on the persuasion and belief of all heathens and pagans in every age and country, in this respect, on the dictates of every man's natural conscience, his self-approbation of secret virtue, his self-condemnation of secret vice, the hopes and the fears that agitate every man's breast on account of his most private actions, and the inmost

thoughts of his heart, were all, he said, so many proofs of his belief in a future judgment.

In the second place, he said, that neither was it necessary to take an extensive view of the unequal distribution of happiness and misery in this life; how virtuous and holy men were often afflicted in this world, and that, too, even for righteousness' sake, and that profligate, daring, and impious men, often flourish and prosper—they came not into trouble, neither were they plagued like other men; hence the justice of God seemed to require that at the final consummation of all things, this seeming injustice should be rectified, and that God would one day fully vindicate the righteousness of his government, acquit the honour of his justice, and that there would be held a general assize of all men that ever breathed on the face of the whole earth, when they would all have a fair and open trial, and God would render to each according to his works.

The Chaplain then enforced the truth of the divine judgment, and after making a powerful impression upon his auditory by the eloquence of his argument, he exclaimed—"Hear the words of your Redeemer—" "The day is coming in which all who are in their graves shall hear the voice of their Judge, and shall come forth; they that have done good, unto the resurrection of life; and they that have done evil, unto the resurrection of damnation." He remarked upon the astonishing indifference of some persons to the divine declaration, and the impossibility of their conducting themselves in the manner some did, were they impressed with its truth. He was particularly solemn and impressive in dwelling upon the profligacy and profaneness of some who were not deterred by a sense of religion from the commission of sin, just as if eternal justice were asleep—just as if all their wicked actions would be buried with their dead bodies, and should never rise again in judgment against their immortal souls. He contrasted with

such impious indifference, the calmness, the consolation, and hope of a true Christian, who built his hope on the fundamental belief of happiness hereafter, and illustrated the value of such a hope by the practice of St. Paul, and the serenity and piety of his life.

The reverend gentleman then said, that it would be easy to draw a terrific picture of the great and terrible day of judgment, but he preferred the arguments, which cool reason suggested, to those which terror and amazement inspired. He invoked the attention of the prisoners to the plain and powerful expression of the Holy Scriptures. Suppose then, said he, that "you saw the heavens opened, and the Son of Man coming in great power and glory, and all his holy angels with him. Suppose that you heard the mighty cherubim, in burning rows, sounding the loud trumpet of archangels, and a mighty voice piercing the heavens and the earth—" Arise, ye dead, and come to judgment!" Suppose you saw the throne set, and the great Judge sitting upon the throne of his glory, and all nations gathered before him; and all the dead, both small and great, standing before God; the books opened, and the dead judged out of the things written in those books; suppose you heard the respective sentences upon all mankind pronounced by the mouth of Christ himself—"Come, ye blessed of my Father, receive the kingdom prepared for you, from the foundation of the world!" and, "Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels." Would not this, continued the reverend gentleman, "be an appalling scene, and did not the Gospel positively declare that it should come to pass?" He asked, then, why was not that dreadful fact operative upon human conduct? Why, then, such insensibility to human interests—why stifle the voice of conscience—why labour to drown its cries by the din and riot of worldly cares and pleasures?

After dwelling forcibly on this topic, the reverend



gentleman exclaimed, "Let this present season of Advent constrain us all to look carefully and steadily to our last great account; and seeing now, with our own eyes, the awful spectacle before us, where human justice is about to vindicate the violation of her laws, let us lift up our hearts to higher views, and raise our thoughts from earthly to heavenly subjects. Let us argue thus:—If the day of God's judgment be so dreadful at a distance, that I can hardly now bear the very thought of it, from the recollection of my sins, how insupportable will the thought itself be, when it eternally does come!

He, in conclusion, contrasted the times of ignorance of the heathen and the Christian world, and, as St. Paul said, "the ignorance of the former God winked at, but now all men were commanded to repent, because he hath appointed a day in which he will judge the world." "Oh, then, at once," said the Chaplain, with great fervour and earnestness, "repent! Let the wicked forsake his way, and the unrighteous man his thoughts; and let him turn unto the Lord, who will have mercy upon him, and unto our God, who will abundantly pardon, through the merits and mediation of Jesus Christ, our Lord and Saviour."

Repeatedly, during the delivery of the sermon, of which we are only able to furnish a brief abstract, the Chaplain was affected to tears. Thurtell at times evinced uncommon emotion—his manner was extremely penitent, but his fortitude was still maintained. He hoped, he said, to meet his impending fate with the firmness of a man, and the resignation of a Christian.

In the course of the service, the Chaplain read the Litany, though out of order, very properly judging there were parts in it more applicable to the case of the prisoners than occurred in the rest of the service.

When the following prayer, "That it may please thee to defend and provide for the fatherless children

and widows, and all that are desolate and oppressed," was read, Hunt seemed dreadfully affected, and his head dropped upon the front of the pew.

The desire to draw consolation from prayer and the study of religious books, which the worthy Chaplain had been so fortunate as to excite in the mind of Thurtell, manifested itself in a much higher degree than could have been expected from a man, the latter part of whose life had been passed in an utter disregard of all the obligations of Christianity. He repeatedly acknowledged the relief he had experienced from the religious books put into his hands, and more particularly from the following prayers, in Dr. Paley's Tracts, which were so peculiarly applicable to his situation, and which he read and had repeated to him over and over again.

"O most just and holy Lord God, who bringest to light the hidden things of darkness, and by thy just and wise providence dost bring to shame and punishment; disappointing the hopes of wicked men; visiting their sins upon them in this present life, that thou mayst deter others from the evil of their ways, and save their souls in the day of judgment: O Lord, in mercy look down upon this thy servant, who now is before thee, to confess thy justice, in making him a sad example to others. He with sorrow and shame confesseth, it would be just with thee, should death eternal be the wages of his sins, and everlasting sorrow be the recompense of his iniquity. He has, we confess, O Lord, despised thy mercy, and abused thy goodness, and has, therefore, no reason to expect any other than to be made an everlasting sacrifice to thy justice. When thou hast, by the ministry of thy word, and the interposition of thy providence, called him to repentance, he has slighted thine admonitions. Oh, how just, therefore, would it be now in thee to disregard his cry in this day of trouble, when distress and anguish are come upon him. He confesses that he hath hardened his heart, notwithstanding all thy importunities to him to repent and live; that he has still gone on from one wickedness to another, eagerly repeating the works of darkness, and even hating to be reformed; that he has notoriously broken his baptismal vows, and given encouragement to others to blaspheme our holy faith; and that on these accounts he has nothing to expect but thou shouldest deal with him according to his sins, and reward him according to the multitude of his offences. But

thou, O God, hast been pleased to declare, that with thee is mercy and plenteous redemption; that thou desirest not the death of a sinner, but rather that he should repent and live. Thou hast so loved the world that thou gavest thy only begotten Son, that whosoever believeth in him should not perish, but have everlasting life. O let not him whom we are now commending to thy mercy, for ever perish and be lost. Have compassion upon a miserable sinner, who owns he deserves eternally to die, and let him find mercy in his distress. Pardon, we earnestly entreat thee, his wilful and his heedless follies, his errors, and his crying and notorious sins, particularly that for which he is now to die. O Lord, thou God of mercy, who art abundant in goodness, have pity on the work of thine own hands. Bury his sins in his grave, and however they may rise up in this world to disgrace him, let them never rise up in the next to condemn him; and whatever he suffers here, let him hereafter be in the number of those whose unrighteousness is forgiven, and whose sin is covered. However men in the execution of justice, and to deter others from being guilty of the like wickedness, may kill his body, let neither his body nor his soul be destroyed in hell, but be delivered from eternal condemnation, for the sake of Jesus Christ, who died to save sinners." Amen.

He also repeated the following from the same collection: it is entitled, "*A General Prayer for preparation and readiness to die!*"

"Lord, what is our life, but a vapour, which appeareth for a little time, and then vanisheth away? Even at the longest, how short and transitory! and when we think ourselves most secure, yet we know not what a day may bring forth; nor how soon thou mayst come, before we are aware, to call us to our last account.

"Quickly shall we be as water spilt on the ground, which cannot be gathered up again. Quickly shall we be snatched away from hence, and our place shall know us no more.

"Our bodies shall soon lie down in the grave, and our souls be summoned to appear before the tribunal of Christ, to receive our everlasting doom; and yet, O Lord, how do the generality of mankind live in this world, as if they were never to leave it! How unmindful are we all of our departure! how improvident of our time! how careless of our souls, and negligent in our preparations for eternity! so that thou mightest justly cut us off in the midst of our sins, and our unpreparedness to appear before thee. But, O God of all comfort and mercy, remember not our sins against thee, but remember thy own love to us in Jesus Christ, and thy tender mercies which have been ever of

old. O remember how short our time is, and so 'teach us to number our days, that we may apply our hearts unto wisdom.'"

The concluding paragraph of the prayer the prisoner read several times with the utmost fervour, *viz.*:—

"Quicken thy servant, O Lord, into a powerful and serious consideration of these things, now thou hast brought him into more intimate acquaintance with them. Instruct and assist him in this great work of preparation to die. Show him how to do it, and help him with good success to perform it, that when the time of his dissolution draweth near he may have nothing else to do but to resign himself willingly and cheerfully into thy hands, as into the hands of a merciful Creator, there to remain with thee for ever in that blessed place, where sin, and sickness, and death shall be no more." Amen.

The following was the concluding prayer, which he repeated many times over: it is entitled, "*A Prayer of Preparation for Death.*"

"O Almighty God, maker and judge of all men, have mercy upon me, thy weak and sinful creature; and if by thy most wise and righteous appointment, the hour of death be approaching towards me, enable me to meet it with a mind fully prepared for it, and to pass through this great and awful trial in the manner most profitable for me. O let me not leave any thing undone which may help to make my departure safe and happy, or to qualify me for the highest degree of thy favour that I am capable of attaining. Pardon the sins which I have committed against thee, by thought, word, and deed, and all my neglects of duty. Pardon the sins which I have committed against my neighbour; and if others have wronged or offended me, incline my heart freely and fully to forgive them. Cleanse my soul from all its corruptions, and transform it into the likeness of thy son Jesus Christ, that I may behold thy face in glory, and be made partaker of thy heavenly kingdom. And O! merciful Father, give me that supply of spiritual comfort which thou seest needful for me in my present condition; and grant that when my change comes, I may die with a quiet conscience, with a well-grounded assurance of thy favour, and a joyful hope of a blessed resurrection, through our Lord and Saviour Jesus Christ." Amen.

This was the last prayer he repeated before entering into the chapel. In the course of the previous

night, he was also particularly struck with several forcible passages in an old volume of sermons by Dr. Brewster, more especially with one upon "*Judgment to come*," which enforced the imperative necessity of repentance, and the dismissal of all self-delusion from the human heart, on the awful approach of death, in a simple and eloquent strain, well calculated to make an impression upon the prisoner.

### THURTELL'S LAST NIGHT.

The prisoner maintained his usual firmness, and, while he expressed an anxious desire for the arrival of that period which was to terminate the anguish of his mind in this world, he applied himself with becoming devotion to meet the awful hour of his exit.

The Chaplain returned to his room, after a short absence, at nine o'clock, carrying with him a few oranges, and, after some religious discourse, found his mind calm and collected. When about to depart, at ten o'clock, Thurtell intimated a strong desire that his late wretched associate (Hunt) should be allowed to pass the night in his apartment. To this the Chaplain saw no objection: but, on the contrary, felt that the lesson which would be thus afforded would tend to make a lasting impression on the feelings of Hunt, who, although professing a full sense of his past conduct, and manifesting an apparent sincerity of devotion, still did not exhibit that pure spirit of repentance which characterized every word and action of the unhappy Thurtell. He also hailed the circumstance as an additional proof of Thurtell's having discarded from his mind every feeling of hostility to this partner of his guilt.

The worthy Chaplain proceeded to Mr. Wilson, and begged that the wish of Thurtell might be complied with, after which he quitted the prison. Mr. Wilson's son then supplied his place in Thurtell's room, and, with the most charitable and humane feelings, remained with the unfortunate culprit for an

hour, during a part of which time he read to him several portions of Scripture, as well as extracts from some excellent sermons furnished by the Rev. Chaplain. Thurtell also read extracts from the sermons and other religious books, and seemed to derive considerable consolation from the holy doctrines contained in them.

Upon Mr. Wilson's retiring for the night, Hunt was introduced; he was received by Thurtell with a strong manifestation of cordiality.—Thurtell took him by the hand, and said, “Joe, the past is forgotten. I stand on the brink of eternity, and we meet now only as friends. It may be your fate to lose your life as ignominiously as myself; but I sincerely hope the Royal mercy will be extended to you, and that you will live to repent of your past errors, and make some atonement for the injuries which you may have done to me or others. Although you have been my enemy, I freely forgive you.”

Hunt, who had entered the room with feelings bordering on apprehension that some unfortunate turn had taken place in his affairs, and that he was himself to suffer, was suddenly relieved by this address, and squeezing Thurtell's hand most vehemently, he burst into tears; he then sat down by the fire, and Thurtell and he continued to pray, and to read the admirable works which were before them, until one o'clock.

Thurtell had previously partaken of tea and a small portion of bread and butter, and occasionally during the night sucked an orange. Soon after one, he shewed symptoms of fatigue, and laying himself on the bed, uttered a fervent prayer to the Almighty, for strength to meet his approaching execution with the firmness of a man, and the resignation of a Christian. In a few moments afterwards he dropped into a profound sleep. Hunt continued to sit by the fire reading, but soon followed the example of Thurtell, and fell asleep on his seat. The three attendants, as usual, remained in the room, and one of them, by his desire, threw the coverlid over Thurtell's head.

### INCIDENTAL CIRCUMSTANCES.

When Mr. Wilson, jun., took his leave of Thurtell, he burst into tears. Thurtell turned to him, and patting him on the shoulder, said, in a cheering tone, "Come, come, don't cry, don't grieve—we shall meet again, we shall meet in heaven."

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In the course of conversation he alluded to Probert. He said, "I forgive Probert, from the bottom of my heart; I hope he will live to repent of his past sins. But, notwithstanding the awful situation in which I am placed, were I to be offered life for one hundred years, with 20,000*l.*, I would rather die, as I am about to do, than live degraded and disgraced like him; a vagabond walking about the streets, pointed at by the finger of scorn. He has always been a wicked man, but my sincere hope is, that he may take warning and turn from his evil ways."

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Previous to Thomas Thurtell's departure from Hertford gaol to return to Newgate, he took his final leave of his brother. Their meeting was extremely affecting, and at their last embrace John Thurtell squeezed the hand of his brother, and said, "God bless you; there are nine of us to-night, but there will be but eight to-morrow," alluding to the approaching diminution in the number of his family by his own death. So deeply affected was Thomas, that it became necessary to remove him by force. John, beckoning to the turnkeys, said, "Take him away for God's sake, for he unmans me: poor fellow, I wish he had not come here at all." Thomas went away bathed in tears, and scarce uttered a word during the whole of his journey to town.

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On the morning of the execution Thurtell took toast and tea for his breakfast, and in his conversa-

tions with the Chaplain repeatedly expressed the consolations he derived from the religious instruction of that gentleman, and only lamented the shortness of time which remained for his penitence. He mentioned that he had written on the previous day to his father, and had done with all worldly concerns. The letter so written was transmitted by the High Sheriff through the post, under a frank from Lord Cowper, who happened to be in the gaol at the time.

After breakfast he wrote two letters—one addressed to his brother, Thomas Thurtell, to the care of Mr. Wontner, keeper of Newgate; the other to his solicitor, Mr. Fenton, of Austin-friars; both sealed with black wax. Before the removal from his apartment into the chapel, he shook Hunt again by the hand, and repeated his assurance of forgiveness.

His sole anxiety at this moment seemed to relate to the shame and reproach which he had brought upon his family. He said that it was his lot to be one of two favourite sons of a mother whom he tenderly loved; and, heaving a deep sigh, he added, “one of them was drowned, and the other is now about to be hanged. But I know my mother, notwithstanding my faults, will seek my grave wherever it can be found; and, if she can find in any part of England a stone with the initials of her son’s name upon it, she will drop a tear; on that account alone I am anxious that my family should know where my remains are to be interred. As to myself, I know that the process of dissection can only happen when all sensation is with me extinct. The law, I am told, requires it; but still, when that is done, perhaps what remains of me will be deposited in a tomb, so that the spot may be recognised by my family.”

#### PREPARATION OF THE SCAFFOLD.

While matters were thus situated within the prison, the workmen laboured without, in erecting a scaffold and enclosure. This machine was constructed under



the direction of Mr. Nicholson, the Under Sheriff, and had been commenced before the day appointed for the trial. Some objection was made by the Magistrates to the use of it, upon the ground that it might be considered indelicate to commence such a work, as it were, in anticipation of the conviction of the prisoners. The fact, however, of there being no other fit machine of the sort in existence in the county \*, having been communicated to the High Sheriff, that gentleman, on his own responsibility, determined to adopt it, and it was by his direction finished, and used on the present occasion.

The drop was ingeniously suited to the purpose for which it was intended, and was calculated to terminate the existence of the unhappy culprit in the shortest possible period. There was a temporary platform with a falling leaf, supported by bolts, and upon this the prisoner was to be placed. The bolts were fixed in such a manner as to be removed in an instant, and as instantaneously the victim of his own crimes would be launched into eternity. Above this platform was a cross beam, to which the fatal cord was to be affixed. The whole was solidly and compactly made, and capable of being taken asunder and removed in a very short time.

The enclosure consisted of boards, seven feet in

\* It is rather a singular circumstance, with reference to the mode of executing criminals at Hertford, that Thurtell should be the first person to suffer in a manner different from the course heretofore practised at that place. One day, while conversing with Mr. Wilson, Thurtell jocosely said, "Why, I understand that when you *round* [hang] people here, you put them in a *tumbler* [cart], and send them out of the world with a *Gee-up, gee-ho*, and I suppose my ears will be saluted with a smack of the whip; but this is rather an old fashioned and ungentlemanly way of finishing a man." Probably this anecdote was communicated to the Magistrates of the county, and they determined to *accommodate* him by ordering a new drop-gallows to be erected and allowing him to *hansel* it.

This note is given on the authority, and nearly in the words, of an individual who delights in being recognised as a *person well-known in the sporting world*.—ED.

height, and dove-tailed into each other, so as to close every crevice. The extent of the space thus embraced was about thirty feet in length, and fifteen feet in width. The platform was approached by a short flight of steps, which led directly from the door of the prison. The boards and all the other machinery being painted black, presented a very gloomy appearance.

At eight o'clock in the morning the whole was completed, and the workmen retired. Soon after this, it was suggested to the Under Sheriff that a place should be railed off for the accommodation of the gentlemen of the Press, and, by his directions, in a very short time the enclosure was completely surrounded by strong posts and rails, fixed at a distance of about three yards, within which the gentlemen in question, the officers of the Sheriff, Ruthven, Bishop, and Upson were stationed, and were thus completely protected from the pressure of the multitude.

#### STATE OF HERTFORD.

During the latter part of the day previous to the execution, persons of all ranks were seen driving into the town of Hertford in all directions, evidently brought by the desire of being present at the awful ceremony, and influenced no doubt by an expectation that some extraordinary declaration would be made by Thurtell in his dying moments.

All the inns in the town were completely filled, and the places of the crowd who had departed after the trial were filled by a new order of visitors. It would seem from the appearance of some of these persons, and the jaded state of their cattle, that they had come long distances; and indeed it has been positively asserted that many hundreds had actually come from Worcester, the scene of a recent contest between Spring and Langan, two celebrated prize-fighters, for the championship (as it is called) of Eng-

land. Among these were several persons distinguished as leaders in the sporting circles, whose intimate acquaintance with Thurtell rendered the approaching tragedy still more attractive.

Independently of these individuals, many persons were pointed out as having come actually from Edinburgh, Glasgow, Ireland, and other distant parts of the United Kingdom, under similar feelings of curiosity. Many of these persons were incapable of procuring beds, while others would not submit to the extraordinary prices demanded for such convenience. In this state of things, scarcely a public-house was closed for the night, and parties remained engaged in drinking and gambling till the light of day burst upon them.

As the morning approached, fresh arrivals added to the bustle which prevailed; the roads from London, Cambridge, St. Alban's, and elsewhere, were covered with vehicles of every description, filled with that sort of company which is usually observed on the move towards fights and such exhibitions. In fact, all the rabble who are wont to frequent scenes of this description, seemed to have congregated in Hertford upon this occasion. In many instances, where persons could not afford to pay for a conveyance to the spot, they walked from considerable distances, and submitted to no ordinary fatigue and inconvenience, in order to be present at the execution.

### MORNING OF EXECUTION.

At day-break a crowd began to assemble in front of the gaol, taking their stations upon every elevated spot which presented itself to their notice. At ten o'clock, all the roads leading to Hertford were thronged with travellers. Ware and Hoddesdon sent forth all their male, and, it would seem, a great portion of their female, population. The various villages in the neighbourhood also supplied their full

quota of spectators. Two points were remarked as being rather unusual. The one was, the vast number of equestrians who thronged around the place of execution—most of them apparently of the class of small farmers, amongst whom were intermingled a number of sporting butchers, bakers, and meal-men; the others, the throng of women, who, to their shame be it spoken, appeared on the ground.

The medley multitude thus assembled extended in a dense body, for about a furlong on the London side of the gaol, and for about the same distance on the Hertford side. Beyond this compact body, the crowd, less closely packed, extended on the one side, to a small bridge which is thrown over a rivulet that flows across the road, and on the other, up to the Blue-coat school.

The road between the prison wall and the opposite hedge, may be about five-and-twenty yards in width. This was soon completely choked up with spectators; the hedges, and the fields beyond, were also thickly thronged by the anxious multitude. Immediately in front of the scaffold, in a field within the hedge, stood a large barn, the property of Mr. Wilson, the governor; this was an antiquated edifice, thatched with straw, which from its appearance, must have been of long standing. So desirable an elevation could not long escape the notice of the curious, and in a short time the roof was literally covered with men and boys, whose apparently comfortable situation, excited no small envy in those who had not been so fortunate as to arrive in time to attain so excellent a seat. Some few, however, from their knowledge of the frail materials of which the building was constructed, did not hesitate to apprise those who were upon it, of the danger they incurred by remaining in such a situation. These suggestions were received with jocularly and treated with contempt. In a short time, however, they proved to be but too well founded: for, at about half-past ten o'clock, the whole thatch and the rafters by which

it was supported gave way with a tremendous crash, and the crowd which were upon it were precipitated into the body of the building, covered with dust and dirt.

A feeling of horror instantly pervaded the crowd, as apprehensions were entertained that some serious injury must have been experienced. Prompt assistance was immediately afforded to the sufferers, and after some time the whole of them were extricated from their perilous situation, many of them exhibiting in their appearance rather a ludicrous aspect, some few having reason to regret their temerity, in remaining on the roof after the warning they had received. Among these were two lads, named Fraley and Mullins, one of whom had his thigh broken, and the other his knee dislocated; they were immediately removed for surgical assistance into the town of Hertford. The consequences would, in all likelihood, have been more serious, had it not happened, that the barn at the time was nearly filled with straw. Many of the crowd still maintained their situations on the walls, one of which subsequently gave way, but luckily without producing further mischief.

At eleven o'clock, the mass of spectators had greatly increased. The road at each end was completely blocked up, so as to prevent the possibility of any person passing, and the coaches going to and coming from London, were obliged to take a circuitous route. Soon after that hour, Robert Sutton, Esq. the High-Sheriff, accompanied by Mr. Nicholson, the Under-Sheriff, arrived at the house of the Rev. Mr. Franklin, which is situated within the walls of the Blue-coat Establishment. Mr. Nicholson was then requested to proceed to the gaol, and to inform Thurtell that the High-Sheriff was in attendance in the neighbourhood, and was ready to wait upon him if he was desirous of an interview, but that otherwise he had no wish to interrupt his devotions.

THURTELL'S CONDUCT IMMEDIATELY  
BEFORE THE EXECUTION.

At half-past six o'clock, Mr. Wilson, jun., entered the prisoner's room, and found him on the bed, fast asleep, and snoring loudly. The prisoner Hunt was also in a deep slumber, sitting by the fire-side. Mr. Wilson, unwilling to disturb their repose, retired, and at seven o'clock returned with his father. The wretched men were still asleep, unconscious of the scene which was so shortly to be acted, and in which one of them was to take so prominent a part. Mr. Wilson approached the bed of Thurtell, and found his face covered over with the rug, and so profound was his sleep at this moment that he could not hear him breathe. He immediately uncovered the prisoner's face, and called him by name. Thurtell started up, and for a moment seemed lost to his situation, not even knowing where he was. Mr. Wilson addressed him, and his recollection immediately returned. Mr. Wilson asked him how he felt himself, and he said very well; I have had an excellent night—I have slept since one o'clock; I have dreamt several odd things, but I have never dreamt any thing about *this business* since I have been in Hertford. Mr. Wilson then asked him if he felt refreshed, and if he felt inward comfort? He replied "Yes; I feel very well, and very comfortable." During this conversation, Hunt awoke, and casting a look of despair towards the bed, seemed to shudder within himself, and then became extremely dejected. Thurtell arose, and asked for some water to wash, which was forthwith brought to him by one of the attendants. Having bathed his face, his breakfast was brought in; it consisted of some tea and bread and butter, but he partook only of the former, and that but slightly.

At eight o'clock the Chaplain arrived—he shook

hands with Thurtell, and addressed him in the most humane and soothing language, expressing at the same time his gratification at finding the unhappy man in a frame of mind so firm and composed. Mr. Wilson retired, taking with him the three attendants. The Reverend Chaplain, on being left alone with Thurtell and Hunt, called upon them to join him in prayer, which they did with their accustomed devotion. Having concluded the prayer, Thurtell desired to be permitted to read aloud one of the sermons in his possession, to which the Reverend Gentleman at once acceded. He read in a clear and audible voice for some time, when some conversation took place between him and Mr. Franklin as to his belief in the truths of Christianity, and as to his hopes of pardon hereafter, through the mediation of our Saviour? The answers of Thurtell were such as to give entire satisfaction to the worthy Chaplain.

At eleven o'clock the Under-Sheriff entered the prison, and on being conducted to Thurtell's room, communicated to him the message of the High-Sheriff. Thurtell said he had no desire to give that gentleman the trouble of an interview, and was only desirous of renewing his thanks for the benevolent and humane attentions which he had received at his hands from the first moment of his being committed; and he desired at the same time to express to Mr. Nicholson, the sense which he entertained of his kind feelings during the same period.

Mr. Nicholson intimated to Mr. Wilson, that the period was fast approaching which had been fixed for execution, and suggested whether it might not be prudent to conduct the prisoner to the Chapel, in order that he might receive those last religious consolations which his awful situation demanded. He then left the room, and the Chaplain and the prisoner were again left alone to prayer.

## ADMINISTRATION OF THE SACRAMENT.

At half-past eleven o'clock Thurtell and Hunt were conducted by the Chaplain and Mr. Wilson into the Chapel, where they were met by Mr. Nicholson. The Rev. Mr. Franklin then prepared to administer the sacrament to the prisoners, of which both Mr. Wilson and Mr. Nicholson intimated a desire to partake. During the Communion Service, Thurtell read the appropriate prayers in a distinct and audible voice, and seemed fully impressed with the importance of this solemn rite. At its conclusion, Thurtell turned round to the prisoner Hunt, and grasped his hand repeatedly, and renewed in the most forcible terms the assurance of his perfect forgiveness of the past, and of his being about to die in peace and charity with all the world.

The Chaplain and Mr. Nicholson now retired from the Chapel, leaving Mr. Wilson and the prisoner Thurtell alone. Hunt had previously been reconducted to his cell, overpowered by his feelings. Mr. Wilson, then turning to Thurtell, said, "Now, Thurtell, as there is now no eye to witness what is passing between us but that of God, you must not be surprised if I ask you a question." Thurtell turned round and regarded him with a look of surprise. Mr. Wilson continued, "If you intend to make any confession, I think you cannot do it at a better period than the present." Thurtell paused for a few moments. Mr. Wilson then went on to say, "I ask you if you acknowledge the justice of your sentence." Thurtell immediately seized both Mr. Wilson's hands, and pressed them with great fervour within his own, and said, "I am quite satisfied. I forgive the world; I die in peace and charity with all mankind, and that is all I wish to go forth upon this occasion." Mr. Wilson next asked him whether he considered that the laws of his county had been dealt to him justly



and fairly, upon which he said, "I admit that justice has been done me—I am perfectly satisfied."

The Chaplain then returned to the prisoner, and offered him some further words of comfort, asking him, whether there was any thing he (Mr. Franklin) could do to ease his mind with respect to his family and friends. Thurtell replied that he was anxious the Rev. Gentleman would write to his father, and inform him of his extreme contrition, resignation, and penitence, which Mr. Franklin promised most faithfully to do. The unfortunate man then uttered a short prayer, that the minds of his family might be strengthened under the deep affliction they must feel, and of which he had been the unhappy author.

At this period, Mr. Nicholson tapped at the door with his wand, as the signal that the hour of execution had arrived. Mr. Franklin's countenance betrayed the deep sorrow with which he heard this sound. Thurtell observed the change in his countenance, and said in a firm and manly voice, "Sir, I am ready." He then seized Mr. Franklin's hands, and in terms of gratitude thanked him, not alone for all the personal kindnesses for which he was indebted to him, but for that contrite and Christian spirit with which he was about to depart this world. Mr. Franklin returned the salutation and burst into tears.

The Chapel-door was then thrown open, and the prisoner went forth with a steady and assured step. He looked round with perfect calmness. The distance from the Chapel-door to the door leading to the scaffold was not more than ten yards, and thither he was accompanied by the Chaplain, the Under-Sheriff, Mr. Wilson, Mr. Webb, an assistant of Mr. Wilson's, and the Upper Turnkey. The Church-bell mournfully tolled as he advanced.

A few seconds before the clock struck twelve, he walked with his hand on the Chaplain's arm from the Chapel, along the paved passage which crosses the yard to the door of the tread-mill. His walk

was firm and unembarrassed, his whole demeanour that of composure and resignation. All around him seemed more affected than he appeared himself. He cordially shook hands with Mr. Wilson's son, to whom in the morning he gave a lock of his hair, and lamented at first that he had nothing better to give him. But, as if recollecting himself, he said, "Oh! here's my snuff-box: it is now empty; I have no further occasion for it. Keep it for my sake."

On their arrival at the door, Thurtell again shook Mr. Franklin most heartily by the hand, and with a strong expression of feeling exclaimed, "God bless you, Sir; God bless you." He also turned and shook hands with Mr. Webb, and then preceded by the Under-Sheriff and the executioner, and followed by Mr. Wilson and the head turnkey, he mounted the steps of the fatal scaffold, begging Mr. Nicholson that as little delay as possible might take place in his execution after his appearance upon the platform.

### THE EXECUTION.

At ten minutes before twelve, a bustle among the javelin-men stationed within the boarded enclosure on which the drop was erected, announced to the multitude without that the preparations for the execution were nearly concluded. The javelin-men proceeded to arrange themselves in the order usually observed upon these melancholy but necessary occurrences. They had scarcely finished their arrangements, when the opening of the gate of the prison gave an additional impulse to public anxiety.

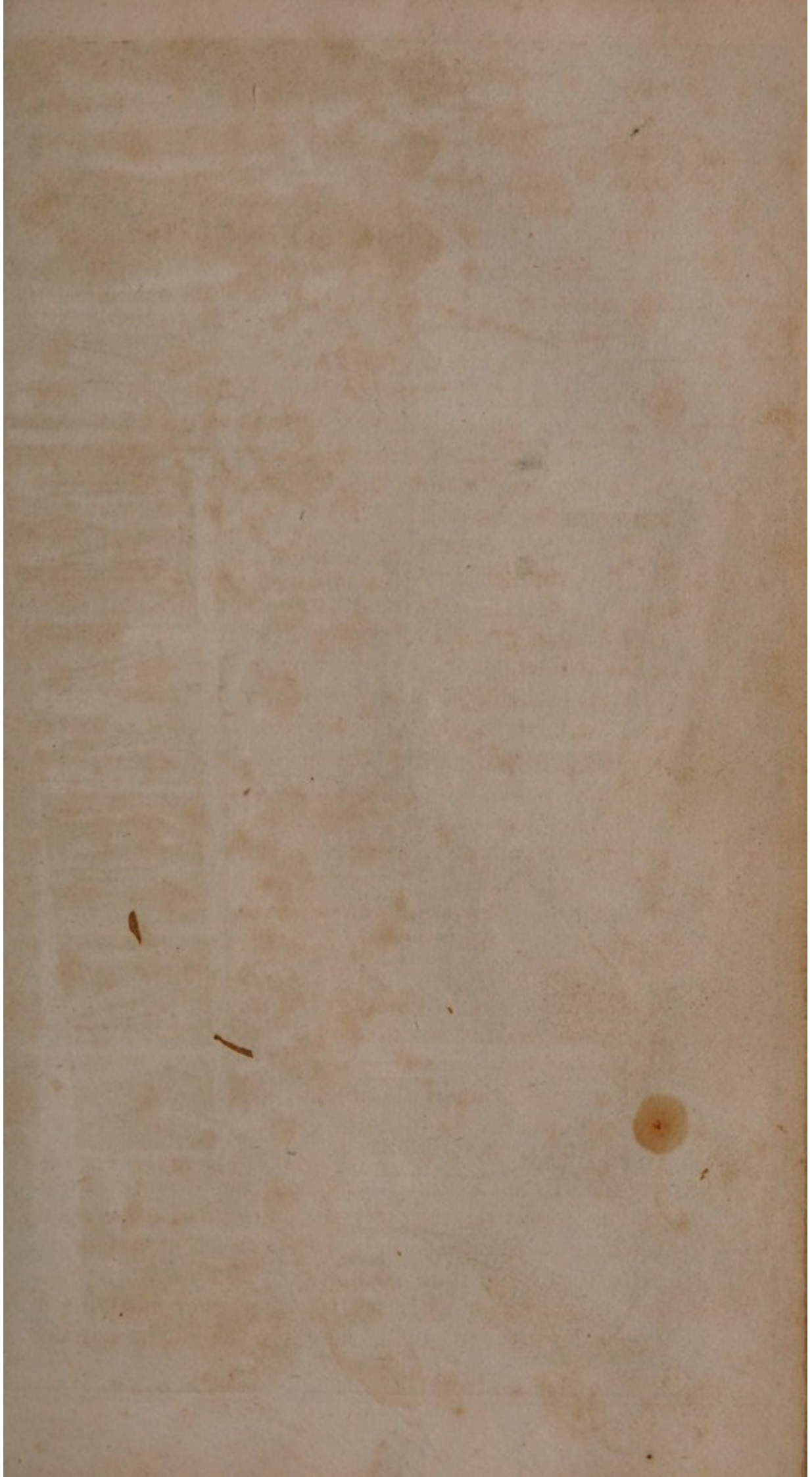
When the clock was on the stroke of twelve, Mr. Nicholson, the Under-Sheriff, and the executioner ascended the platform, followed on to it by Thurtell, who mounted the stairs with a slow but steady step. The principal turnkey of the gaol came next, and was followed by Mr. Wilson and two officers. On the approach of the prisoner being intimated by

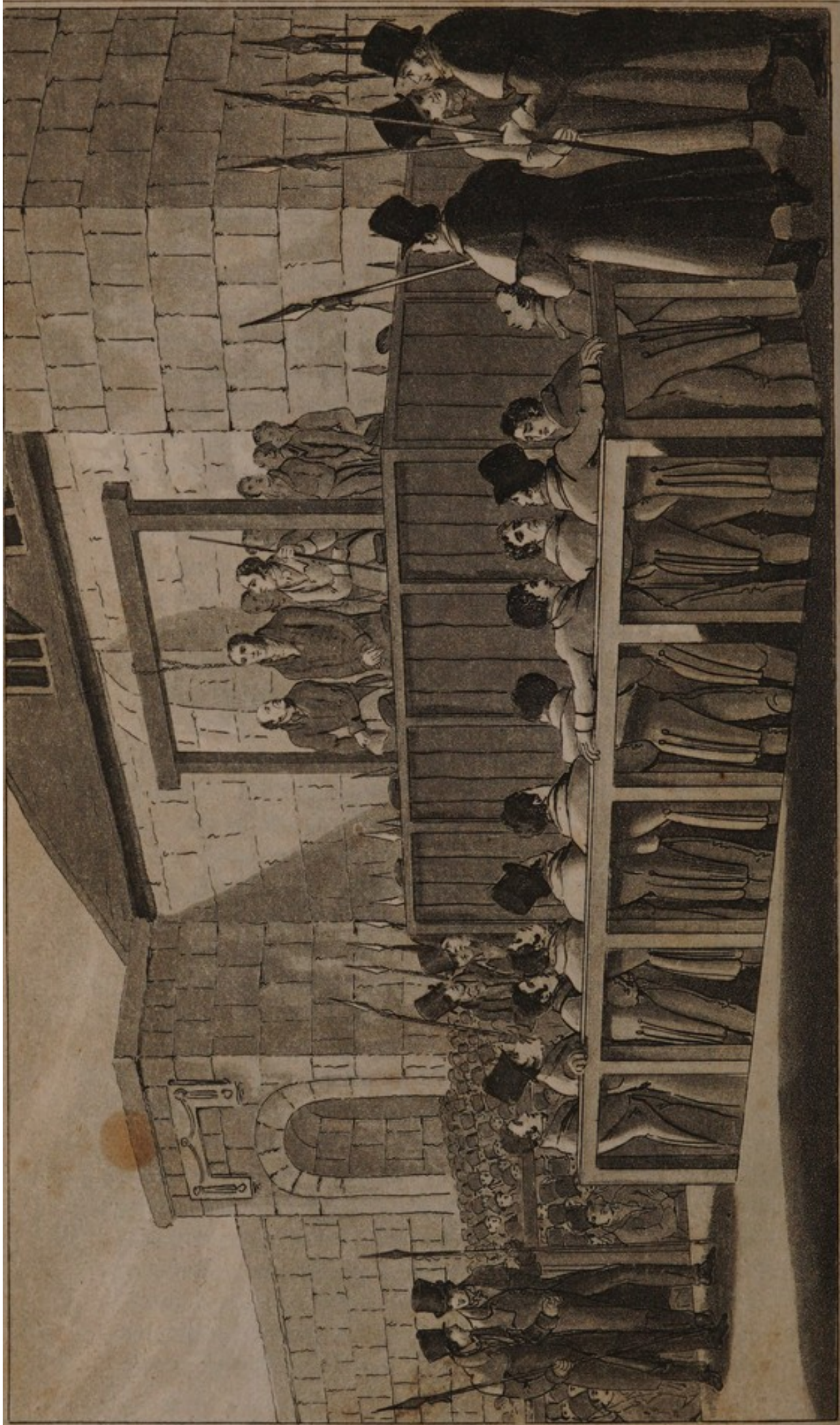
those persons who being in an elevated situation, obtained the first view of him, all the immense multitude present took off their hats.

Thurtell immediately placed himself under the fatal beam, and at that moment the chimes of a neighbouring clock began to strike twelve. The executioner then came forward with the rope, which he threw across it. Thurtell first lifted his eyes up to the drop, gazed at it for a few moments, and then took a calm but hurried survey of the multitude around him. He next fixed his eyes on a young gentleman in the crowd, whom he had frequently seen as a spectator at the commencement of the proceedings against him. Seeing that the individual was affected by the circumstance, he removed them to another quarter, and in so doing recognised an individual well known in the sporting circles, to whom he made a slight bow.

The prisoner was attired in a dark brown great coat with a black velvet collar, white corduroy breeches, drab gaiters and shoes. His hands were confined with handcuffs, instead of being tied with cord, as is usually the case on such occasions, and, at his own request, his arms were not pinioned. He wore a pair of black kid gloves, and the wrists of his shirt were visible below the cuffs of his coat. As on the last day of his trial, he wore a white cravat. The irons, which were very heavy, and consisted of a succession of chain links, were still on his legs, and were held up in the middle by a Belcher handkerchief tied round his waist.

The executioner commenced his mournful duties by taking from the unhappy prisoner his cravat and collar. To obviate all difficulty in this stage of the proceedings, Thurtell flung back his head and neck, and so gave the executioner an opportunity of immediately divesting him of that part of his dress. After tying the rope round Thurtell's neck, the executioner drew a white cotton cap over his countenance, which did not, however, conceal the contour





of his face, or deprive him entirely of the view of surrounding objects.

At that moment the clock sounded the last stroke of twelve. During the whole of this appalling ceremony there was not the slightest symptom of emotion discernible in his features; his demeanour was perfectly calm and tranquil, and he behaved like a man acquainted with the dreadful ordeal he was about to pass, but not unprepared to meet it. Though his fortitude was thus conspicuous, it was evident from his appearance that in the interval between his conviction and his execution he must have suffered much. He looked careworn; his countenance had assumed a cadaverous hue, and there was a haggardness and lankness about his checks and mouth, which could not fail to attract the notice of every spectator.

The executioner next proceeded to adjust the noose by which Thurtell was to be attached to the scaffold. After he had fastened it in such a manner as to satisfy his own mind, Thurtell looked up at it, and examined it with great attention. He then desired the executioner to let him have fall enough. The rope at this moment seemed as if it would only give a fall of two or three feet. The executioner assured him that the fall was quite sufficient. The principal turnkey then went up to Thurtell, shook hands with him, and turned away in tears. Mr. Wilson, the governor of the gaol, next approached him. Thurtell said to him, "Do you think, Mr. Wilson, I have got enough fall?" Mr. Wilson replied "I think you have, Sir. Yes, quite enough." Mr. Wilson then took hold of his hand, shook it, and said, "Good by, Mr. Thurtell, may God Almighty bless you." Thurtell instantly replied, God bless *you*, Mr. Wilson, God bless *you*.

Mr. Wilson then turned away from him, and appearing deeply affected, moved to a distant part of the scaffold, and remained there till the conclusion of this melancholy catastrophe.

A few seconds then elapsed, during which every

person seemed to be engaged in examining narrowly Thurtell's deportment. His features, as well as they could be discerned, appeared to remain unmoved, and his hands, which were extremely prominent, continued perfectly steady, and were not affected by the slightest tremulous motion.

Exactly at two minutes past twelve the Under-Sheriff with his wand, gave the dreadful signal—the drop suddenly and silently fell—and

JOHN THURTELL WAS LAUNCHED  
INTO ETERNITY!

The violence of the fall being such as to cause the dislocation of the neck to be attended with considerable noise, it is reasonable to conclude that the prisoner's death was instantaneous. A slight convulsion of the mouth was observed the moment after he fell; then came a single groan, and then followed the stillness of death!

The executioner, to make certainty double sure, went down and repeatedly pulled his body towards the ground, and thereby led the surrounding multitude to believe that Thurtell struggled much before he died. The reverse, however, was the case.

At the moment that the fatal bolt was withdrawn, which put an end to the "fitful fever" of Thurtell's existence, an involuntary shudder was observed in the crowd; a number of persons fled as if under the impulse of extreme terror, and in their flight absolutely forced down a cow-house, and some paling that were in front of the prison. One man fainted away, and several were seen attempting, but in vain, to hide the intensity of their feelings. At the same minute four horse-expresses proceeded at full gallop towards London, for the purpose, it was said, of informing some of Thurtell's late associates that he had died without making any confession to their prejudice.

After the body had been suspended about a quarter

of an hour, the multitude, which had behaved with great decorum and propriety during all the preparatory proceedings of the execution, exhibited a strong anxiety to have a closer inspection of it, and in consequence made a rush within the barriers in order to gratify it. They were, however, kept back without much difficulty by the constables.

We cannot close this part of our narrative without doing full justice to the courage with which Thurtell met the fate which the offended laws of his country assigned to him on account of the atrocious crime of which he was convicted. In no part of his behaviour on the scaffold was there any thing like either irresolution or bravado. The serenity with which he conducted himself in his last trying hour, would have caused him to be considered as a martyr, had he died for the sake of religion; and would have endeared his memory to his country to the latest posterity, had he, in a period of national degradation, laid down his life for her injured liberties. Dying, however, as he did die, for a murder of the greatest atrocity, established by evidence of the most satisfactory description, we must guard against allowing our admiration of his fortitude to overcome our moral abhorrence of the barbarities he committed.

It is evident that he was a man of uncommon energy of mind, and the sympathy of his gaol-attendants, men unused to melt, shows that he must have possessed some kind, and generous, and amiable qualities. All therefore must regret that such a man should have suffered his nature to become gradually depraved into the possibility of perpetrating deliberate murder. At the same time society must feel relieved by casting off from its bosom a being who, having chosen the path of crime, was equally formidable from the laxity of his principles and the strength of his passions, from the unbounded influence his mental vigour gave him over his associates, and from his utter fearlessness of danger and of death.



It might have been natural to expect that the fate of Thurtell would have excited, if not terror, at least reflection in the mind of many of his former associates; but, extraordinary as it may appear, it is still not less true, that though they were aware that Thurtell's first plunge into crime was occasioned by his predilection for prize-fighting and similar savage amusements, many of them were speculating, at the very moment before his death, whether he had heard of a fight which took place near Worcester, on the previous Wednesday, between Spring and an Irishman of the name of Langan, for what is called the *championship* of England.

We know not what the feelings of such men may be; but we should have expected, that if they entertained the slightest regard for the good opinion of their fellow-countrymen, they would have refrained from venturing upon such a topic at such a moment. No words can describe our disgust at conduct so revolting to decency, humanity, and all proper feeling. We shall only say, that it was in perfect keeping with the parties from whom it proceeded: we mean the gentlemen of the *fancy*—the ruffians of the *ring*.

### REMOVAL OF THE BODY.

THE body of the culprit remained suspended for one hour, during which time the greater part of the multitude remained. At the expiration of that period, the Upper Turnkey unscrewed the handcuffs from the wrists of the deceased, and the irons from his legs. A plank was then placed across the space through which the body was hanging, and the executioner ascended, and untying the rope at the top, lowered the corpse into the arms of three javelin-men who received it beneath.

It was then carried into the Chapel, where a platform was prepared for its reception in one of the pews. The Under-Sheriff followed, and under his

directions, it was immediately stripped. When the cap was first removed, the countenance was somewhat discoloured, but in a short time assumed the ordinary hue of death. The eyes were open, and the lips were unusually prominent. Some moisture had exuded from the mouth, and wetted one side of the cap. The ends of his fingers were livid, and the mark round his neck was stronger than is usually observed. This may have arisen from the violence of the fall, by which it appeared that the vertebræ were completely dislocated.

The form of the unfortunate deceased was in the highest degree symmetrical and muscular, and was spoken of by the surgeon who was present as distinguished for every indication of strength and activity.

It was said that an application had been made by the friends of the deceased to have the body, for the purpose of being interred at Norwich—an application which was seconded by Thurtell himself. The Under-Sheriff, however, felt, that consistently with his duty, and the terms of the sentence which had been passed on the prisoner, he could not comply with these wishes, and therefore resolved that the law should be complied with in every respect.

The body was accordingly delivered to Mr. Colbeck, the surgeon of the gaol, who, with his assistant, proceeded so far in the anatomizing process as to comply with the letter of the law ; immediately after which it was despatched to London, as had been previously determined, and was lodged in St. Bartholomew's Hospital the same evening.

### PUBLIC VIEW OF THE BODY OF THURTELL.

On the following morning it became generally known that the mortal remains of the unhappy culprit were lying within the walls of the Hospital. The public feeling, which, from the commencement of

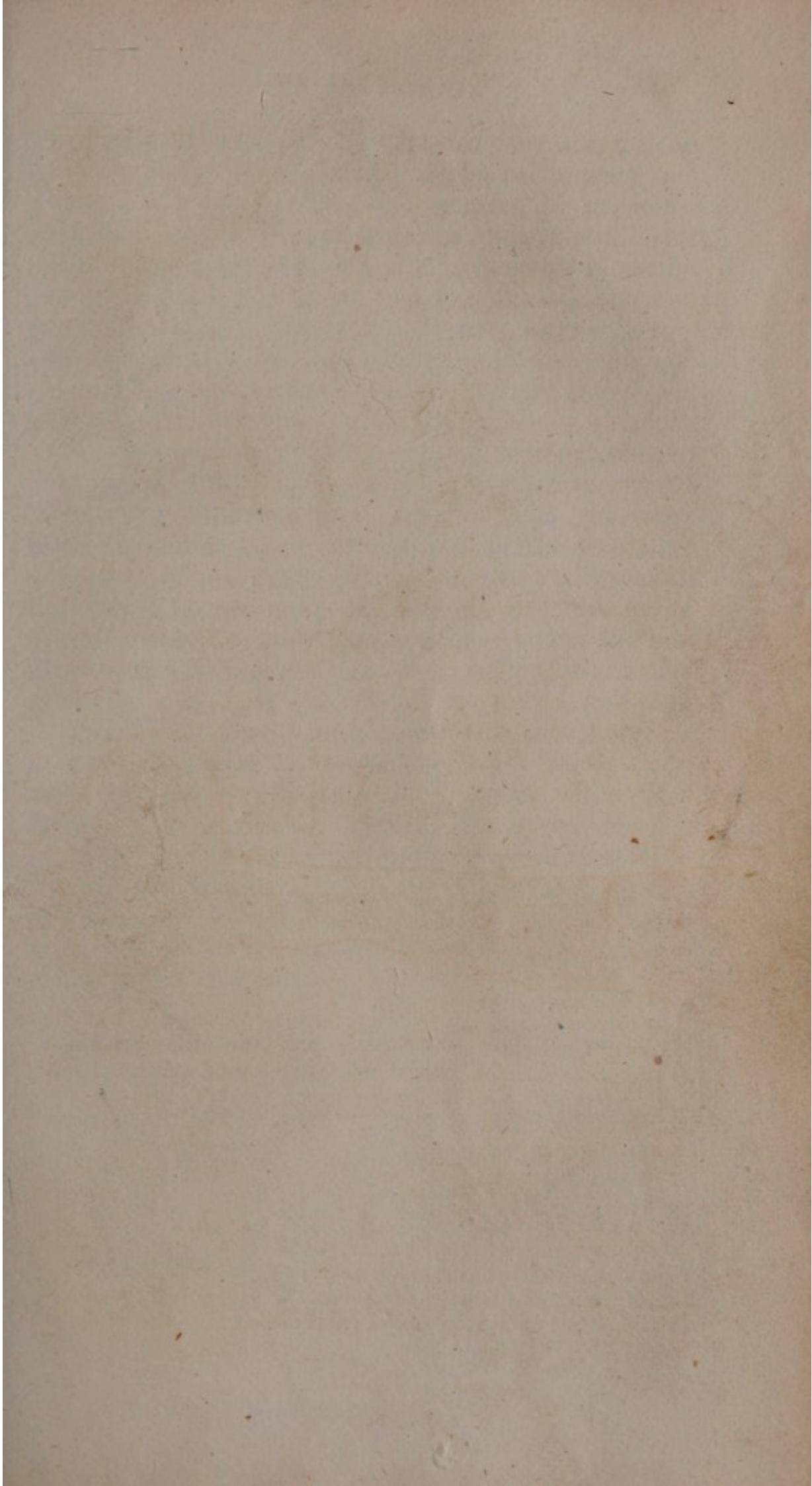
this tragic event had never for a moment subsided, thus received an additional and somewhat unexpected stimulus. Multitudes of persons assembled, and after some little attempt at restriction, an almost indiscriminate admission of the public took place, which continued for three or four days\*.

The corpse was at first placed in a small room contiguous to the Theatre of Anatomy, into which not more than ten or twelve persons could conveniently be admitted at one time, but was subsequently removed into the Anatomical Theatre for the convenience of the surgical lectures, by Mr. Abernethy, and other eminent surgeons. It was five feet ten inches and a half in length, and remarkable for its muscularity and symmetry, and for the clearness of the skin. It was evident that Thurtell had died in a state of the most vigorous health; and from the appearance of the limbs, it was difficult to imagine that they even yet wanted some portion of the strength and elasticity which seems to have once characterized them. His features were altered, though not, in the common sense of the word, distorted.

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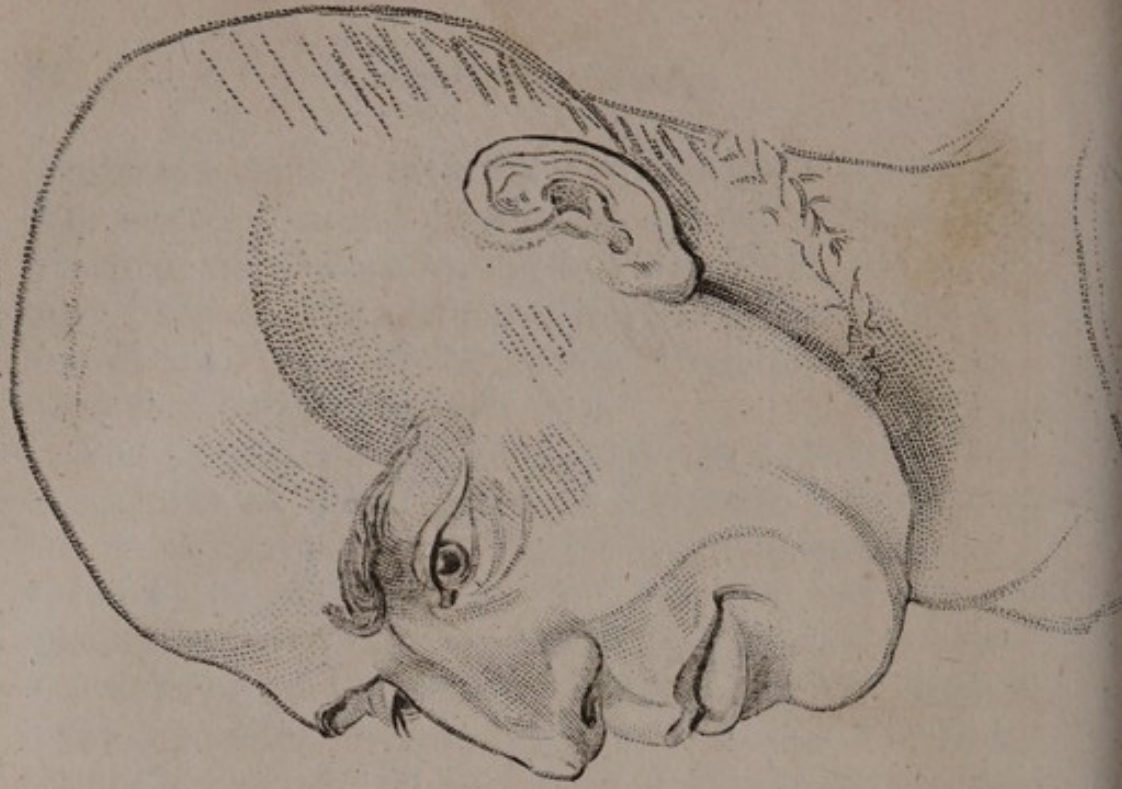
\* Among the persons who availed themselves of this opportunity of viewing the remains of Thurtell, were about twenty persons belonging to the establishment of Mr. Kelly, the publisher of this work; with whom an eminent artist attended for the purpose of verifying to the extremest possible point of fidelity our portrait of the great criminal. The result of his efforts has been highly satisfactory; for we are thereby enabled to add to our excellent portrait of Thurtell while living, a faithful representation of his countenance when dead. It was finished from a cast taken from his face, in proof of the accuracy and genuineness of which we can assure our readers, that while in the possession of our artist, many hairs from the eyebrows and whiskers of the deceased, which had detached themselves with the plaster mould, were still adhering.

This very curious relic has not, we believe, been accessible to any other publisher, and we accordingly have the satisfaction of being the first, if not the only, medium of communicating it to our subscribers in particular, and to the public at large.



AN EXACT REPRESENTATION OF JOHN THURTELL.

THREE-QUARTERS



FRONT



PROFILE



The principal change was effected by the relaxation of the muscles of the cheeks, which in life were so powerful and massy. The eyes were half open, and of a fine blue, not more prominent than they are in many living faces. In Thurtell, when alive, they had appeared rather small, and their colour not remarkable. The hair having been removed, the head appeared exceedingly well formed, and the want of expansion of the forehead was less remarkable than in life.

The visitors of each succeeding day were witnesses of the gradual dilapidation, if not of the decay, of the body. On one day a finger, on another an eye, was missing; and as the surgeons, in the intervals of their admission of the public proceeded with their work, the body progressively presented such appearances as to render it both a matter of prudence and of public decency finally to close the door against farther admission.

The Under-Sheriff at Hertford had scrupulously complied with the earnest request of Thurtell in refusing every application for a cast from his face\*. The restriction, however, if it was so intended, did not operate at St. Bartholomew's Hospital, for a cast of the face has actually been taken, from which, as we have already said, the annexed print is engraved. The skeleton is to remain permanently in the Hospital.

Such was the fate of him, whose death and shame  
Proceeded from a cursed love of game!

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\* "If," said Thurtell, "this should be the case, a bust may, perhaps, meet the eyes of some of my family, and renew in their recollection the memory of a man who had caused to them, not alone the deepest grief, but who had exposed them to shame and disgrace"

## THE PHRENOLOGISTS.

Among those who were most early and most anxious in their attendance to view the body, were a class of people who advocate the brutal,\* and demoralizing doctrine, called *phrenology*. These worthies were all a-gog to find a very common prominence behind and above the ear, which they are pleased to call "the organ of destructiveness," or murder. Most unfortunately for the dabblers in this science, it happened that this bump or prominence was not to be found on the head of what was Thurtell; or, in other words, that the organ of destructiveness was not at all prominent or developed. This was "water in the shoes" of the phrenologists; but what was still worse, was, that "the organs of benevolence," and of "caution" were very strongly marked. They, however, consoled themselves with saying, that the organ of courage was very large, and that the intellectual organs seemed scarcely developed. However, these gentlemen, nothing daunt-

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\* The following anecdote will shew what use these decipherers of the marks on the heads of others, make of the contents of their own.—"Some time ago a gentleman found a large turnip in his field, of the shape of a man's head, and with the resemblance of the features of a man. Struck with the curiosity, he had a cast made from it, and sent the cast to a Society of Phrenologists, stating, that it was taken from the head of Baron Turenpourtz, a celebrated Polish professor, and requesting their opinion thereon. After sitting in judgment, they scientifically examined the cast, in which they declared that they had discovered an unusual prominence, which denoted that he was a man of an acute mind and deep research, that he had the organ of quick perception, and also of perseverance, with another that indicated credulity. The opinion was transmitted to the owner of the cast, with a letter, requesting as a particular favour that he would send them the head; to this he politely replied, "that he would willingly do so, but was prevented, as he and his family had *eaten it the day before with their mutton at dinner.*"

ed, will argue that the character of Thurtell just corresponded to the appearance of the skull. Such is the advantage which this science possesses, that if the skull, according to their theory, suits the previously known character of the possessor it is well; if not, they make another character to suit.

The case of Thurtell, will, however, no doubt give a death-blow to this fantastical and barbarizing\* theory, for which we are indebted to the dreaming visionaries Gall and Spurzheim.

### HUNT'S ACCOUNT OF THE LAST MOMENTS OF THURTELL.

The following narrative by Hunt appeared a few days after the execution of his fellow-prisoner:—

“ While we were upon trial, Thurtell treated me very distantly; and when his brother was giving his evidence, I could not help expressing my astonishment at his attributing to me the very expressions which John Thurtell himself had used respecting our

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\* The gullibility of a portion of the public on this ridiculous subject was turned to account, by a fellow who went about exhibiting for a small gratuity what he had the impudence to declare to be the head of Thurtell. The flesh of the face was removed, probably to prevent detection by any one who might chance to know Thurtell; the hair, ears, and teeth were still attached to the skull. The story that the fellow told, was that he had bought the head of the surgeons, at St. Bartholomew's Hospital, at a large price, with the intention of exhibiting it.

The rascal, however, had sense enough to perceive that phrenology was the reigning folly of the day, and hence he had acquired a smattering of that science, by the aid of which he pointed out and explained the different bumps to be found upon this skull, which he exhibited. He of course did not forget the protuberance indicative of destructiveness, (although the master-quacks had been compelled to acknowledge that there was no such protuberance) and it was in consequence, he told his dupes, of the man being born with his head of this peculiar conformation that he committed the murder.



being '*Turpin Lads.*' I said, 'Good God! here's work.' John replied, 'Yes, don't alarm yourself, you'll have more of it presently; we have not half done with you yet.' But when he afterwards, in addressing the Jury, wanted to lay the whole crime on me and Probert, I was lost in astonishment, and every thing appeared enveloped in mist; but I shall never forget his horrid expression of countenance when he spoke of Barber Beaumont and Mr. Springfield—I was really frightened to look at him.

"Directly we left the bar, Thurtell addressed me in the most friendly and familiar manner, and, shaking me by the hand, said, 'It's all up, Joe; we must now make the best of it, and behave manfully. I forgive you for every thing with all my heart.'

"As we came along back in the chaise, Thurtell asked Mr. Wilson 'if we were not to be executed in the gravel-pit opposite the gaol?' Mr. Wilson answered, 'he believed so.'—'Then,' said Thurtell, 'I hope you will have two half hundred weights tied to my legs, and give a good fall, so that I may die instantly.' I was greatly depressed, and begged him not to talk so. Thurtell replied, 'Don't tell me, old fellow; what's the use of repining? I hope you will meet your fate like a man, as I shall do. I am prepared now, as I told the Judge to-night, and the sooner the business is over the better.'

"While we were on our way, Thurtell expressed a great desire to have some refreshment, and addressing Mr. Wilson, said, 'I hope you will be able to give us something to eat, for I am almost famished.' Mr. Wilson replied, that it was against the law to allow any thing but bread and water; and that a gaoler would be liable to lose his situation, and forfeit a hundred pounds, if he broke through the rule. Thurtell said, 'I hope, old fellow, you will manage to get something better than that.' Mr. Wilson said, he would try what he could do when he got up to the prison, and he dare say the Sheriff would not be very strict in obeying the law.

“ After we had been kindly furnished with some refreshment by Mr. Wilson, I was confined in one cell and Thurtell in another.

“ Throughout the night of Wednesday I was in great distress and anguish of mind, as I fully expected that I was to suffer on the Friday morning with Thurtell; but early in the next day, Mr. Wilson told me he believed I was not then to be executed. About twelve o'clock, on Thursday, Mr. Wilson came to tell me that Thurtell wished me to be in the same cell with him, and I accordingly went. On entering his cell I found him talking with Mr. Sutton, the High-Sheriff, and with Mr. Franklin. Mr. Sutton told me that Thurtell was perfectly reconciled to me, and wished me to be so with him; and Thurtell came and shook hands with me, and said, ‘ I do freely forgive you, Joe, but I have no one to thank for this but you.’

“ We were together at the condemned sermon on Thursday, and while in the pew I was greatly affected. Thurtell endeavoured to soothe me, but at the same time said, ‘ Hunt, you brought it all upon yourself; if you had not told where the body was, there could have been no trial, and we should have been safe.’ I answered, ‘ it was to be so, and it cannot be helped; and if it had not then been divulged, it must have come out at some other time.’

“ In the course of the afternoon and evening Thurtell talked a good deal about the trial, and said to Mr. Wilson, if it had taken place at the Old Bailey, we must both have been acquitted, for who could believe a word that Probert swore, after his stating that Hunt told him where to set him down, when it was well-known that Hunt was never there in his life — this ought to have been enough to have acquitted us.’

“ Thurtell also said to me, ‘ if I had known as much when the trial was first to have come on, as I do now, I would have asked Mr. Harmer to let you say that I was innocent, and that you and Probert

did the murder; and I am sure Mr. Harmer would have consented, because, if I had been cleared, you must have been acquitted, and Probert only would have suffered.'

"He several times declared, that he would not change situations with Probert, because his sufferings would soon be at an end, but Probert must lead a life of wretchedness.

"In the course of conversation, Thurtell told Mr. Wilson, that if he had been acquitted, and obtained his liberty, there was one man whom he should certainly have destroyed, but he would forbear mentioning the name. Mr. Wilson said, 'then it is much better as it is, because you would only have been more deeply in crime.' Thurtell answered, 'perhaps it is, and I am satisfied.'

"In the course of the evening, Thurtell told several anecdotes about Probert and his associates, particularly lawyer — and Mr. H.; among others, he said, that Probert and these two persons were in the *jigger* at Gill's Hill; that it was a most successful business, for they were getting £300 a-week when the following accidental circumstance broke it up:— The man who set up the still, and worked it, passed as Probert's gardener; and from his working occasionally in the garden, and wearing a suitable dress, every body in the neighbourhood supposed he was the character which he assumed, until one evening he went to a public-house to smoke his pipe, where there happened to be two Excise-officers, who knew him to be an old hand at private stills, and they directly asked him where he lived? As this question was in the hearing of the publican, he could not disguise the fact; and he therefore said, 'I have left off the old trade, and have gone to my own business, and am living as gardener to Mr. Probert, at Gill's Hill Cottage.' The Excise-officers appeared satisfied with this explanation, but the man went home as expeditiously as possible, and communicated what had occurred; when, expecting that they might be

soon favoured with a visit, they all set to work, and removed every vestige of the illegal distillery in the course of the night. Next morning, sure enough, the officers came, but found they were too late, and got nothing for their journey.

“ In the course of the evening Thurtell read to me and the people who were sitting up with him, and about one o'clock he prepared to go to bed; before he went to sleep, he asked me to read to him the Lord's Prayer, which I did, and he then fell into a sound repose; and although there was occasionally a considerable noise in the room, and every time I moved or turned, my fetters made a great clank, he did not awake outright, but only now and then while I was laying by his side crying, he muttered out in a low tone, ‘ God bless you, Joe, I hope you will be saved.’

“ About seven o'clock Mr. Wilson came into the cell with some breakfast, and Thurtell was then so sound asleep, that Mr. Wilson was obliged to shake him by the arm two or three times before he awoke.

“ Mr. Franklin, the Ordinary, came soon afterwards, and assisted him in his religious duties; but when Mr. Franklin proposed to read prayers, Thurtell said he would, with the Clergyman's permission, read them himself, and he read them aloud most beautifully. After we had taken the sacrament, and about a quarter of an hour before he went out to suffer, Thurtell said to Mr. Wilson, ‘ I have one more favour to request of you, if you can oblige me.’ Mr. Wilson asked what it was? Thurtell said, ‘ It is to tell me how the great fight terminated?’ Mr. W. said he did not know, but he would go out and inquire; he did so, and on his return, he said, ‘ It has been a hard fought battle, it lasted for two hours and five minutes, and Spring was a great deal punished, but he has won it.’ On which Thurtell said, ‘ I am glad of it; God bless him, he is an old friend of mine.’

“ In about five minutes after this, the Under-She-

riff came into the cell, and he said he was quite ready. As we were walking to the place of execution, Thurtell said, 'My courage has not forsaken me up to this moment;' and then shaking his head at me, he said, 'Joe, Joe, you should have kept your own counsel, and then it would not have been thus!'

"We were now near the last door which he had to pass to ascend the scaffold, and I, in the greatest affliction, took his hand to bid him a final farewell; he received my hand in one of his, and lifting up the other as high as the handcuffs would permit, he clapped it down upon my grasped hand, and pressing it fervently, he said, 'God bless you, old fellow, I hope you will be saved!' I pressed his hands to my lips, and was tottering with agony, and should have sunk down on the ground had not Mr. Wilson and some gentlemen kindly come to my assistance."

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This statement, if true, and vile as its source may be, it must be admitted to contain strong internal evidence of authenticity, shows the "leading passion strong in death." Thurtell was decidedly a *sporting* character, and in this view the appalling levity exhibited by a man on the point of expiating his crimes upon the gibbet, may lose some of its revolting features. It is, however, quite in keeping with the coarse joke of the *Tumbler*, (see note, p. 316) and the compound of slang, sarcasm, and sentiment, embodied in the account of the interviews of Pierce Egan with Thurtell. How are we to reconcile this slang and trifling with the professions of conviction and ghostly comfort, said to be derived from the pious offices of the worthy Divine who attended with so much zeal during the last days of the wretched criminal's existence?

Having thus fully and faithfully detailed the whole of the facts relative to this most extraordinary affair, carefully abstaining throughout our narrative from a repetition of the gross errors and absurdities which were propagated on the occasion, we shall proceed to our promised

### EXPOSEE OF THE GAMBLERS,

and reserve for an Appendix the particulars of the fate of Thurtell's confederates—Hunt and Probert—and also certain interesting documents illustrative of the foregoing narrative.

Having thus said and faithfully detailed the whole of the facts relative to this most extraordinary affair, carefully abstaining throughout our narrative from a repetition of the gross errors and absurdities which were propagated on the occasion, we shall proceed to our proposed

EXPOSURE OF THE CAMBRIAN  
and receive for an Appendix the particulars of the late of Thurtell's confessions—Hunt and Probert—and also certain interesting documents illustrative of the foregoing narrative.

**ERRATA.**

From the rapidity with which the present work was published, some few errors of the press naturally escaped in the early part of our very extensive impression. We therefore beg our readers to correct the following inaccuracies.

- Page 33, line 1, for Thomas read John.
- 44, 12 from bottom, for the two Thurtells and Probert, read John Thurtell, Hunt, and Probert.
- 91, 4, for injunction of the Lord Chancellor read a rule for a criminal information in the Court of King's Bench.
- 240, 1, and throughout the page, for Holman read Coleman.

**THE**  
**GAMBLER'S SCOURGE;**

*AN EXPOSEE OF*

**THE WHOLE SYSTEM**

**OF**

**GAMBLING,**

**AS PRACTISED IN THE MOST NOTORIOUS**

**LONDON HELLS.**



THE  
STANDARD

GAMBLEN'S SCOURGE;

AN EXPOSURE OF THE  
MORAL AND PHYSICAL DESTRUCTION  
OF THE NATION BY THE  
USE OF THIS  
DANGEROUS AND  
DESTRUCTIVE  
LIQUOR.

THE WHOLE SYSTEM

GAMBLEN'S

AS DESCRIBED IN THE MOST NOTORIOUS

LONDON HILLS.





# THE GAMBLER'S SCOURGE

&c.

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## CHAPTER I.

General Remarks on Gaming and its destructive consequences  
—List of Gambling Houses at the West End, and Nick-Names of the principal Black Legs—Schemes laid to entrap their dupes—Description of a Gambler at Rouge et Noir.

OF all the disgraceful scenes which deform the metropolis, the most vicious and ruinous is that of the fashionable hells, or *rouge et noir* gambling; and it is matter of astonishment and reproach, that they have yet remained undisturbed by the law, and hitherto unnoticed by the public press. At this time a large number of these sinks of iniquity are open for the purposes of fraud and seduction in noon-day, and not a few profane the sabbath by their diabolical and sinful practices.

Although the metropolis has been time out of mind infested with the imps of play, it has only been within the last ten years that they have dared thus openly to pursue the practice in the broad face of day. It may be impossible to entirely suppress the vice of gambling, but surely some legislative enactment might be found which would destroy the bands of well-organized gamblers who now spread their nets for the unwary, and pursue their infamous courses in the very centre of British society, and in the neighbourhood of the throne and the two houses of parliament.

The dreadful infatuation of gambling is so noto-

rious, and its evil tendency and effects so constantly before our eyes, that it becomes the duty of every man, agreeably to our several stations and capacities, to use the best means of checking the growth of this destructive vice. It is for this purpose, and without any personal feeling, that we venture upon the bold task of exposing, in all its varied and disgusting deformities, the history and practices of the gambling-houses of the metropolis.

Here is a field—"wherein the pride  
Of satire, pouring down in fullest tide,  
May spread wide vengeance round; yet all the while  
Justice beholds the ruin with a smile."

In exposing the vice we shall, however, cautiously avoid giving additional pain to the agonized feelings of those who, from the force of example and the seductive influence of fashion, may have been incautiously made the dupes of wily and experienced sharpers.

Our object is only to attack the incorrigible and the acknowledged professor; the hunter who starts the game, and pursues his victim till he has, for his own base purpose, plunged him, and with him, wife, children, kindred, friend, into the gulf of misery, penury, and destruction. To unravel the mystic web of secrecy with which these sharpers have surrounded themselves, was a work of no mean exertion or enterprise. That we have succeeded (beyond even our most sanguine wishes,) will be of little gratification to us, if we should fail in producing what we most desire, the interference of the legislature in suppressing these schools of infamy. To this end we labour, and to effect this purpose we shall give a history of the different gambling-houses, the proprietors, the frequenters, the game, hours of play, stakes played for; with such anecdotes as will tend to illustrate and expose the baneful and pernicious effects of gambling.

\*As Pandemonium opened to the view  
 Of Satan, and his diabolic crew,  
 So does the modern Hell with brilliant light,  
 Attract with wonder every stranger's sight;  
 Art has been pillag'd at a vast expense,  
 To please the mind and gratify each sense.  
 A flow'ry path, which leads to every vice,  
 For earthly fiends an earthly paradise!  
 Its grandeur, beauty, and magnificence,  
 Might grace the palace of an eastern prince,  
 While brilliant chandeliers reflect on high,  
 The rival splendour of an Indian sky.

Behold! what characters the rooms contain,  
 Assembled for the sake of paltry gain.  
 The old infatuated gambler there,  
 Eyeing each object from his elbow-chair,  
 And planning how their cash he can command,  
 Is what remains of great ————— !  
 Time is too slow. Tho' ninety summers pass,  
 To cool his rage for gaming and a lass :  
 And now, tho' on the grave's close verge he stands,  
 Palsied his head, his feelings, and his hands ;  
 Should but another world to him appear,  
 His hopes are drinking, gaming, and his dear.  
 That flippant puppy, with a smirking smile,  
 Dress'd up in all the go of dandy style,  
 Who bows around, and greets each pigeon face,  
 With real fraud, and artificial grace,  
 Who quickly offers them the game to teach,  
 Is now the Honourable Captain ——— :  
 Ere long, should death a little help afford,  
 He'll be, no doubt, an honourable Lord.

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\* The poetical extracts with which we have illustrated this part of our subject, are extracted from an energetic and well-timed publication, entitled *THE GAMBLERS, a Moral Poem*, published by New and Son, Aldgate.

That man with forehead bald, and locks so grey,  
 So old, so imbecile, and yet so gay,  
 Shame on his age, religion he forsakes,  
 And joins the circle of licentious rakes ;  
 The whirling eddy of life's stream pursues,  
 Tho' nature every attribute refuse.  
 See him, in dandy dress and proud essay,  
 Ogle the nymphs, and study to betray ;  
 Poor frigid soul ! no spark of youthful fire  
 Remains to gratify a vain desire ;  
 Fled is the god, which once possessed each sense,  
 And leaves him a mere shade of impotence ;  
 Useless in every thing that tends to fame,  
 Except the base propensity for game ;  
 True honour blushes, valour shakes its head,  
 To see a knave like this disgrace the red.  
 Look in the Army List, behold his name,  
 Reflecting on that book a lasting shame.  
 A British chief, who more than once or twice,  
 Explained the principles of ——— dice.

Can you the name of that old swindler guess ?  
 The knowing, *ci-devant*, French Marquis S.  
 Each day his fortune at the Hell he seeks,  
 And lives on plunder won from English Greeks.  
 Land of corruption and debauchery,  
 Immoral France ! we owe this bane to thee.  
 Tho' British arms defeat thee in the field,  
 Britain must now to Gallic vices yield.  
 Contagion, which extends on every hand,  
 And, like a torrent, inundates the land.

The gambling-house displays a heterogeneous mass of human character, weakness, folly, and duplicity, that is not to be met with in any other situation. We shall endeavour to place an impartial picture before

the eyes of our readers, and it will be the fault of those who are addicted to play, if they do not profit by the exposure.

The following is a list of the principal gambling-houses :—

The G—— H——, in P— M—, formerly conducted by a Clergyman of the Church of England, (lately *abolished*). In addition to which, there are—

Five Houses in Pall Mall	One House in Jermyn-street
Two in St. James's-street	One in Cleveland-row
One in Bennett-street	One in Piccadilly
Two in King-street	One in Leicester-square
Four in Bury-street	

To which might be added a long list of minor Hells, in and about the same neighbourhood.

Some of the principal Black Legs are known among their own fraternity by the following nick-names :—

The Leviathan	The Mathematician
The Black Dwarf	The Hebrew Star
The Calculator	Boniface
The Neptune	The Four German Barons
Jack Spiggot,	Coaxing Tom
Captain Whimper	The Pill Gilder
Mother Bunch	Count Bluster
Ella Rosenberg	Old Square Toes
Portugal John	

To these might be added a very numerous list of persons of the very highest rank in the state, not excepting some of orthodox habits, from the top of nobility down to the very lowest of the low, the scum and outcast of society, all commingled and identified



in one ruinous vice ; all following the same criminal pursuits, and each one endeavouring, by every means in his power, to ruin his fellow.

Behold Lord —— in affable discourse  
 With one who saddled once his Lordship's horse !  
 Now, by a system of deceptive vice,  
 False cards, false character, and loaded dice,  
 He lends the Peer, by adverse fortune cross'd,  
 Part of the money which his Lordship lost ;  
 And, for five thousand pounds, receives again  
 His Lordship's name, and I. O. U. for ten.  
 The humble waiter at the —— Hotel  
 Now sups with noble gamblers at Pall Mall.  
 He, who once filled a servant's wretched place,  
 Elbows my Lord, and tipples with his Grace.  
 He, who wash'd glasses ere superiors drank,  
 Assumes equality with men of rank !  
 Presents his card, and with presuming air,  
 Forgets he stood behind his Lordship's chair.

That Marquis, who is now familiar grown  
 With every reprobate about the town,  
 Once fill'd his high and enviable sphere  
 With perfect honour as a —— ——.  
 Now sad transition ! all his Lordship's nights  
 Are pass'd with black-legs and with parasites ;  
 His days with fancy adepts of the ring,  
 Except he's call'd to wait upon —— ——  
 For tho' degraded, vicious, and impure,  
 His Lordship holds a courtly sinecure.  
 Horse jockies, broken tradesmen, lawyers see,  
 In vice and gaming, ape nobility,  
 In dress, demeanor, insolence, and look ;  
 And upstart —— is equal to a Duke.  
 The rage of gaming, and the circling glass,  
 Eradicate distinction in each class ;

For he, who scarce a dinner can afford,  
Is equal in importance with my Lord.  
Thus filthy steams from stagnant mud arise,  
Change into meteors, and illumine the skies,  
Which, to the simple rustic, seen afar,  
Appear the rivals of some blazing star.

See that poor fellow, who the ruffians flout,  
And turn, with marks of degradation, out;  
Perhaps his conduct is considered low,  
Indecorous and unbecoming?—No.—  
Taught by the knaves that can so well instruct,  
The luckless "Pigeon" has been fairly pluck'd:  
His poverty it is which now provokes  
The indignation of rapacious "rooks."  
But yesterday, that simple youth was found,  
Proprietor of thirty thousand pounds.  
Inveigled to this execrable den,  
By wretches who disgrace the name of men,  
And in one fatal night was quickly hurl'd,  
Without a doit, on an unfeeling world:  
Heart-broken, pennyless, he ventures home:  
But there the bailiffs had already come.  
Despair attack'd the youth, his shame to hide,  
He rushes on unmanly suicide;  
Madly presents a pistol to his head,  
And life for ever in an instant fled.  
Such was unhappy E——tt's early doom;  
Let pity drop a tear upon his tomb.  
In London, where two public crossways meet,  
Another wretched gambler met his fate,  
There justice does a felon's grave provide,  
For the abandon'd, guilty parricide\*.

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\* This dreadful circumstance is of too recent a date to require in this place a more particular attention.

These dens have the appearance of private dwellings, with the exception, that the hall door of each is left ajar, during the hours of play, like those of trap-cages, to catch the passing pigeons, and to obviate the delay which might be occasioned by knocking; a delay that might expose the customers to a glance of an unsuspecting creditor, a confiding father, or a starving wife. It is generally understood that a stranger must be what they term "introduced" before he can get admission, or *permission*, to lose his money; and this is to obviate the danger of being surprised by the officers of the law: but it is, alas! too easy to break through that rule; and any gentleman, whom the door-keeper has sufficient reason to think is not a constable, finds the avenues of these labyrinths too ready to his foot.

On passing the outer door the visiter is impeded by another in the centre of the hall, in which is constructed a small spy-hole, exhibiting the fixed ball of a ruffian's eye, intently examining his figure. If the visiter is a fair *pigeon* or an old *crow*, he is at once admitted by this Cyclops, and politely bowed up stairs; at the top of which another gate unbars its power. To this succeeds the last of these barriers, a massy iron door, which on opening presents the visitors of the house with a scene of dazzling astonishment. Around an oblong table, covered with green cloth, assemble the votaries of gaming on each side: while in the centre sit the *priests* of the ceremony: one to deal the cards and decide events, the other to assist him in collecting the plunder following these events. Behind the company are seen two or three of the proprietors, with eagle-eye, watching the progress of their gains: remorseless, avaricious, and happy, unmarked with the lines of care which contract and deform the faces of their victims,—“they smile, and smile, and murder while they smile.”

Their attention is always directed to the Punters, (or Players) and they talk and take snuff with them, not forgetting to explain the fairness of the game,

and the *great losses* they have sustained! While the stranger's eye is delighted, and his avarice stimulated by a profusion of money flying about the table, and *heaped* in the centre, his senses become harmonized with his hopes through the influence of strong wines, liquors, &c., with which he is unceasingly plied by the *obliging* waiters; and, believing that his Midas touch must turn any thing into gold, he boldly adventures.

In nine cases out of ten he is successful on his first night's play; and in the glare of his imaginary good fortune, he loses sight of all that proper value which he had before been accustomed to bestow upon his money; he becomes profuse in his expenditure, believing that half an hour at Rouge et Noir will make up for all, and he blesses the inventor of a system which ensures him all the happiness of unlimited fortune. A few days, or weeks at most, convince him of his chimerical castles; and poverty, contempt, and destruction, tumble in upon him with all their horrors. It is not unfrequently the case, that men who one day stood beside the proprietors of these tables, not only independently, but looked down upon them, the next day have been obliged to entreat their pecuniary assistance, and to receive the mortification of a refusal.

#### DESCRIPTION OF A GAMBLER AT ROUGE ET NOIR.

It is heart-rending to observe the progress of the unfortunate votaries to this destructive game, as they gradually sink into the various stages of misery and want. A young man of fortune is first seen playing high stakes, with hundreds, and even thousands of pounds before him; he has alternate success, until losses throw him off his guard: desperation then seizes him, and he loses all. The following day he appears with a new capital; and again is unsuccessful. Thus he goes on, day after day, until his resources are exhausted; his credit gone, and his character

blasted; he can now only play occasionally, and, when he does play, his stake is a crown, or less, as the gambling house he frequents, admits.

His appearance, which was at first fashionable and gay, and his clothes, new and well-made, are now sadly changed. He is haggard and pale, pining under distress and care; has passed the preceding night at the Rouge Table, and afterwards lingered the time away at Hazard, until five or six in the morning, and finished all by a futile attempt at borrowing a crown, probably from the waiter at the table; his fine spirit is gone; he shuns the companions of his brighter days, he is himself avoided, and styled a Gambler, or Black Leg. Look at him,—where is the Man of Fashion? this cannot be him, this young man has a rusty hat and thread-bare coat on: he wears patched boots, and dirty linen; his pantaloons are in holes, and he is detected sneaking through lanes and courts to avoid his creditors, for he owes money to every person who would trust him.

Such is the career of the Rouge et Noir Gambler.

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## CHAPTER II.

The principal Hell described—Manœuvres of the Black Legs—  
Anecdotes of a Reverend Divine, its founder and High Priest  
—Cyprian agency—Frequenters of the G—— H——, Anec-  
dotes of Forgery.

THE first in order, and in consequence, of these Temples of Iniquity, (which has lately been closed,) was known by the name of the G—— H——. This spacious building was fitted up in the most extravagant style of modern elegance, a profusion of chandeliers and candelabras were tastefully arranged to

light the victims to the altar of seduction. The furniture was of the most splendid description, and in the ante-room were arranged a collection of the most fragrant shrubs and choice exotics, forming a grove through which the dupes of these demons were led to destruction.

This house was opened by a joint stock company of the most experienced gamblers, and was intended by its sumptuous fittings, and extravagant arrangements, to have been exclusively used for the purpose of easing young noblemen and men of fortune of their superfluous cash, and the unnecessary incumbrance of a good estate, or the more weighty difficulty of a large funded property.

The project originated with, and was carried into execution by, a Reverend Divine, who officiated as the high-priest of this Temple of Vice.

As there are some curious circumstances connected with the origin of this house, it would not be doing justice to the parties or the public to pass them by unnoticed, particularly as the history abounds with some curious characteristic anecdotes of this class of persons.

A banker had become enamoured of a celebrated courtesan, over whose confidence the Reverend Professor of the Black Art had a most unlimited control. This lady lived in a very splendid style, kept her carriage and her establishment in elegant liveries, gave splendid parties to a few choice friends, and was in fact the gaze of fashion, and the great orb of attraction among the licentious and the giddy, who buzz around the unfathomable whirlpool of destructive jolly. Many were the attempts of the Banker to obtain an interview with this adorable, but all his efforts proved abortive, till he had made certain arrangements with the high-priest of her presence, her orthodox confessor. Acceptances upon the Banking house were given for a sum of Five Thousand Pounds, and to this was added a bonus of Two Thousand more in ready rhino; such was the infa-

tuation of this deluded man for a notorious Cyprian, who, but a short time before was a nightly attendant in the lobbies of the theatres.

Up to this period, the Parson had been a constant visiter at the most notorious play-houses, occasionally picking up a crown or guinea as the pigeons were knocked down by the more wealthy and successful players. Tired of his dependance upon this precarious revenue, and elated with the success of his late negotiation (which far exceeded his former exploits with a French *chere amie*,) the Reverend determined to form a society of congenial worthies for the humane and moral purpose of opening a superior Gambling House. The abilities of the Parson were too generally acknowledged not to be highly appreciated, and accordingly eight other depredators embarked with the Parson in the New Gambling Scheme.

The house was opened with great eclat, but the success was by no means equal to the anticipated gains of the parties; in short, the thing was badly managed; the entrance through seven different doors before you gained the *Sanctum Sanctorum* was rather calculated to create suspicion in the minds of the most volatile or thoughtless; in fact, the object was too notorious, and young men of fashion, although quite foolish enough generally speaking, were not to be duped out of their money quite so glaringly.

A separation of partnership was the consequence, but the Parson being quite as well versed in the common as the canon law, and being withal in possession of the premises, determined to remain in *statu quo*. This was a gambling transaction, and such subjects are always viewed with a suspicious eye, both by judge and jury; the Parson was therefore under no great apprehensions of legal reprisal, and being thus firmly seated in a new and elegant establishment, determined to stand his ground, set his partners at defiance, and keep possession of the property.

Some of the associated robbers brought actions for their One Thousand Five Hundred Pounds each,

but the Parson managed to justify the bail, and the plaintiffs were too wise to proceed.

Ultimately the house was let by the Parson to a company of Foreigners, at the head of whom was a person calling himself **Baron** ———. The rent was thirty guineas per day, and thirteen guineas more were paid for house expenses, for which the Parson supplied the company with wine, sandwiches, tea, coffee, and refreshments. The sums, thus paid, will give some idea of the enormous gains of these houses, and to this is to be added the sums paid to the dealers and room-porters, door-keepers, &c., some of whom have their five pounds per day, and all are very liberally rewarded.

The play at this house was from five shillings to nominally one hundred pounds; but, in fact, for any sum you pleased, by its being previously mentioned to the banker.

The chances in Rouge et Noir are about two per cent. against the player upon every stake arising from the *apreés*, which occur twice out of three deals, or about twice in eighty coos or events. Hazard was also played here to a very great extent, and it was no unusual circumstance to see one thousand pounds upon the table at a time.

Some short time after the Parson had opened his Saloon, he found out that some forgeries had been committed upon his bank, with respect to the introduction of ivory counters which were then in use. He laid a wager with one of his partners, that before twenty-four hours, he would detect the person who brought them to the house. A gentleman who had been in the daily habit of playing at his table, happened to be sent for by a friend, with whom he had made an appointment, and as it was in the middle of a deal he did not wish to disturb the game by getting change for sixteen counters he had left, and told the croupier he would take them away, and return and play them in the evening. During his absence, a set of silver counters were substituted in lieu of the



ivory, and when he came in the evening, he found to his astonishment, that he was not permitted to stake them; they were alleged to be forgeries. The gentlemen protested against such usage, and said he had received them at the table in the morning, and appealed to one of the croupiers, who confirmed his statements, but said that nothing could be done until the Parson made his appearance. When he came he examined the tokens, and declared eight out of sixteen to be false, charged the gentleman with having had them made, and said he had a person in the house who was ready to swear he had given him an order to make fourteen pounds worth. The gentleman demanded to be confronted with him, and upon questioning the man whether he had ever employed him, he declared he had never seen him in his life, nor was he like the person he had given a description of. Upon which his reverence got in a great passion, and swore with many oaths they were *both* a set of swindlers, and that his opinion was not in the least altered respecting the transaction, and that he had now won his wager. The Parson could bully in safety as he knew the gentleman could not resent any insult he might offer, being bound over by his friends not to play; and if it were known he was in the habit of so doing he would lose a considerable annuity. Of this person the Parson made selection as an instrument to win his wager.

## CHAPTER III.

The Dandy Hell described—Military dupes—A true stae of the degenerate Son of an eminent Statesmen—Another Hell farther west.

THE house at the corner of B — Street, St. James's, kept by — is generally denominated the dandy house. Here the most elegant suppers are gratuitously given to the infatuated punters, as an inducement to play; the most intoxicating wines are freely distributed, and every luxury provided that can lull suspicion, and promote the views of the experienced sharper. The stakes here are from five shillings to one hundred pounds, but, as at the G — H —, for any sum the punter pleases, by its being previously named to the banker. Many of the young officers of the guards, and some clerical associates, will remember their reverses in this house while they live.

It was here that young — was first initiated into this dreadful vice, and afterwards ruined of all the property bequeathed to him by his lamented father; yet, such is the infatuation of this young man, that he still continues a constant visitant at all the notorious hells, being by far more attentive to the study of *rouge et noir* than to the honourable and lucrative profession which rendered his father one of the brightest ornaments of society.

As a proof of the destructive effects of such associations, we shall here relate an anecdote of this young man, which, we are sorry to say, is by no means a singular occurrence among the dissipated and thoughtless, who, driven to desperation, seize on any circumstance to recover some portion of their losses. This young sprig of fashion, and student of Lincoln's Inn, after losing in one night upwards of seven hundred pounds, went to a pawn-broker's in

Jermyn-street, disrobed himself of his shirt, pledged it for the paltry sum of eight shillings, then buttoned up sans linen, and returned to the table, where he won about one hundred pounds of his money back again; and, will it be believed, made his boast of the degrading circumstance which had enabled him to resume the same.

And is there then no bold indignant hand,  
 Among the mighty judges of the land,  
 To seize the sword of justice with a frown,  
 And cut such scandalous offenders down?  
 Shall petty villains only feel with awe,  
 The strong and retributive arm of law?  
 Shall paltry robbers, destitute of hope,  
 Be doom'd by poverty to find a rope?  
 And shall some coronated, titled knave,  
 Continue public morals to deprave,  
 Whose high example widely spreads abroad,  
 Producing plunder, perfidy, and fraud,  
 Until at length, atrocious love of gain,  
 It adds the link of murder to the chain?

Next in destructive consequence to the Hell we last described is one in K—— Street, St. James. The proprietors of this den of infamy have assisted in no small degree for some years to people the King's Bench prison. The public cannot fail to be benefited by a full view of the internal mechanism by which this diabolical engine is kept in daily motion.

There are four croupiers, who alternately deal the cards. One formerly a commissariat clerk; a brother to the proprietor (and of slight-of-hand notoriety, having always at command a thirty-one *apres*, whenever the stakes are high); one a disciple of the famous Monsieur ——; and, last, Mr. ——.

These gentry are in perfect training, and move as regular as clock-work, receiving a stipend of from

three to four pounds per week, and a per centage upon the winnings, or rather plunder. This is done with a view to keep them upon the alert, and to extinguish any spark of pity that might kindle in their bosom: in a few weeks they become as callous and hard-hearted as their employers.

There are also in the constant pay of the concern, a number of ruined gamblers, who are employed in the capacity of recruiting officers,\* who frequent the fashionable coffee-houses at the west-end, insinuate themselves into the society of young men of fashion, introduce them to the houses, and are paid a bonus by the proprietors, great, in proportion to the sum their victim has been robbed of.

When the company musters thick, and there is much play, —— and his hoary-headed colleague —— take their seats at the table opposite to each other, and deal the cards by turns. Their fame for slight of hand is too well known to require any comment; suffice it to say, that when they preside, the colour on which the most money is staked is sure to lose, or if stakes are nearly equal on both, a thirty-one *apres* is made, which gives them the half of both the stakes.

This is playing a sure game, and numberless are the victims whom these all-devouring monsters have thus destroyed; many are the instances of men, who, after having been ruined by them, have been brought to the gallows. They have caused more ruin than plague, pestilence, or famine, could have done; their system of play is founded on deceit of all sorts, and by such means they rise like mushrooms, become suddenly rich, owing their wealth to no qualities but such as are most despicable, and holding in utter contempt those who strive to gain an independence by slow and honest means. Fraud and villany are the deities worshipped by them, and at the shrine

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\* The Black Dwarf is captain of the band.

of their insatiate avarice, is immolated the victim, who, had he not been decoyed to this den of thieves, might still have continued to be happy.

To illustrate this, let me cite the example of one of the first ——— brokers upon 'Change, who, a few years ago, *rolled in wealth*, whom they have actually stripped of incalculable sums, and now reduced next door to beggary. Of all the Hells about St. James's, this is the most infamous (the parson's excepted) and its proprietors ought to be held up to public execration.

Two gallants, the Mr. ———'s young men, brothers, officers in the army, who, after having escaped the dangers and perils of the peninsular war, returned home to enjoy in the bosoms of their families that peace and comfort which their patrimony, of which they had lately become possessed, promised them the enjoyment, became the prey of the recruiting serjeants belonging to this establishment, in three years were fleeced of a very large sum of money, and very speedily both were confined in prison.

Let us next take a peep a few doors lower in the same street, kept by ——— the elder, and Dick ———, of E. O. table, and false-dice notoriety. This Hell is less in rank, though not least in villany, to the foregoing; the aiders and abettors are Bill ———, son to the aforementioned, who bids fair to rival his sire in the arts of false play; ———, commonly styled Tommy ———, *ci-devant* conductor of stores to the army, a complete Greek, always ready at hand, to second the motion of Dick ———, when a *Johnny Newcome* is to be fleeced; and last, not least, behold Squire ———, who, under the most meek and sanctified outward appearance, conceals all the tricks and devices of an experienced black-leg, a perfect Iago.

Of such materials is composed the staff of this establishment, besides a good corps de reserve, always at hand.

They profess to place on the table a bank of three hundred pounds, but it scarce ever exceeds one hun-

dred and fifty pounds, and with this trifling sum, they contrive to win from four hundred to five hundred pounds daily, and 'tis not rare to see an individual lose from eight hundred to twelve hundred pounds at a sitting. The stakes are from two shillings and six-pence to twenty-five pounds; one shilling and six-pence and two shillings are frequently put down by the broken punter, and the smallest donations are thankfully received by the bank.

You may daily behold at the table individuals who constantly win; they are in the secrets of the cabinet, and play for the bank in order to delude the young and unsuspecting punter into a belief there is a possibility of winning, although experience proves that certain ruin is sure to overtake him who is so infatuated as to persist in following up this destructive game.

They seldom, at this house, give the broken-down player the opportunity of resorting to the pawnbroker to recruit his finances; if the victim has about his person a valuable watch, seals, chain, diamond broach, or ring, from the moment of his entering this den of thieves, Tommy — has already calculated its probable value, and steps forward and generously offers to lend about half its worth, on this security, encouraging the poor fellow again to try his luck, and he has always at his elbow one of the recruiting squad to recount some unaccountable story of Mr. Such-a-one, who borrowed a few pounds on the security of his watch, and won all the money on the table. The poor fellow is credulous, again ventures, and, in a few moments, loses his last stake. When it is considered that his means are exhausted, and he neglects to redeem his pledges, in a few days, he is deemed completely plucked, and is refused admittance, unless he is base enough to consent to introduce some candidate who is *flush* (to use the cant words), in which case he is enrolled on the recruiting service, and is paid in pro-

portion to the ruin he entails on those who may be weak enough to be deluded by him.

The bank can at first sight detect a forged note, being adepts in that science; yet 'tis very strange how many forged notes are received by the punters, and if they attempt to return them they are threatened with exposure. These practices, strange as it may appear, are carried on in the open face of day, and in defiance of the wise laws which have been enacted to prevent excessive and destructive gaming.

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## CHAPTER IV.

Two or three Sub-Hells described—Their internal Economy—Proprietors, Frequenters, Recruiting Staff, and Dupes—The Knight of the Needle—The Porpoise—The Military Black-legs—The French Gang—The Game of *Roulette*—Importation of French *Roulette* Tables—The *Hazard* and *Rouge et Noir* Gang—Plebeian Proprietors—The Cheltenham Branch of Black-legs.

PROCEED we next to a description of one of the Hells in B—— Street, St. James's. The door is decorated with a brass plate, bearing the name of a pretended c—— merchant. The hours of destruction in this place are from one to four in the forenoon, and from seven to eleven or twelve at night.

This Hell is an immense gulf, in which many have been totally swallowed up, many very much shattered and damaged, some quite disjointed and broken to pieces; some, perhaps, may have escaped the common wreck, but the number of the last is very small.

The proprietors and setters-up of the game of *Rouge et Noir*, at this place, are, 1st, a notorious black-leg, who has realized a good fortune at the trade, and is said to be the proprietor of a large estate at Sydenham in Kent.

2d. J—— —, *yclept Vulcan*, from his being lame; if report speaks true, 'tis said he was hurled (not from heaven), but from a second-floor window, by a son of Mars, some years since, for some little irregularity in *casting the bones*. His present occupation is that of catching Pigeons, with a *net* of his own construction, the meshes of which are so artfully woven as to be imperceptible, and very few, who have the misfortune to be caught, escape complete plucking from the fangs of this Polyphemus.

3d. Captain ——. He may never have distinguished himself in that capacity, but it must be allowed that the trade he has been following up, for some years past, has disgraced him as an officer and a gentleman. He is a character devoid of moral feeling, who did not scruple to initiate his son in the mysteries of the Pandemonium, and made him his *locum tenens*, while forced to secrete himself, in consequence of writs being issued against him. Men, however depraved, generally wish to keep their offspring free from depravity; but with him 'tis quite the reverse, lucre is his god, and at its shrine he does not scruple to sacrifice parental duty and affection, and without compassion or remorse, converts into deadly poison the food he administers.

4th. —— —, commonly known by the appellation of Jemmy ——. He goes by many names, and is as complete a master of the art of legerdemain as any professor at present exhibiting within the precincts of St. James's; famous for the undeviating and continued assiduity with which he has pursued his gambling career from year to year—whose depth of calculating villany is only exceeded by his power of assuming the semblance of modesty, a saint in appearance, but a demon in reality!!!



These are the proprietors of this Hell—a quartetto of fit associates! who have formed an odious and abominable conspiracy to effect the ruin of all who have the misfortune to come within their vortex.

A notice, framed and glazed, to the following purport, is exhibited most conspicuously opposite each entrance of the rooms:—"The bank will be on the table precisely at one o'clock in the forenoon till four o'clock, and in the evening at seven till eleven; the stakes are from two shillings and sixpence to twenty pounds."

The staff of this establishment is not so numerous, but equally, if not better, organized than that of their neighbours. There are three *croupiers* in daily attendance. One, a *ci-devant* dealer in cattle, from Yorkshire, who, in an unlucky moment was induced to play, lost his all, and became a Pigeon, and, as a *dernier resort*, was forced to take service under the banners of the Captain. He, however, to speak the truth, is a good sort of a fellow, "as the phrase goes," merely a dealer, and not initiated in the mysteries of the black art, and is possessed of more feeling than could be supposed to be left to one of his employ.

Next comes a *knight of the needle*, who, feeling himself above his calling, and "malicious fate having given him high notions and a small estate," threw cabbage to the dogs (it was not profitable enough), slept all day and diced all night; being raw and unexperienced found himself deficient of the *quelque chose*, and joined a band of strolling players—paid his footing, and was admitted a member of the association, and from that time permitted to vend his quaint saying, ply his nostrums, and physic the flats. Such were his natural abilities, that from an entered apprentice he was raised to a *fellow-craft*, and with hasty strides soon acquired the rank of a free and accepted *black-leg*. Scorning to be a satellite, he was not tardy in eclipsing his teachers, and blazed forth upon the horizon a fixed star of the first mag-

nitude. Nothing could escape him, every passing meteor being obliged to pay tribute; those who, previous to his appearance, conceived themselves in the ascendancy, were soon proved to be in the decline. He was a good judge, for he always backed the *caster out*; he could read the book of fate, foretell events, and was even gifted with *second sight!!!* His being no borrowed light, he felt assured he could work in the open face of day as well as by night\*. He sold his knowledge to the proprietors of this house; and it is here this worthy officiates at the game of *Rouge et Noir*, having always ready a quaint saying, or an obscene jest (for he is disgustingly foul-mouthed), to divert the attention of his punters from the tricks he is playing them. He assumes the most careless manner of dealing the cards, and an observer would draw the conclusion, that he is naturally awkward; in fact, he appears every thing but a professor. How many have been deceived by him, how many have reason to curse the day they came in contact with him!

Seated opposite to him may be seen the golden knight, commonly known by the name of *Porpoise*, from the unwieldy bulk of his stinking carcass, for it "hath an ancient and fish-like smell.

This hero is not so barefaced, yet not a whit less rogue than the knight of the needle. He is a good dealer, and surprisingly active at his trade; he can handle the cards with such ease, that the punters very soon find themselves eased of the weight of their cash. Should he hear any complain of ill luck, he gives them some consolatory speech, coupled with the assurance that if they will but "call again to-morrow," it is more than probable they shall retrieve their loss; for, says he, (while he is shuffling, or rather packing the cards,) 'tis very singular to be for ever hearing gentlemen complaining they always lose;

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\* Hazard is always played at night.

I can assure them (drawing himself up in his chair, and looking big), we have, I mean the bank has, been losing for the last eight months."—" 'Tis true, so help me Bob," echoes the tailor; his deluded audience, for the most part, take this for granted, and keep at the game as long as there is a shot in the locker, but alas! their eyes are only open to conviction when 'tis too late.

In fact, to those who are not in the secret of the Pandemonium, it would appear the bank did not win; for the moment any punter has been fleeced by the confederated black-legs present, in comes one of their squad, and, after exchanging a few winks and significant nods with the dealers, plays the highest stakes, and soon clears the bank of the winnings, makes his exit, and as soon as strangers have withdrawn, returns, and pays back the money, receiving his percentage for the job.

It is impossible to have any suspicion of these gentry, as they are dressed in the very height of fashion, and come to the door either in their gig or on horseback, attended by a servant. The Captain keeps a gig for that very purpose; some of these gentry are styled captains, colonels, and baronets. Having played their part for a term, they are relieved by other actors; they are in perfect training; and a very lucrative employment it is.

Let us now take a cursory view of the company frequenting this hell. A bullying, thrice-bankrupted horse-dealer, and a pawn-broker from the Strand, are in daily attendance, the first a rogue in grain, and a *sharp*; the second a *flat*, who, if he has but for a while longer the run of the house, will be forced to take refuge up his own spout; they both act as supporters to an elegant, accomplished, and facetious A—— of F——, who, though a severe sufferer, swears, he will die game, "and *cock-a-doodle-doo* crow whilst he can." Many of his acquaintance have wondered why he put down his curricule; had they known he played *rouge et noir*, and French hazard,

they would have been able to account satisfactorily for the circumstance.

Among the numerous visitors, behold, also a city broker, a German lieutenant, old ———, surnamed the *Bishop*, a hatter from Oxford-street, a collector of poor rates, an army agent, and the little whippersnapper *measurer of miles*, near Charing Cross, formerly a partner in the firm of this hell. The little Tomtit, or Lady-killer, ——— of the M. Mil., and the brave major and learned doctor of the same regiment. The latter swears it gives him the jaundice to be so fleeced, and declares he will leave it off, yet is sure to be the first at play the next day.

Two Roulette Banks are daily and nightly open, in ~~Bury~~ Street, St. James's, of which Monsieur ——— is the principal manager; the other in P—— Place, St. James's under the auspices of Monsieur ——— and Mynheer ———, well known by the name of the *Hebrew Star*. This concern is reaping a golden harvest; they have contrived to fleece Colonel ——— of some very heavy sums.

This game of Roulette, *Anglice* Roly-poly, seems to have taken deep root, and the number of its dupes seem to be daily increasing. Other tables have found their way across the channel\*, together with a set of French croupiers.

This Mons. B. is concerned with all the roulette banks in London,—to him we owe the introduction of this pestilence, and we sincerely hope that the retributive arm of justice will reach this delinquent before he has time to secure his unlawful gains and depart from this country. Let the police-officers be on the alert.

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\* It is wonderful how they continue to get these roulette tables to this country: they surely are too bulky to be smuggled as a parcel of French lace. Do the Custom-house officers allow them to pass on paying duty? The natural supposition would be, that the use of such articles being strictly prohibited in the country, they would be considered as contraband, and the individuals attempting to introduce them liable to be prosecuted

One of the principal Hells is a house the corner of ——— Row, Piccadilly, where Hazard and Rouge et Noire are played for the benefit of a company of six black legs. As two of the proprietors are so notorious for every description of foul play, it was thought prudent their names had better be kept a secret. A—— of Sloane Street, was a groom-porter to a person that kept a Hazard table at the corner of St. James's Street, some few years back. He then went to a coffee house in the same street, C. was a fishmonger's man in the Strand, but was all ways amongst low Greeks, at the inferior Hells, till he became what they call a good workman, at card and dice. Another proprietor was originally a lighterman, tugging at the oar on the Thames, and being considered a good ruffian, he was employed by P—— of lottery fame, (who kept a gaming-house in Pall Mall,) also as croupier, or groom porter, as he might be wanted. A circumstance one night, when he was dealing the cards at *faro*, fixed his fortune. Sir C—— was playing, and having won a large sum of money at Hazard, and being elate with his success, said to a gentleman that was with him, "If I win this stake, I will give it to the croupie," which was C——. The baronet won, and as he did not play any more that night, he gave it to C——. The sum was fifteen or seventeen hundred pounds. C—— has been known to say, that he has never wanted money since. He after this attended Newmarket—got concerned with the training grooms and jockeys, and now is a great man in his own estimation; he is a little hurt at his old acquaintance calling him by the name of *Happy Jerry*.

There is a new firm of Greeks established at Cheltenham, who think themselves very snug. The proprietors of this firm are, a person of the name of K——, master of the rooms, a son of K——, who kept a Hazard table, in Jermyn-street, and Pall Mall: also a Mr. B——, who was a Billiard sharp in London for years. This B——, was considered the best

packer of cards at Rouge et Noir of any of them, and cogger of a dice on dice, so you may judge how the people are fleeced here. The other partner's name is —, a broken down lawyer; this gentleman is considered clever at all games; he can hand, reef, and steer with any one of them; he has a wife that is reported as clever as himself, and can *cog a die*, or *pack the cards* at Whist, or any other game, as well or better than her spouse. This gentleman has a cottage, where he gives elegant supper parties, or dinner, as it may suit. They are carrying on a roaring trade. The last mentioned hero keeps his hunter and dogs, and picks up a number of flats in the winter, with the assistance of a certain Colonel —, a sprig of fashion in the neighbourhood.

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## CHAPTER V.

Description of the destructive Game of Rouge et Noir—The table—Ceremony of Playing, &c.—Calculations of the odds for and against the Punter—The absolute impossibility of winning against the Bank clearly demonstrated—Estimate of the enormous sums lost and won in a given period—Particulars of a Test Wager—Characteristic Anecdotes of the Leading Sharks—Description of the Game of Roulette, or Roly-poly.

*Rouge et Noir*, or, as the French call it *Trente et Quarante*, was introduced into this country some twenty-five or thirty years ago, and took the place of FARO, which has not been publicly played for many years; indeed, the odds at that game, and the fraudulent tricks practised by the bankers, soon rendered the game obsolete. Rouge et Noir is daily and nightly played at all the Hells, about thirty in number, in St. James's.

The company take their seats at an oblong table, about six yards long, and two and a half broad; on

each side, at the centre, sits a croupier (*i. e.* dealer) with bank notes and gold before him, and in turn one of these worthies deal the cards, that is three deals each in succession. At about eighteen inches from each extremity of the table, which is covered with green cloth after the fashion of a Billiard table, there are two patches, one red and the other black, about three feet and a half long by two feet and a half broad; above these there are two spaces marked by a yellow line. The punters, for so the persons who play are called, place upon the patches, either on the red or black patches as they may fancy, the sum of money they wish to stake. The cards are then shuffled, which consist of six packs, and tell as follow. Court cards are valued at ten pips, and aces for one; other cards as they are marked. The dealer, taking up a handful of cards goes on dealing the first row, which is always for the black, and stops as soon as the pips exceed thirty; thus, if he deals out three court cards, or three tens, which make thirty, he must go on with another card, which we will suppose to be an ace, it makes thirty-one, the lowest number. He then stops and cries ONE, deals out another row for the red, and if the pips exceed thirty-one the red loses. Thus an eight, two tens, and a five, which make thirty-three pips, he cries three, red loses, and goes on in this manner, taking the lowest number between thirty and forty. The money staked on the losing colour is drawn by the croupiers with a rake of the shape of a garden hoe, and an equal sum paid to what has been staked upon the winning colour.

The odds at this game in favour of the bank, if no fraud is practised, may be reckoned at about two and a half per cent.

When both colours turn up thirty-one, which is called a *one apres*, the money staked on both colours is drawn within the two spaces mentioned, and the players have the option of halving their stake with the bank, or trusting to the chance of the next event;

he who is then upon the winning *colour receives back his original stake only*, and the croupiers draw the money on the losing side; so that every time a thirty-one apres occurs, the bank wins half the money staked upon the table. The average is, that three thirty-one apres takes place in two deals, or nineteen events; each deal consists of never less than twenty-eight coups or events.

To give an idea of the profits accruing to the keepers of these Hells, let us select the one kept by J—— D—— and R.—— D—— in King Street, St. James's, one of the minor Hells, where to a *certainty* ten pounds may be averaged to be staked through the year upon every event. They play at this Hell full eight hours per day, three deals take place every hour, which makes twenty-four deals per day. Consequently thirty-six one apres takes place, on each of which they win five pounds, making 180*l.* per day, 1080*l.* per week, and 56,160*l.* per annum. In this estimate the stakes are averaged very low, for frequently may be seen from 50*l.* to 300*l.* staked upon a coup or event.

Those who are infatuated or silly enough to follow this destructive game for any length of time, are sure to be fleeced of their last farthing; and the foregoing calculation has clearly proved, that a person playing every day at Rouge et Noir, and staking only one pound on each event, is sure to be loser at the end of the year, to the amount of 5616*l.* Suppose a person stakes only half-a-crown on each event, he must pay to the bank for thirty-six apres four pounds ten shillings in the course of a day's play, twenty-seven pounds per week, and in a year, fifty-two weeks, 1404*l.*

That it is impossible for any one to be a winner for any length of time, was proved by a wager laid some time since by a gentleman and Mr. T—— L—— of *Roundhead* notoriety, who betted that beginning play with twenty pounds every day, at any one time of the day he should be a winner of half-



a-crown, and this was to be done for thirty days, which if he accomplished Tommy — was to pay him twenty pounds. He went on for some few days winning his half-a-crown, but the twentieth day lost his capital of twenty pounds, without being at any time that day half-a-crown a head; of course he lost his wager. Does not this circumstance prove, clear as day, that however great your capital may be at starting, your loss in the end will be great in proportion.

Enormous as the profits are to the bankers or setters up of this game, still greater is their desire of satisfying their insatiate avarice; it is almost impossible to detect their ingenious villany, or to check their art of multiplying deceit, which they practise with unblushing impunity. They can at any time when it is worth their while, and play is high, command a thirty-one apres. The young inexperienced player is generally permitted to win for the first two or three times, and when his appetite is a little whetted, they proceed *secundem artem*, to phlebotomise, or, to use their slang language, to *flea botomise* their patient. To make use of a simile quite applicable to the worth Tommy —, he may be “considered as the Hyena, who begins by a private snap, goes on to a morsel among friends, proceeds to a meal, advances to a surfeit, and at last sucks blood like a vampire.

#### DESCRIPTION OF THE NEWLY-INTRODUCED FRENCH GAME OF ROULETTE, OR ROLY POLY.

ROULETTE is played upon a round table composed of thirty-eight compartments regularly numbered, thirty-six of which are for the players, and two for the bankers. The compartments (*les cases*) or receiving boxes, are numbered from one to thirty-six, half red and half black; the two remaining compartments, (*case*) are marked one, by a single nought or zero, which is black; the other by a double zero,

which is red. When the ball is delivered, it must, of inevitable necessity, fall into one of the compartments, which number is the decided winner on the six chances marked upon the cloth; the chance paid is equal to the stake put down, for the number thirty-five times the stake (*la mise*) is paid. Upon the columns, (as they are called) which is composed of thirty-six square compartments, ten in length divided by four, nine of which contain the thirty-six figures and four blanks; the double and single zeros being placed at the opposite end. At the sides are three elliptics, embracing three divisions of the figures, in which is written, Out, Red, Odd, on the one side; and In, Black, Even, on the other. Only eight times is paid, though it may be said thirty-six times is paid, taking the stake into consideration. When a simple or single Zero takes place, the banker calls out simple Zero, *black* or *odd*, and in this case, he does not pay any chances, but sweeps up all the stakes both in the numbers and on the columns. It is precisely the same when the double Zero takes place.

The most villanous deceptions are practiced at this game. The tables are made to act with a spring, which is managed with the foot, and by which means, the director can make a Zero whenever he pleases. Of all the infamous games ever introduced in this country for the purpose of fraud and robbery, this is decidedly the most abominable. It is disgraceful to the police of the metropolis, that these gangs of French sharpers are allowed to pursue their destructive plans with impunity. Above twelve of these tables are now in play, both day and night, in the neighbourhood of St. James's alone. Can such things be, and escape the vigilance of the magistrates?"

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## CHAPTER VI.

The effects of Gambling illustrated in the seduction of a father and the ruin of his children. A domestic tale, "alas, too true!"\*

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FOR your determined, manly, and efficient conduct, in detecting and exposing those wretches who, like the great enemy of mankind, literally, "go about seeking whom they may devour," you are entitled to the thanks of every honest man, and the good wishes of every respectable member of society. Many a tender heart shall bless you for an effort to save from ruin, sons, brethren, lovers, and husbands; many a pious soul shall bid you "God speed," in a cause which comprises the best and dearest interests of man, as a member of society; and his most awful and important welfare, as an immortal being.

In this honourable warfare with the whole system of gambling, its mighty conduits, and its smaller ramifications, you stand not only proudly pre-eminent among your brethren of the periodical press, but *alone*. You have, with unrivalled courage, attacked the hydra-headed monster; and in exhibiting his haunts, and displaying the ferocity of his nature, have half disarmed his power, and I trust you will go on from point to point, till every bleeding head lies prostrate at your feet.

The sorrow, ruin, vice, and misery, the grada-

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\* We give this chapter in the words in which it was addressed by its amiable and intelligent writer, to the editor of a periodical work devoted to the exposure of the Black-legs. The sentiments expressed throughout are every way so worthy of the better classes of society by whom they are entertained, that it would be doing an injustice to the writer to abate one word of what he wrote for the purpose of more completely adapting his paper to its present situation.

tions of that corroding grief which eats the heart by slow degrees, of that overwhelming horror which destroys the energies of mind and the powers of reason, may be traced in every family where any one member of it has become the prey of these monsters in human form—these vampyres who prey on blood ; and it is certain, that if the effects of their arts, the facilities they offer to vice, as well as their actual depredations, could be calculated upon, one body of people alone, viz. “ gentlemen in the army and navy,” it would be found, that the sum of human misery thus produced, exceeds all that arises from the danger of their profession to an incalculable degree, and that the horrors of the most sanguinary field, are in their remoter but equally certain consequences, far exceeded by contests in which property and honour alike are lost—in which a man must either be degraded “ below the beasts which perish,” by a total loss of feeling, or sustain remorse, which shall poison the very springs of life, from considerations of the family he has injured, the hopes he has blasted, the property he has ensured, and the reputation he has destroyed.

If these dreadful consequences arose only to the profligate, the avaricious, or even the thoughtlessly unprincipled part of the community, though we ought to reclaim and pity even such, yet we could not greatly commiserate their sufferings ; but it is certain that many men, otherwise of blameless and even of exemplary conduct, if by chance they are drawn within this vortex, lose all self-command ; and, as if by the power of fascination, become eager victims, and complete dupes to artifices the most shallow, and wretches the most despicable. I am well acquainted with an officer who, from motives of economy, resides in a sequestered part of Devonshire, with a wife whom he tenderly loves, and whom he assists in educating their lovely little family, with a degree of steady tenderness and dutiful attention, which render him the admiration and example of the village : persevering in all his plans of saving for his beloved family, neither the en-

ticements of an elegant taste and cultivated mind, nor the habits of early luxury, have been able to draw him aside from the narrow path he had prescribed to himself; and when a few months ago he came to the London, to vest a legacy in the funds, which had been bequeathed to his wife, he positively refused to go to the Opera, though it was his favourite amusement, because it would trench on the sum to which he had limited his expenses. He told me, with all the lustre of a father's pride, and love lighting up his expressive countenance, "that half a guinea would buy his little Edward two story books, Maria a doll, and a rattle for the baby into the bargain, and, of course, please *four*, as the mother would feel very rich in the gifts of her children." "Not that he should forget her, oh, no! though he was careful for her sake, he could not deny himself the pleasure of of taking her home something worthy of his love and her own."

Such was the man who might have moved in the first circles, and received the friendship of many, the admiration of all; but was content with a cheap house, took a Welsh rabbit for his supper, and was actually on his way to bed at eleven, when an old acquaintance pressed him to accompany him to one of these hells in the immediate neighbourhood, just to see the humour of the scene; for he knew that on the continent he had been led into error, which had occasioned him to renounce play for ever. "In Devonshire we have early hours," said my friend, "but, however, I can keep my eyes open for one hour longer, certainly."

He went.—In a short time he began to play, and from that moment reason lost her empire. In vain the gentleman who had led him thither besought his return,—depicted the folly of pursuing bad fortune,—hinted at the unfairness of those around him, and pointed out the consequences of his conduct,—the place was not quitted till the last shilling of the legacy, which was nearly a thousand pounds, was gone; and

even the cash which he had brought to defray his expenses,—cash, which he took under the idea of not touching a single shilling of that legacy, which having come by a relation of his wife's, he deemed exclusively *her* property.

To give any idea of the feelings of such a husband and such a father, on the retrospect of his conduct, is utterly impossible; nor will any person doubt that it required all the powers of his first tempter, (but sincerely repentant friend,) to preserve him from the most terrible consequences, and by providing him money to facilitate his return to that family where alone his peace of mind was likely to be restored. But was it so restored? ah no! the smiles of his Maria, the endearments of her family, were daggers to his heart. Her fears, “that London had disagreed with him;” her congratulations “that his affection had brought him home so soon;” her praises of his economy; her assurances “that in bringing himself he had brought all she wanted:”—every word thus uttered were to him a separate agony, which yet could not relieve itself by complaint, nor gain assistance by confidence, but in cold corrosive anguish, and self-reproach, continues to torment him.

During the last three months this unhappy man has been struggling with disease, for which his deeply afflicted wife can find no relief, and give no name. She writes me the particulars of his case, and intreats me to consult a physician, adding, “that if possible she will get him to town for advice, as she feels justified in any extra expense, her aunt's legacy giving her a right to command the best help for her invaluable husband.”

Would to God she could cast her eyes on this simple statement of facts—that she could unfold the mystery of that disease which is destroying a generous, noble, and tender heart, by piece-meal; and which I well know would bring prompt forgiveness from her, though I am equally aware her husband never would forgive himself. Sorrows like this, and others far

more extensive and overwhelming, call upon you to persist in your design to cleanse this Augean stable, to rend the veil which shrouds this "mystery of iniquity," and spare neither the young, who are old in sin, not yet, (to use the emphatic language of holy writ,) "the hoary scalp of him who goeth on in his wickedness;" but above all to drag from the altar of our national religion that "unclean spirit" who, in the practice of crimes at which even the morality of heathenism revolts, and humanity shudders to contemplate, can yet dare to hold the sacred office, and like the sons of Eli, draw down the vengeance of heaven on the Church of his native land—a church which neither the malice of open enemies, nor the indifference of lukewarm friends, will ever deprive of her awful and endearing claims, if such serpents as this prey not on her vitals, and pollute not her hallowed institutions.

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## CHAPTER VII.

Gaming the Parent of Murder and Suicide, as illustrated in the case of Antonio, only Son of the Count de C——, and Mademoiselle Louisa.

THAT gaming leads to every vice is so true, that the most humane persons, urged on by cards, have been known to commit the most detestable crimes. The following true tale will illustrate the above.

Antonio, the only son and heir of the Count C——, was brought up under the eyes of virtuous parents, and became himself a faultless being. His form was noble and commanding. In his open countenance you could read the slightest thought that was passing in his well-stored mind. His temper was gentle and humane. In fact, at the age of twenty, he was what every man should be, but few are. No one,

however virtuous, but possesses a vice. No one, however vicious, but possesses a virtue. If Antonio did possess a vice, it was his adoration of beauty. And how excusable. What man that has not, at one time of his life, felt his heart palpitate with rapture at the approach of the fairest part of the creation? Oh! lost, indeed, is that man, whose careless breast is dead to every soft emotion. But even virtue, when it rises to a passion, descends to a vice.

Antonio became acquainted with a lovely female (Mademoiselle Louisa), who, under the garb of modesty, could throw out lures to catch the unsuspecting and innocent. Indeed, so great an adept she was in deception, that a painter would have chosen her outward form to portray Prudence: no wonder, then, that our hero, who was wont to look at beauty as the paragon of bliss, was easily deceived. For hours would he stand behind her chair, and listen to the fascinating tone of her harmonized voice; or, while she hung upon his arm, he would, with the greatest attention, hearken, as she conversed of that she knew alone by name—virtue. Who would have thought, when they beheld her lovely blue eyes gazing with animation on the sky above her, while from her lips flowed pious praises to the Most High, that she was a hypocrite. In a countenance like her's, even Lavater could not have traced the dark recesses of her bosom. From the moment Antonio became acquainted with Louisa, he forgot all beside. At day he was her constant companion, at night her image floated before his eyes to bless his dreams. To oblige her, he would frequently sit down with some of her friends to a game of cards. And, although he generally got up minus twenty or thirty Louis, he did not heed the trifle, because he was placed next to Louisa, and he would have bought that bliss at a much higher price. Louisa's companions became his; and, by degrees, he grew so fond of cards, that his nights were spent in gaming. For Louisa would



converse with him while her friends fleeced him of his money.

One night, in the absence of Louisa, he played higher than usual. Fortune against him, he became so frantic at his ill-luck, that he doubled the stakes at each time, till he found himself a ruined man, having lost every farthing he possessed. Distractedly he started up from the table, and rushed from the apartment into another that joined it, when, oh! horror, stretched on a sofa, lay Louisa locked in the arms of Henry de Virville, the man he thought his dearest friend, and to whom he had intrusted his love for Louisa. He felt his brain burn like flames of fire; and, drawing his sword, he flew towards them, and stretched them both lifeless at his feet.

Disturbed by a rustling noise, the servants entered the apartment, and found their mistress and M. de Virville laying weltering in their blood, while Antonio, with his still reeking sword, stood exultingly over them, "See, see!" he madly exclaimed, "Go, proclaim it to the world, Antonio is a ruined gamester and a murderer. She swore love to me (pointing to the dead body of Louisa)—I found her in the arms of De Virville—I have punished them.—One thing alone remains undone, and thus, then, ends Antonio's woes, and Antonio's crimes." Thus saying, before he could be prevented, he fell upon his sword, and, with a frantic shriek, expired.

Thus ended the life of one who, before he became acquainted with cards, was generally admired and courted. True he was seduced to play; but cards became first his passion, and then his ruin.

It is grievous to behold how much that detestable vice changes the nature, the conduct, the feeling, the countenance, of a human being.

"I have seen," says an indignant moralist, "and I relate it with horror, the countenance of beauty—ay, of female beauty, so much distorted, that she appeared a complete fury; her eyes started from

her head, her teeth gnashed with rage, and her passion was so great, that she could not speak for ten minutes, and all because her partner played a wrong card.

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## CHAPTER VIII.

Genuine Account of the Introduction of a Novice to a London Hell—Some initiatory Remarks—The Scene described—Company assembled at a Hazard Table—The various Feelings by which they were agitated—A hoary Gambler—Issue of the Game—Irruption of the Police, and narrow Escape—Explanatory Discussion of the Chances for and against the Player\*.

LIEUTENANT Carelly, a half-pay officer, quite *upon the town*, called upon his friend Juan for the loan of a sum of money, which the latter was unable to lend him. The Lieutenant observed, that there was no occasion for a spirited fellow to want money, while there was a gambling-house in St. James's, and accordingly proposed that they should go to one that very night. Juan had before heard that many men of fashion lived by frequenting these houses; and that some were so skilful or so fortunate in the line, as to pocket considerable sums every night, as regu-

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\* This chapter is extracted from a lively, useful, and highly entertaining volume, published by Mr. Kelly, Paternoster Row, entitled, *Don Juan's Life in London, or a true Picture of the British Metropolis*. It abounds with spirited, characteristic, and satirical sketches of all the frauds, vices, and follies going on in the great metropolis, and contains also a vast fund of useful information relative to its various establishments, societies, manners, customs, exhibitions, &c. &c.

larly as if it were the income arising from the exercise of a trade or profession. He therefore closed with the proposal, and, calling a coach, proceeded with the Lieutenant to No. —, St. James's Street.

The gambling-houses, or, as they have been very properly designated, Hells, are generally elegantly furnished houses, abounding in all parts of London, but particularly in and about the neighbourhood of St. James's; many of them are supported by the subscriptions of the visitors, and others are the private property of unprincipled individual speculators. To the extensive and destructive system of gambling carried on therein, may be traced too many of those afflicting instances of raving madness, of self-destruction, and the beggary of respectable families, which so frequently occur in the metropolis. Herds of black-legs and sharpers, without any other means of support than their illicit income from the gaming-table, frequent all these houses, where, by continual practice and collusion with the keeper of the house, they contrive to fleece their short-sighted dupes out of sums of money so considerable, as to enable them to live in all the pomp and state of independent fortune. When once an inexperienced person becomes introduced to this diabolical connexion, it rarely happens that he can shake it off before his present means, and even his future prospects in life, are entirely destroyed; for so completely does he become enveloped in their serpentine folds, that in the moment of frenzy produced by the loss of his ready cash, he suffers himself to be persuaded to sign promissory notes, or powers of attorney, transferring to the holder the growing rents of his estates, or the profits of his business; and instances have been known, wherein, on the death of a man who had lived in comfort and affluence upon an independent property, his whole estate has been claimed, to the ruin of his family, by virtue of post-obit bonds extorted from him under the irritation of loss, and the dread of exposure. Clerks and confidential servants

having the charge of their employer's money, are also frequently involved in infamy and ruin through their unfortunate visits to the gaming-table, where they are regularly fleeced out of every thing they stake, and are at last induced to risk the property intrusted to their care, in the vain hope of recovering their losses, and preserving their characters.

The room was crowded to excess with anxious groups, some playing at the E O tables—some at Faro—others at *Rouge et Noir*, and several, in the true spirit of gambling, staking enormous sums on what suite would next turn up. Several young men, whom the Lieutenant noticed, were lounging about, apparently with no other object than that of partaking of the refreshments; but the scene was new to Juan, and his active observation soon passed from the mere lookers-on, to the actual performers of the important drama in progress; and he found an ample field for reflection in the countenances of a party seated round a table appropriated to the game of Hazard.

It was a mixed and piebald association, composed of clerks, tradesmen, half-pay officers, broken-down gentlemen, and professed gamblers, all intent on the turn of a card which would either consign to their grasp a considerable sum of money, or promote by another grade the destined ruin of themselves and families. Countenances that bore the stamp of youth, were distorted by internal emotions; cheeks seemed burning with rage, bosoms panting with disappointment; eyes darting forth the lightnings of despair; and pallid lips quivering with the apprehension of impending ruin. One individual alone seemed indifferent to the progress of the game, and altogether unmoved either by personal feelings or contagion from the atmosphere of agitation by which he was surrounded. This was a hoary-headed gambler—a man grown old, and withering in the service of vice—in whose veins the “milk of human kindness” had never circulated, and whose iron heart was impervious to every sensation of humanity. Whether by accident or fraud

Juan could not discover, but so it was, that the card upon which the game depended turned up in favour of the hoary gamester, who eagerly cleared the table of the stakes, and coolly looking round upon his pennyless and suffering victims, announced his triumph in a mixed farrago of oaths and blasphemies, and, for the first and only time, relaxed his frigid countenance into a Sardonic grin, while the rest of the party left the table with visible signs of desperation and despair!

“Well,” thought Juan, “this is indeed a lesson of human infirmity and short-sightedness! The traveller who encounters the highway-robber—the libertine who commits his life and fortune to the conduct of the wanton—the mariner who launches his boat in a tempest—or the æronaut who consigns his flimsy car to the mercy of the hurricane—all, all, are less exposed to peril than the dupe who commits himself to the destructive vortex of a gaming-table! And yet the scene I now behold is one of no extraordinary occurrence, but the common every-day routine of a London gaming-house!”

The experienced Lieutenant Carelly was in luck that evening, and after having won a considerable sum, had the prudence to leave off, while Juan whose volatile and inconstant nature soon suppressed his moral reflections, becoming familiar with the scene, and recollecting the lowness of his finances, joined the table, and at two ventures lost all the money he had.

He was, however, so stimulated, both by the success of his companions and their sneers at his want of spirit, that he had already staked a considerable sum, which, if he had lost, he possessed no means of paying, when an unexpected circumstance relieved him from the probable consequences of such a proceeding. A whispering occurred at one end of the room—a noise was heard on the stairs—angry voices, and a scuffle! One of the company threw the cards which he was about to deal into the fire—another

hurled the dice through the window, and a third was about to follow the example by throwing himself after the dice, when the door was burst open, and a party of police officers entering, commanded all present to surrender at discretion.

A scene of infinite confusion ensued. Some attempted to break through the mass—some overturned the tables, and others put out the lights. Juan made a dart at a window, and opened it with the intention of descending, when three or four legal intruders sprung from an ambush on the opposite side, and barred all egress. Meanwhile a regular battle-royal was going on in the dark—some good blows were apparently put in on both sides, though the hands that dealt them were unseen. Through this mass our hero contrived, however, to fight his way, knocking some of the interlopers down, and walking over others; and, having groped his way to the door, made a rush down stairs, and thus succeeded in effecting his escape.

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The interior economy of these schools of licentious and nurseries of vice, the utter hopelessness of any thing like a rational chance of advantage to the casual player, and the immense profits made by the keepers of the tables, have of late been exposed in the following valuable observations, published in a daily journal:—

“ There are, within ten minutes' walk of one another in the neighbourhood of St. James's, upwards of thirty Gaming-houses, opening every day at different hours, from one in the day till two, three, and four in the morning; at some of which you may stake as low as two shillings, at others as high as two thousand pounds in one sum; and the tables are constantly filled with players. The profits of these tables, leaving out of the question unfair play, are immense. The banker's point, at the game univer-

sally played, *Rouge et Noir*, is termed a thirty-one *apres*, which is calculated to occur once in a deal of about twenty-eight *coups*. Upon this occasion all the money on the table is impounded, and the next deal decides which colour wins: the happy winner in this case gets back his stake only; the loser, of course, gets back nothing. This course is exactly equivalent to taking half the money staked on the table at the time the *apres* happens, and at many of the higher class of houses 300*l.* is staked every *coup*. Thus, then, we arrive at the means of ascertaining the profits of some of these concerns:—twelve deals in a night is an usual quantity; in these twelve deals, on an average, happen twelve *apres*, each giving the banker 150*l.*; thus one day's profit amounts to no less than 1800*l.*, making a total of 563,400*l.*, per annum, giving them credit for shutting Hell up on the Sabbath, which is seldom done.

“Well may these men afford to receive their guests in magnificent apartments, to spread out gratuitous feasts, with a profusion of wine, &c.! amply are they enabled to bribe (if such things can be) the Police; no wonder that, in defiance of law, these places are kept open, and that any man with the appearance of a gentleman, may be accommodated, to complete his ruin, *with money upon his own cheque!* let us wonder only at the infatuation of the players.

“That no one may doubt the immensity of the profits, it may be stated, that the sum paid to the French government for the licences for gaming, amounts to between two and three millions sterling per annum, and yet the contractor is generally the richest man in the kingdom; what then, must be his profits, and the profits of those who, by taking under-licences, make his fortune and their own? This ruinous game is carried on here to the same extent as it is in France, with this only difference, that here the bankers take all the profit. A player going in with five pounds, may imagine that he only pays his two per cent. (the lowest average profit of the banker) on

five pounds ; but if he has the usual fluctuation of luck, the fact is, that his five pounds will be staked twenty or thirty, perhaps fifty times, in the course of a day's play ; thus, supposing, for the sake of example, this little sum shall have been staked twenty times backwards and forwards, he will have paid two pounds to the table. This calculation applied to 100*l.*, of course gives 40*l.* as the sum paid for the opportunity of playing while the hundred pounds last."

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## CHAPTER VIII.

A Gang of French Gamblers established in St. James's—Another Clerical Black-leg—Symptoms of the approaching destruction of the Fraternity—The English Black-legs take the alarm—Oration of a Veteran Gambler—Manœuvres resorted to by the French interlopers—Probability of their being soon done—Another French Hell—Riot on the Sabbath—Ramifications of the Gang in Paris.

THE encouragement which of late years has been given in this country to the professor of gaming, or, more properly speaking, of the black art, is truly wonderful ;—not content with those of our own growth, exotics coming from abroad receive every encouragement ; here they strike root as soon as imported, and the parish of St. James's may be compared to a vast dunghill, which receives, and supplies them with that nutriment which their own vernacular soil denies them. They have made strange ravages there, and their depredations have spread with pestilential rapidity, infecting almost every rank, from the peer to the haberdasher's apprentice ; while the vile miscreants, who are the abettors of this infernal system, fatten upon the very vitals of the victims they have immolated on the altar of destruction, enjoy perfect security, and continue their nefarious



practices with unblushing, impudent audacity, under the very walls of a royal palace.

Formerly, men of the lowest stamp, sprung from the very dregs of the people, the vilest of the vile, were seen to embark in this trade of villany and deceit, such has had forfeited every claim on society; but now we behold captains and colonels, holding his majesty's commission, coming forward and unblushingly announcing themselves as principal agents in this abominable traffic;—but, “oh, shame! where is thy blush!” most conspicuous among this herd appears a clergyman of the Church of England, (holding a considerable living, stated at 1500*l.* per annum) setting aside his sacred calling, presiding, officiating as high-priest at one of the most noted of these temples of iniquity\*! To this man we are indebted for the introduction of those foreigners who have of late infested this metropolis, and set up *French hazard* and *roulette*, or *roly poly*, described in Chapter I.

It was under the patronage and fostering care of the Holy Saint — that the notorious Monsieur B— and his gang were introduced to this country; who, after having initiated his reverend patron and colleagues in all the mystery of the black art, for which, by-the-bye, the police of Paris, more on the alert than ours, forced him to emigrate, took his reverence completely in, who paid dear for his initiation fee, is now figuring away on his own account, leagued on the one hand with Colonel M——, and Monsieur B——, in C—— R—; and on the other with

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\* This individual lately disappeared under very mysterious circumstances. Speculations were made as to the probability of his having been destroyed by some of his Black-leg associates, as Weare was by Thurtell; but the idea of his having decamped to America, with his ill-gotten spoils, is not only the most probable, but has received a certain degree of confirmation. True it is, however, that he has not appeared to a commission of bankruptcy which has issued against him as a *wine-merchant!*

Mr. ———, alias the *Hebrew Star*; and, if report speak true, another establishment has been opened under the auspices of this worthy Monsieur B——, in M—— street, Manchester-square.

Honest Dick ——— having, out of pure charity, taken his reverence in tow, has, in these days of trouble and tribulation, been named leader of the band, and he has now taken the field in earnest. He has lately been seen, like “Solomon in all his glory,” surrounded by all his staff, and supported by certain auxiliaries on the retired list, take his station in the avenues of the King’s Bench, Westminster\*. Nay, in the very sight of the Judge, attempting to intimidate, with threats and abusive language, a gentleman who manfully stepped forward and attacked this whole gang of depredators, and spread fear and dismay in the very *sanctum sanctorum* of the Pandemonium. Thanks to the exertions and perseverance of the gentleman alluded to, the retributive arm of justice has reached some of the principal members of the gang, and we trust soon to see the best part of this nefarious crew annihilated;—they are all links of one chain, they have dug a pit for themselves, and which ever way they move, backward or forward, to the right or the left, it is ready to swallow them up. They now appear the picture of “petty larceny personified;” every step they take brings them a point nearer to the final catastrophe. Let these miscreant reptiles begone, and cease to contend with insurmountable power. The visitation will be dreadful, and we may now look with confidence to the day when the whole system of fraud and villany will meet a total overthrow. Thoughtless mortals, let them “go build houses, plant orchards, purchase estates, for to-morrow they die.”

It will be no small satisfaction to the public to know

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\* Informations having been laid against some of the Gamblers in the Court of King’s Bench. See the Chapters on the Trials of the Gamblers.

that the Rev. ——, keeper of the gaming-house in Pall-Mall, has been taken up upon a warrant, and held to bail to appear and take his trial; that indictments are to be preferred against others, and that a number of fashionable and distinguished punters are to be brought forward as evidence upon the occasion; also, some haberdashers' apprentices, and clerks from the vicinity of Cheapside, who have been enticed by the parson's good wine and suppers, and have left on his rouge et noir and hazard tables their master's money. His reverence has had the assurance to affirm, that none but the first nobility in the land were admitted into the precincts of his hell; but we shall make it apparent to his reverence, though he fleeces the Nobility, he is is not above doing the like to the Mobility.

To return, however, to the French professors of the black art; they opened their conclave, and promised to eclipse and out-do, in fraud and false play, every other establishment of the kind; they employed none but light-fingered Frenchmen well versed in the art of *legerdemain*. The proprietors of the English Hells took the alarm, as well they might; the craft scarce knew how to proceed. Were they to suffer the French intruders to poach with impunity on a manor which, for many years, they had been in the habit of considering as their own exclusive property? Many were the consultations which took place upon the subject, and they all agreed upon one point: *viz.* that this French gang ought to be annihilated. A general meeting was accordingly held, and *honest* old Dick ——, a veteran London Black-leg, argued thus:—"This, my worthy friends and fellow-sufferers, is the fruit of Parson A——'s French importation; 'twas he who opened the road for these French *fouters*; without him they would never have found their way over here; 'twas a deuced unlucky hit. It appears to me there are but two ways of putting these gentry to the rout; the first, to proceed boldly against these intruders by infor-

mation and indictment; but this, my friends, is a path we must tread with the greatest caution, if we pursue it; for you will all agree, 'tis dangerous to bring such matters before a Jury: it serves to establish precedents, which, sooner or later, may be brought to bear against us. The second is to tip them a taste of the alien act; this might be done snugly; and the coast once clear of these French vagabonds, we might take our measures accordingly, and carry on our operations as heretofore. This Hebrew vagabond, who is a *German Jew*, was the first who made a serious attack upon our system; 'twas he who taught the enemy our weak point; he made the first breach in our ramparts. Why did you initiate him in our mysteries. You know how strenuously I set my face against the countenance afforded him by that stupid blockhead Jack A——, who bribed him, with ready money and fair promises, to destroy old S——'s establishment: it has turned out as I predicted; you have given him stones to break your head with, and he now sets you at defiance; he has unfurled the tri-coloured flag; which now floats triumphantly under your very noses; and what none of us were bold enough to attempt, he has effected. Has he not transplanted from France the game of roulette? and see how soon it has taken root in this soil. It has attracted every punter which we had spared and were reserving for a *bonne bouche*. We are visited by none but plucked pigeons, who merely call in to take a glass of our wine, and be damned to them."

At length the French gang experienced a material falling off in their play. Their sterling customers were drawn away to the other decoys in the neighbourhood. In order to remedy this evil, they sent round a polite circular, inviting the punters to return, and grace by their presence, the *United Club*, as they stiled themselves; and partake of the amusements of the *Rouge et Noir, French Hazard*,

and *Roulette*; and pledging themselves that no expense and trouble should be wanted, which might conduce to the ease and comfort of the punters; the plain meaning of which is—*the comfort of their being eased of their cash*, by every trick, stratagem, and cheat, which human ingenuity is capable of devising.

These swindling miscreants, base as they are deceitful, every thing that is at once despicable and wicked, sacrifice victim after victim, by every foul and nefarious practice; and are, incessantly, bellowing out lies about the fairness of their play; but “the balances of deceit are in their hands.”

Much about the same time, another *Hell* was established under the immediate direction and superintendence of the *Jew* ——, and of the notorious *Monsieur* ——, a new curse to the metropolis, and a nuisance to the neighbourhood; from which men ought to flee as from *a pestilence that walketh by night*.

Very lately, on the morning between Saturday and Sunday, a tremendous affray took place, between this gang of ruffians and their customers, after a great deal of *bow-wow*ing and quarrelling and much altercation about *fair play* and cheating. From words and threats they came to blows, missile weapons of all sorts were used, candlesticks were thrown at the heads of the punters, who were not backward in returning the compliment with interest; such was the raging of the storm and uproar in this den of thieves, that it could be heard half way down Pall Mall; and this on a *Sunday* morning!!!

How long will the legislature suffer these Sabbath-breaking ruffians to carry on their nefarious system with impunity?

On the following day this *Hell* presented a new scene of riot; a gentleman having detected the croupiers at some of their tricks, bluntly taxed them with the facts; he was taken to task by one of the gang, who not finding himself of sufficient weight

to support the credit of the firm *vi et armis*, summoned up to his assistance a strong and athletic ruffian, the door keeper. This Cerberus fastened upon the gentleman, and gave him a most unmerciful *milling*, the marks of which upon his face bore ample testimony of his having good cause to remember this visit to the *infernal regions* of gambling.

These foreign gamblers have, by acts of fraud, wholly without a parallel, and by a long string of contrivances, each of which merit a halter, ruined hundreds of families; they ought not only to be made to *disgorge*, but to undergo the most rigorous punishments the law can inflict, in order that their fate may be a warning to all fraudulent gamblers and common cheats, in time to come.

It is come to a pretty pass, when such vagabonds as these, not contenting themselves with the enormous profits accruing to them from the infamous game of Roulette, or Roly Poly, have recourse to foul play, and enforce such cheating by assault and battery, and keep in their own house hired ruffians to bully and insult the victims they have plundered. Every hour such *vagabonds* are permitted to carry on these depredations, is a disgrace to a civilized country. Why does not the Secretary of State at once put a stop to this abominable system, and send these miscreants out of the country, by enforcing the alien act against them. A statement of this infamous system ought to be presented to the House of Commons.

Another set of these French gamblers are carrying on their depredations under the very walls of St. James's Palace. A noble colonel, brother to a peer of the realm is at the head of this establishment, and daily superintends their machinations. The principals in this concern are a French *soi disant* colonel M——, Monsieur B——, Monsieur L—— C——, and Monsieur de S—— F——, who is the son of the man who invented the game of *Rouge et Noir*. All these fellows are adepts at the system; and no

doubt have come to this country for more purposes than one.

It is really surprising that English gentlemen are such silly beings as to suffer themselves to be duped, and, in the end, ruined by these French cormorants. Why do they associate with such blackguards; surely, if gamble they must, there are English club-houses where they may sure not to be cheated.

Lately, these Frenchmen withdrew their capital from one of these tables, and left only sixty pounds, with the determination, if they lost that sum, to shut up shop for a time; but so skilfully did they manage their cards and roulette, that this trifling sum increased like a snow-ball, and they determined to continue their depredatory warfare, and not break into their former winnings, which are immense. Some of the gang who had gone back to France to secure their plunder, and who have a strange longing after our English money, are about to despatch from Paris a well regulated company of sharpers, to set up in opposition to their countrymen in this town.

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## CHAPTER IX.

Considerations tending to the Abolition of Gaming—Ancient and modern Authorities decisive of its immoral and destructive tendency—General summary of existing Laws for the Suppression of Gaming.

THE perniciousness of gaming was so well understood, by the grand Impostor Mahomet, that he thought it necessary to prohibit it, expressly, in the Alcoran; not as a thing in itself naturally evil, but

only morally so, as it is a step to the greatest vices: for whilst we captivate ourselves to chance, we lose our authority over our own passions; being exalted to immoderate desire, excessive hope, and an alternate succession of joy and grief; we stand or fall at the uncertain cast of the Dice, or the turning up of a card.

Gamesters are slaves to the feeblest wishes, and if they succeed not, grow furious, profligate, and impious; they become rash, and fit for the blackest crimes: hence arise cheats, quarrels, blasphemies, duels, and suicides. Nor is the vice confined to the male sex alone; with the female gambler, it produces a neglect of all domestic duties, unlimited freedom and profligacy of manners, *Quod non habet in crumenâ luat corpore*. By copying the examples of men, they lose the advantage of their innocence and sex, and partake alike of their diseases and vice.

It is recorded, that a Lacedæmonian Ambassador being sent to Corinth, with a commission to conclude a treaty of friendship and alliance, when he saw the captains and senators of that city playing at dice, returned home, saying, that he would not so sully the glory of Spartans, that it should be said of them that they had made a league with gamesters.

Cruden in the Concordance states, that the words gaming, cards or dice, are not once mentioned in Holy Writ; in lieu of which, he gives the word GAN- GRENE with a proper comment, *viz.* "their word will eat as doth a gangrene."

Pleasure ought to be the refinement of a gentleman. Gaming may very properly be called the stratagem of the needy to raise themselves to the level of the wealthy. Gaming is no more than a suspension of the understanding, a conflict of the lowest and basest passion; and, if there be some skill required in some species of it, men, who do not discover common sense in other things, often excel in it. Yet, in the pursuit of this vice, we often see the distinction of birth,



rank and education, sunk to the level of infamy, and the noblest faculties of the mind, absorbed in a lust for play.

The great Locke being invited to a party of the highest rank in fortune and genius, and hearing cards called for as soon as dinner was over, retired thoughtful to a window ; and being asked the cause of his seriousness, replied ; that he had anticipated the greatest delight from the pleasure their lordships had given him reason to expect, from that day's conversation with men of character and learning ; and hoped his sorrow for this disappointment would be forgiven him. This remonstrance had the desired effect, the game was thrown up, and conversation restored.

The Roman laws were very severe against gaming ; dice were strictly forbidden at all times, except during the Saturnalia. The bad example of several of their emperors, particularly Augustus and Claudius, brought it afterwards into such vogue, that the best writers united in censuring against it. By the Statute 33, Hen. VIII. ; no artificer, apprentice, or servant, was allowed to play at any game, except in the Christmas holidays ; and then only, in their master's house and presence ; which exclusive privilege and exemption is, by late acts, to prevent gaming, reserved to the king's palace.

Public gaming might easily be suppressed, and public cheats and sharpers brought to condign punishment ; if magistrates would do their duty, and convince the public that they are proof against the artillery of corruption.

The bad examples of those in authority, has rather tended to increase than diminish the general spirit of gaming amongst all degrees and ranks of people. It is true we have several excellent statutes, and very severe laws against this dangerous and destructive vice, but they are too seldom put in execution : amongst the great, that idol spirit and notion of honour (to which fame, fortune, and life, are too frequently sacrificed) supersedes every rational measure of preser-

vation and redress amongst the nobility; whilst the ignorance of the laws, and the means of discovery in youth or the inexperienced plebeian, who fall a victim to the adept gambler, added to the literal blindness of justice in the very heart and centre of such lawless revels, may account for the enormous growth of this hydra-headed monster.

In gaming, as Judge Blackstone very pointedly observes, the several parties engaged cast lots to determine upon whom the ruin shall at present fall, that the rest may be saved a little longer. Taken in any light, this is an offence of the most alarming nature; tending by necessary consequence to promote public idleness, theft, and debauchery among those of a lower class; and, among persons of a superior rank, it hath frequently been attended with the sudden ruin and desolation of ancient and opulent families, an abandoned prostitution of every principle of honour and virtue, and too often hath ended in self-murder. To this passion every valuable consideration has been made a sacrifice; and it is a passion which has lamentably prevailed in our own country, and which we seem to have derived from our ancestors the ancient Germans; who, according to the account given of them by Tacitus were bewitched with the spirit of play to a most exorbitant degree.

“They addict themselves,” says that writer, “to dice (which is wonderful) when sober, and as a serious employment, with such a mad desire of winning or losing, that, when stripped of every thing else, they will stake at last their liberty, and their very selves. The loser goes into a voluntary slavery, and, though younger and stronger than his antagonist, suffers himself to be bound and sold. And this perseverance in so bad a cause they call the point of honour; *ea est in re prava pervicacia, ipsi sidem vocant.*” One would think, says the learned judge now cited, that Tacitus was describing a modern Englishman. Against a spirit so frantic, laws can be of little avail; because the same false sense of honour, that

prompts a man to sacrifice himself, will deter him from appealing to the magistrate. Yet it is proper that restricting and punishing laws should be enacted, and that they should be publicly announced and repeatedly inculcated, if possible, to preserve the unwary, if not to reclaim those who are on the brink of ruin. Accordingly we shall here recite some of the principal statutes which the wisdom of the legislature has formed with a view of preventing this evil.

By 16 Car. II. c. 7. it is enacted, that if any person of what degree soever, shall by any fraud, unlawful device, or other ill practice, in playing at cards, dice, tables, tennis, bowls, skittles, shuffle-board, or by cock-fightings, horse-races, dog-matches, foot-races, or other pastimes, game or games whatsoever, or bearing a share or part in the stakes, or by betting on both sides of such as shall play, act, ride, or run as aforesaid, win or obtain to himself any sum of money or other valuable things, he shall forfeit treble the value; half to the king, and half to the party grieved, or who shall lose the money or thing so won or obtained, (provided he shall sue in six months) otherwise to any other person who shall sue in one year next after the said six months, by action of debt, bill, plaint, or information, in any of the courts of record at Westminster, with treble costs.

And by 9 Anne, c. 14. it is further enacted, that if any person do or shall, by any fraud or shift, connivance, circumvention, deceit, or unlawful device, or ill practice whatsoever, in playing at or with cards, dice, or any of the games aforesaid, or in or by bearing a share or part in the stakes, wagers, or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, win, obtain, or acquire, to himself or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, or shall at any time or sitting, win of any more person or persons whatsoever, above the sum of 10*l.*; that then, every person or persons so winning by such ill practice as

aforesaid, or winning at any one time or sitting, above the said sum or value of 10*l.*; and being convicted of any of the said offences, upon an indictment or information to be exhibited against him or them for that purpose, shall forfeit five times the value of the sum or sums of money, or other things so won as aforesaid; and in case of such ill practice as aforesaid, shall be deemed infamous, and shall suffer such corporal punishment, as in case of wilful perjury; and such penalty to be recovered by such person or persons as shall sue for the same by such action as aforesaid.

And any person who shall at any one time or sitting, by playing at cards, dice, tables, or other game or games whatsoever, or by betting on the sides of such as do play, lose to any one or more persons so playing or betting, in the whole, the sum or value of 10*l.*, and shall pay or deliver the same, or any part thereof, the person so losing and paying, or delivering the same, shall be at liberty within three months then next, to sue for and recover the same, with costs, in any court of record: and, if he shall not sue in three months, it shall be lawful for any other person to sue for and recover the same, and treble value, with costs, half to the person who will sue for the same, and half to the poor of the parish where the offence shall be committed.

Upon the construction of these words "at any one time or sitting," in this statute, it has been held, that where fourteen guineas had been won and paid after a continuance at play, except an interruption during dinner, it was to be considered as won at one time or sitting; but the court said, that if the action had been brought for the penalty, by a common informer, they would have held, that the money had been lost at two sittings.

And every person who shall be liable to be sued for the same, shall be obliged to answer on oath such bill as shall be preferred against him, for discovering the sum of money or thing so won.

If any person shall play at cards, dice, tables, tennis, bowls, skittles, shuffle-board, or any other pastime, game or games whatsoever, other than with and for ready money, or shall bet on the sides of such as shall play, or shall lose any sum or other thing exceeding 100*l.* at any one time or meeting, upon ticket, or credit, or otherwise, and shall not pay down the same when he shall so lose it, he shall not in such case be bound to make it good, but the contract, or contracts for the same, and for every part thereof, and all assurances and securities for the same shall be void and of no effect; and the winner shall forfeit treble value, of all such sums or other things as he shall so win above 100*l.* half to the king, and half to him who shall sue, within one year, in any of the courts of record at Westminster with treble costs.

And all notes, bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, where the whole or any part of the consideration of such securities and conveyances shall be for money or other valuable things won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever; or by betting on the sides of such as do game at any of the games aforesaid; or for the reimbursing or repaying of any money knowingly lent or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or that shall, during such play so play or bet, shall be utterly void, frustrate, and of none effect. And where such securities shall be of lands, tenements, or hereditaments, or such as incumber and affect the same; they shall enure and be to the sole use and benefit of, and devolve upon such persons as should or might have such lands, in case the said grantor, or person so incumbering the same, had been dead: and all grants or conveyances to hinder them from devolving on such person shall be deemed fraudulent and void.

If, therefore, a bill of exchange be given for money

won at play, it cannot be recovered upon, even by an indorsee who has given a valuable consideration for it, and without notice: for, the original vice of the consideration affects the security, even in the hands of an innocent holder. And from a decision in the court of chancery, it seems that if money be paid on such security, it may be recovered back: because payment under a void security cannot be supported. Nor does the limitation of three months (within which time the statute requires the loser of the money, actually paid at the time it is lost, to bring his action to recover it back) extend to payments on account of such void securities.

If any person shall win at play, or by betting, at any one time, the sum or value of 10*l.* or within the space of twenty-four hours, the sum or value of 20*l.* he shall be liable to be indicted for such offence in six months, either in the King's Bench, or at the assizes; and being convicted, shall be fined five times the value of the sum won or lost; which, after such charges as the court shall judge reasonable, allowed thereout to the prosecutor and evidence, shall go to the poor.

And if one offender shall discover another, so that he be convicted, the discoverer shall be discharged from all penalties on account of such offence, if not before convicted thereof, and shall be admitted as an evidence to prove the same.

Any two justices may cause to come, or to be brought before them, every person whom they shall have just cause to suspect to have no visible estate, profession, or calling to maintain themselves by, but do for the most part support themselves by gaming; and if such person do not make it appear to the said justices, that the principal part of his expenses is not maintained by gaming, they shall require of him sufficient securities for his good behaviour for the space of twelve months; and in default of his finding such securities, shall commit him to the com-

mon gaol till he shall find such securities as aforesaid.

And if he shall, during the time for which he shall be bound, at any one time or sitting, play or bet for any sum or sums of money, or other thing or things, exceeding in the whole the value of twenty shillings, such playing shall be deemed a forfeiture of the recognizance.

In order to prevent such quarrels as may happen on account of gaming; if any person shall assault and beat, or challenge to fight, any other person whatsoever, on account of any money won by gaming, playing, or betting, at any one of the games aforesaid, he shall on conviction thereof by information or indictment, forfeit to the king, all his goods, chattels, and personal estates whatsoever, and shall also suffer imprisonment without bail or mainprize, in the common gaol of the county where the conviction shall be had, during the term of two years.

If any person who shall be licensed to sell any sorts of liquors, or who shall sell, or suffer the same to be sold, in his house, outhouse, ground, or apartment thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle-boards, mississippi, or billiard-tables, skittles, nine-pins, or with any other implement of gaming in his house, outhouse, ground, or apartment thereto belonging, by any journeymen, labourers, servants, or apprentices; and shall be convicted thereof on confession, or oath of one witness, before one justice, within six days after the offence committed, he shall forfeit and pay for the first offence forty shillings, and for every other offence ten pounds, by distress, by warrant of such justice, three-fourths to the church-wardens, for the use of the poor, and one-fourth to the informers.

By the recent police acts, gamblers and persons convicted of keeping gambling-houses are liable to be punished by committal to hard labour, and as not only the magistrates of London, but also the Lord

Chief Justice of the Court of King's Bench have declared their determination to put the act in force in future cases of conviction, we shall doubtless soon hear of the worshipful society of Black-legs amusing themselves at the agreeable exercise of the TREAD-MILL. Would not the effect be heightened if the first batch was made to comprise a few of the coroneted and clerical knaves whom we have already described?

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## CHAPTER X.

Some of the Black Legs overtaken by Justice—Trial, Condemnation, and Punishment of Gangs convicted under the Statute against keeping Common Gaming Houses.

HAVING in our former Chapter lifted aside the veil of mystery under cover of which the unholy rites of the modern hells were celebrated,—and followed up the exposure by a digest of the laws to which the black-legs are amenable, we now proceed to detail the means by which justice has at length overtaken some portion of the worthless crew.

Numerous prosecutions have at different periods been commenced against the keepers of common gaming houses, and in some instances convictions have followed; but the defendants escaped being brought up to receive the judgment of the Court; for it unfortunately happened that the prosecutors were men, whose fortunes had been lost at the gaming-table, and who were either intimidated by threats and persecutions to drop proceedings, or from the necessity of their circumstances were unable to withstand a bribe, and were thus induced to compromise their public duty.

Such have been the means by which the gaming



house keepers, have for so great a length of time baffled the ends of justice, and been enabled to continue their profitable, but iniquitous and ruinous system of plunder, in open defiance of the laws.

It remained for a Mr. Woodroffe and a Mr. Grant, the prosecutors in the trials which we are now about to record, to perform the important and beneficial duty of dragging to the Bar of Justice some of the most notorious of the delinquents, there to receive that just punishment, which the highly criminal and demoralising nature of their offences had so long and so richly deserved.

To the firm and manly exertions of these prosecutors the public are indebted for the first effectual check which the gaming-house system has received. In the performance of these duties they have been assailed by every species of obloquy and slander which the pen of miserable and hireling calumniators could invent. They rejected with scorn the offered bribe; and steadily pursued that course which a sense of public duty pointed out. Their exertions have been crowned with success: and there can be no doubt that the severity of the sentence passed upon such of the proprietors of the Hells as have at present been brought to justice, will effectually deter others from the commission of similar offences. The sufficiency of the laws to repress Gaming is herein demonstrated; and the public will surely no longer behold with indifference the continuance of that system which has brought thousands to ruin, suicide, and the scaffold!

We now proceed to give a digested report of some of the trials which have taken place on indictments against persons for keeping common gaming-houses. The strictest attention which the reader can bestow, on the evidence by which these indictments have been supported, will be amply repaid by the very curious light which it throws on the tricks and frauds of the master black-legs.

## IN THE COURT OF KING'S BENCH.

*The KING, on the Prosecution of JOHN WOODROFFE, Esq., against RICHARD BENNETT, FREDERICK OLD-FIELD, JOHN PHILIPS, and THOMAS CARLOS, for a Misdemeanour in keeping a Common Gaming House at No. 75, St. James's-Street.*

Mr. C. PHILLIPS and Mr. Talford conducted the prosecutor's case, and Mr. Curwood and Mr. Platt were for the defendants.

Mr. TALFORD opened the proceedings by stating the nature of the indictment against the defendants, which was for keeping a common gaming-house. The specific acts were variously laid in four counts.

Mr. CHARLES PHILLIPS stated the case to the Jury. The offence charged against the defendants, he said, was that of keeping a common gaming house. In a criminal proceeding of so serious a nature, he deemed it unjustifiable to introduce any observations which might tend to prejudice or inflame the case against the defendants, and would therefore confine himself to a simple and naked statement of the facts, and to laying them before the jury. The question was whether or not No. 75, St. James's Street, was a house where unlawful games were played, and whether the defendants were the masters of it? He hoped to be able to establish this proposition to the entire satisfaction of the jury. He would not at present pass any strong comments upon the defendants being persons of the description charged in the indictment, because if they were convicted of the offence, there would be another occasion better fitted for the introduction of such remarks. This indictment was preferred by a gentleman of the name of Woodroffe, a student of the Inner Temple. From this gentleman, who, like too many others, had been seduced to visit these receptacles of vice,

the jury would learn that sums of an unlawful amount were played for there. It was Mr. Woodroffe's misfortune to lose considerable sums at play, and he was acquainted with the persons of the four defendants. Upon the question of its being a gaming-house, however, there could be little doubt; and the only remaining question was, whether the four defendants were the proprietors? Mr. Woodroffe would speak to seeing the four defendants present whilst the games were playing, and that they acted as masters, being distinguished from the visitors by their not wearing their hats, whilst all other persons in the room were generally covered. He would also tell the jury that he saw them dividing the spoil after the play was done; and that upon one night particularly when he came in late, he was informed by one of the defendants, that the game was over, but that they would be glad to see him another time. Another witness would be called to confirm Mr. Woodroffe's testimony; and from him the jury would learn a circumstance which would be important against one of the defendants. This witness, having the too common misfortune to be involved in a personal quarrel with another gentleman whom he met at a house of this description, in obedience to the dictates of false honour, if there could be any honour in such a place, requested one of the defendants to lend him a pair of pistols, he having been informed that the defendant possessed an excellent pair: the defendant, however, refused to accommodate him, observing, "You know I must not. If any thing unfortunate should occur, I should get into a pretty scrape." So much for the proof of proprietorship against this house. With one observation, then, he should leave the case in the hands of the jury. An attempt might be made on the other side to impeach the credit of the witnesses, on the ground of their being disappointed gamblers. He (Mr. Phillips) was convinced the jury would find them honourable men. He did not

however wish to bespeak them any indulgence for them, for he wished the jury to deal with them as they saw them. That they had gamed at this house there could be no doubt, but it should be recollected, that if credit was not to be given to the testimony of such witnesses, the keepers of these dens of iniquity could never be brought to justice, as no other persons would be good evidence but such as were present. When he had laid this evidence before the jury, he had no doubt of their verdict.

JOHN WOODROFFE, the prosecutor, was then called and examined. I know the house No. 75, St. James's-street. I first frequented it in the latter end of July, 1821. I was introduced by a gentleman whom I met at a coffee-house. There seemed to be great difficulty in getting in; and we had to pass through several doors strongly barricadoed before we came to the gambling room, which was in a front room up stairs. The furniture of the room was of a gorgeous description, the curtains damask, and every thing tended to captivate the senses. There were about thirty persons present; they played at a French game called Rouge et Noir. They all played against the bank. The game is played upon a large oblong table, covered with green cloth, upon which there are four compartments or divisions, coloured red and black alternately, and the players may stake their money upon either colour as suits their fancy. The bank is placed on the middle of the table, and the croupiers or dealers sit opposite each other, having the bank before them. There were six packs of cards used in the play, and each event or stake is decided in half a minute. Whenever a thirty-one *après* occurs, which is calculated to take place three times in every two deals of twenty-eight events, the keepers of the bank win half the money staked on the table, without the possibility of losing any thing. The chances of winning are vastly in favour of the bank. I have been

to the house seven or eight times, and have invariably been a loser. I have played at hazard there also. I have seen all the defendants there, acting as masters or managers. The visitors generally kept their hats on, but the defendants used always to be uncovered, as if they were at home. I have heard them giving directions to their servants about the refreshments. These, consisting of the choicest wines, spirits, &c., were handed about, gratis, and in profusion, and the visitors partook of them till many became drunk. I recollect going in one night, after the game was over, when the four defendants were sitting round the table counting the money in the bank. Carlos told me the play was over, but they would be glad to see me another night. I have always seen the defendants there when I went. Upon one occasion I interfered in the case of a gentleman who was drunk, and whose money I thought they were taking unfairly, when Phillips said, "We know how to rectify mistakes without your interference." The defendants were always sober, but many of the players were often intoxicated.

*Cross-examined by Mr. CURWOOD.* I have played in defendants' house several times. I am a student of the Inner Temple, and expect to be called to the bar. I have unfortunately lost too much time at these houses. I have brought civil actions for the recovery of money I have lost against these same defendants, and have preferred an indictment against another gaming-house in Pall Mall. I am not concerned in any other indictment. I was not much alarmed when I was first introduced into this gaming-house. I had lost a great deal of money, and by the advice of my friends preferred this indictment. I have never been in the Fleet Prison, nor have I ever taken the benefit of the Insolvent Act. I have been arrested more than once by a sheriff's officer, but always paid debt and costs. I have repeatedly refused to compromise this proceeding against the defendants.

**WILLIAM SMITH** examined. I am a lieutenant in the army. I know the house, No. 75, St. James's Street. I have accompanied Mr. Woodroffe there. Rouge et Noir and hazard was played there. Refreshments, consisting of wine, spirits, fruit, sandwiches, &c., were provided for the players, and distributed gratis. I have occasionally seen persons in the room who were not quite sober. The defendants were generally sober. All the defendants, except Oldfield, were constantly in the room, and took an active part in the management of the concern. Oldfield was not always there; he generally came in late. I once applied to Bennett to lend me a pair of pistols, but he refused, with an observation upon the impropriety of his lending me his pistols. I was in the house on the 2d of August, and saw Mr. Woodroffe there. The stakes played for at this house are from 10s. to £100.

*Cross-examined by Mr. CURWOOD.* I have been indicted. The keepers of the gaming-houses indicted me after I had taken proceedings against them. I have never taken the benefit of the Insolvent Act. I am now in the rules of the King's Bench, but should not be there had I not been arrested by the gaming-house keepers; and two of my detaining creditors at this moment are keepers of gaming-houses.

*Re-examined by Mr. PHILLIPS.* I have lost very large sums of money. I do not think I lost more than £100 at 75, St. James's Street. I have lost upwards of £2000 at 32, Pall Mall. I have been a great loser at other houses.

**JOHN TOMLINSON**, the collector of taxes, proved that the house was in the parish of St. James's.

**Mr. PHILLIPS.** This is my case.

**Mr. CURWOOD** addressed the Jury for the defendants. He contended that the witnesses were disappointed gamblers, who had commenced these prosecutions for the purpose of extorting money, and that

consequently their testimony was not worthy of credit. They did not come into Court with clean hands; they accused others of the very crime of which they themselves had been guilty. Upon the whole, he trusted the Jury would look with great suspicion upon their evidence, and disappoint the motives which had induced this prosecution.

The LORD CHIEF JUSTICE shortly reviewed the case, said, there was not even a shadow which could impeach the credit of the witnesses. The Jury could not expect to get evidence in such cases, if they did not receive the testimony of persons who frequented these houses; and for his own part he saw no reason to disbelieve the evidence which had been laid before them.

The Jury instantly found all four defendants, **GUILTY.**

#### IN THE COURT OF KING'S BENCH.

*The KING on the prosecution of JOHN WOODROFFE, Esq., against CHARLES EDWARD ROGIER and WILLIAM SOUTHWELL HUMPHRIES, for a misdemeanour in keeping a common gaming-house, at No. 32, late 40, Pall Mall.*

Mr. TALFORD opened the pleadings in this case. The indictment was in all respects similar to the one in the preceding trial, with the exception of the change of names.

Mr. PHILLIPS stated the case to the Jury nearly as follows:—My learned friend, Mr. Talford, has informed you, Gentlemen of the Jury, of the nature of the offence charged against the defendants. The facts which I shall lay before you will be nearly similar to what you have heard in the preceding trial, and will be proved by the same witnesses. Nor have I a doubt of your coming to the same conclusion, and of obtaining your verdict. In one respect, indeed,

the proof in this case will be stronger than in the last. Mr. Woodroffe will tell you, that once in a fit of despair, after losing a large sum, he threw down a £100 note to stake against the bank, with the *face* of the note down, in order to conceal its value, which note he lost. In a short time after, Humphries came to him and said, "You were a fool to throw your note with the face down, for it is a rule in our house, that if you win more than £20, you'll not be paid unless your note is turned with the face upwards that the amount may be seen." Some nights afterwards, Mr. Woodroffe forgetting this lesson staked another £100 note with the face downwards, but after the game had commenced seeing Humphries wink at the dealer, he recollected himself, and snatched the note up again. Humphries endeavoured to re-possess himself of the note; a contest ensued, Rogier was sent for to assist Humphries, and they continued to struggle till they learnt the bank had lost. Mr. Woodroffe therefore won, but they never paid him. This circumstance, Gentlemen of the Jury, sufficiently proves that they were proprietors, and when it is recorded on oath before you, will of itself entitle me to your verdict. Before I conclude, I feel it my duty to offer a few words with respect to the credit of the witnesses. From the example of the last case, I have no doubt an attempt will again be made to impeach the credit of these gentlemen, on the ground of their being disappointed gamesters. It was certainly their misfortune to be inveigled to these ruinous houses, but it was less their fault than their misfortune; and they now come forward to make some atonement to their families and to society for their follies, by dragging to justice the miscreants who had so nearly effected their ruin. Instead of being made the objects of obloquy, these young men were entitled to the highest praise for their courage in publicly exposing those houses, and the system which has brought to ruin and disgrace the sons of too many



honest tradesmen. It certainly did no credit to any man ever to have given his sanction to such places; but youth was weak and easily led, and these gentlemen are again restored to their families, and to their reason. Mr. Woodroffe, in bringing forward this prosecution, has been actuated by the most disinterested motives; he has lately married into a most respectable family, and he thought it due to himself and the public to bring those persons, by whom he had so long been led astray, to punishment. Mr. Smith, the other witness, was in the King's Bench, with two gaming-house keepers amongst his detaining creditors; but any observation upon his distressed situation came with a very bad grace from Mr. Rogier's counsel. If this gentleman, who has barely entered upon the threshold of manhood, had not frequented such houses as Mr. Rogier's, he need not now be wasting the spring of his life within the walls of a prison. It was by frequenting these dens of fraud, and receptacles of vice, that Mr. Smith came to be a prisoner in the Bench, after spending a private fortune of £20,000!

Mr. WOODROFFE examined. I visited No. 40, Pall Mall, about the same time that I frequented the former house. I found the access to this still more difficult than to the other. The doors were doubly guarded, and peculiarly strong. I was ushered up stairs, and entered a room where a number of persons were playing Rouge et Noir.

The LORD CHIEF JUSTICE said, it was unnecessary again to describe the game.

Mr. CURWOOD for the defendant, said the game of Rouge et Noir, was not mentioned in the statute; and that he meant to make that omission the foundation of an objection another time.

Mr. WOODROFFE's examination continued. I saw several thousands of pounds on the table. The fate of each stake was decided in half a minute. I never saw any other game than Rouge et Noir played

there. There were refreshments of French wines, spirits, cake and fruits, which were given gratis. The furniture of the room was of the most expensive description. The two defendants appeared there as masters, and were referred to in all disputes. They lent money to those who lost, to encourage them to play again; that is, if they got security for their money. Upon one occasion, having lost a very large sum of money in small sums, I staked a one hundred pound note against the bank. The amount of it was not seen, the back of it being turned up. In about an hour afterwards, Humphries called me out of the room, and said, "I saw you throw a one hundred pound note on the gaming-table; if it had won you would not have been paid, for it is a rule in this house, not to pay any note above twenty pounds, unless the face or amount of the note is exposed." I observed to him that he ought to have informed me of that rule before, as I had previously played two fifty pound notes in the same manner, which I lost. On a subsequent evening, I threw down another one hundred pound note, but before the event was decided I recollected what Humphries had said, and snatched it up again. Humphries endeavoured to take it from me again, and sent for Rogier to his assistance. They did not, however, obtain the note from me. I have seen a great deal of play there. The defendants were always there. The guests were often drunk, the defendants invariably sober.

*Cross-examined by Mr. CURWOOD.* I was always sober myself. I live on my own property. I know that Rogier lives at Camden Town. I called at his (Rogier's) house once, by his desire. I did not offer to compromise this business upon being paid three hundred and sixty pounds, and my attorney's costs. I was the plaintiff in an action for a gambling transaction, which stood for trial to-day, but I withdrew the record.

*Re-examined by Mr. PHILLIPS.* Rogier offered

me terms to compromise the business, which I refused. He threatened to indict me for an assault at the gaming-house for trying to get back my money. He also said that it was useless for me, or any other informer, to attack him, for they would have to contend against a million of money, as not only his (Rogier's) private purse, but the joint stock of the gaming-house proprietors, which was worth a million, would be employed to defend all prosecutions, and crush informers.

Mr. SMITH examined. I know the house No. 32, Pall Mall. I know the defendants to be proprietors or managers of it. I did not frequent that house in the month of August. I never saw Mr. Woodroffe there. I was not there for two months before the 4th of August, 1821.

Mr. PLATT, for the defendants, objected to any evidence given before the 4th of August, the day laid in the indictment.

The LORD CHIEF JUSTICE was of opinion that the objection was good, and suggested the propriety of not pressing the inquiry further.

Mr. PHILLIPS said, as that was his Lordship's opinion he should acquiesce, and leave his case as it then stood, without further evidence.

Mr. CURWOOD declined calling any witnesses for the defence; he again contended that the prosecutor's evidence was not worthy of credit, and implored the Jury to be cautious in receiving the testimony of a person who did not himself come into Court with clean hands.

The LORD CHIEF JUSTICE recapitulated the evidence, and addressed a few words to the Jury, who instantly found the defendants *GUILTY*.

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## IN THE COURT OF KING'S BENCH.

*The KING, on the Prosecution of THOMAS ERSKINE GRANT, against JOHN FIELDER, and JOHN ALDRIDGE, for keeping a Common Gaming House.*

THE COMMON SERGEANT stated the case to the Jury. It was, he observed, a subject which demanded their most serious consideration. It was an indictment for one of the most obnoxious nuisances with which society was afflicted—the keeping a common gambling house, tending to debauch the morals of youth, and defraud the unwary of their property. Indeed it was unnecessary to enter into any detail as to the character of a nuisance which was but too extensive in this great metropolis—an evil in some measure to be attributed to the difficulty of bringing the offenders to justice.

The defendants were the keepers of a notorious gaming-house in Bennett-street, St. James's. The prosecutor was a young man, who shortly after he came of age, and had arrived in this country from India, became possessed of a considerable property. With the heedlessness and folly of youth, he was seduced to enter the defendant's house, where he soon became the victim of those wicked practices which had for years been there carried on with impunity. Sunk in the vortex of dissipation, he lost every shilling he possessed in the world, and was shortly afterwards consigned to a prison, destitute of the common necessaries of life. In the hour of distress he wrote to the defendants, representing to them his deplorable situation, and beseeching them to afford him some assistance to keep him from absolute starvation, and at the same time reminding them that he had been ruined by the practices allowed in their house. To this application he received a cold answer from the defendants, disclaiming all knowledge of him—saying that

they knew nothing of him at the period to which he alluded, and refusing any relief. His situation became known to his friends, and they relieved him from his embarrassments, upon condition that he should bring the authors of his ruin to justice. He now, therefore, summoned courage to confess his own folly and weakness to a jury, in the hope that his example would be an awful warning to other young men in his situation. A conviction in this case, if well founded, could not fail of benefiting society.

THOMAS ERSKINE GRANT, a young man of genteel appearance, was then put into the box and examined by Mr. Rotch. I am acquainted with the defendants, Fielder and Aldridge. I know the house No. 9, Bennett-street, St. James's. It is a common gaming-house. I knew it between October, 1819, and the December of the same year. It was kept at that time by the two defendants. I have seen them both there acting as masters of the house. Mr. Aldridge dealt the cards at the game of *Rouge et Noir*; Mr. Fielder gave orders to the waiters to bring refreshments to the gentlemen who attended. He was sometimes appealed to in cases of dispute, and occasionally lent money to the gentlemen who played. I have seen several persons gambling there. I have seen money lost and won, and have lost and won myself. I lost a great deal of money there. In consequence of my great losses I got into difficulties, and was thrown into the Marshalsea prison for debt. While there, and in great distress, I wrote a letter to Fielder and Aldridge, in which I requested pecuniary assistance. I sent it by a messenger named Jones, and he returned with the answer.

(Here the prosecutor's attorney was called, and proved service of notice on the defendants to produce the two letters written by the witness. It appeared that there was a copy of the first in the witness's handwriting; but it was left by mistake at his attorney's office.)

Examination in chief resumed.—I made a second application to the defendants. (Here a paper was put into his hand.) This is the letter which Jones brought me back to the Marshalsea in answer to mine to Fielder and Aldridge. The letter was put in and read. It was dated March 9th, 1820, and addressed Thomas E. Grant, Esq. and ran thus:—

“ Mr. Aldridge presents his compliments to Mr. Grant, and begs to say, that neither Mr. Fielder nor himself could ever have had the pleasure of his acquaintance, as during the months he alludes to they were from home.”

Cross-examined by Mr. ADOLPHUS.—I was put into the Marshalsea prison on the 10th of December, and remained there till the 18th of April following; I never went to the defendant's house after I came out. I was there in December before I went to prison. I was in the habit of going there three or four times a week in October. I do swear positively that I saw Mr. Fielder act as master of the house in that time. I generally went there about ten o'clock at night, and came away between eleven and twelve. I can't say that I have seen Mr. Fielder there every night. I have seen him as often as four times in the earlier part of the time I speak of. I don't remember having seen him do any thing particular, except giving orders to the waiters about bringing refreshments. I also saw him lend money to gentlemen. I don't think I should know the persons of the waiters. I know Mr. Fielder. I saw him to-day in court, and in the street. I did not watch for him. I have preferred four indictments besides the present against other houses. None of them are settled; I have not been examined upon any of them except before the grand jury. I have taken 50*l.* from the parties in one case for not prosecuting. I did so by the advice of my former attorney to enable me to prosecute the others. I don't know of my own knowledge

whether Bennett-street is in St. James's parish or not.

One of the Jury here said that Bennett-street was not in the parish of St. James : but was, in fact, in the parish of St. George, Hanover-square\*.

Mr. ADOLPHUS then submitted that the indictment must fail on both counts ; for the first described the house to be in the parish of St. James, which was contrary to the fact ; and the second mentioned no parish at all, which it clearly ought to have done, the parish being part of the description of the offence.

The CHIEF JUSTICE said, the defendants were certainly entitled to be acquitted on the first count, but he should not direct an acquittal on the second, being of opinion that the description of the house, generally, as being in Bennett-street was sufficient. If this count could not be supported, the defendants should have the benefit of the objection hereafter, if it was available, and the verdict should authorize a motion in arrest of judgment.

Mr. ADOLPHUS then addressed the Jury, and insisted that this, so far from being an honest prosecution, was instituted merely for the purpose of extorting money. This, he insisted, was evident from the manner in which the indictment was framed, inasmuch as nothing could have been more easy than to state the parish correctly, in which the house was situated. It was still farther confirmed by the fact that the prosecutor had received a sum of 50*l.* from one of the defendants. He proposed to show, first, that the house was situated in the parish of St. George, and not in the parish of St. James ; and second, that the defendant, Mr. Fielder, had ceased to have any con-

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\* The first count of the indictment described the house to be situate in Bennett-street, in the parish of St. James, Westminster ; the second count described it as in Bennett-street, without specifying in what parish.

nexion with the house before the month of October, 1819, to which period the charge in the indictment was directed.

A parish officer of St. George proved that Bennett-street was in that parish, and not in the parish of St. James, as was commonly reported.

JAMES GOLDING.—I lived at No. 9, Bennett-street, in 1819. Mr. Fielder left the *business* in the month of July, in that year. He had not any thing to do with it. I remained there till the end of that year. Mr. Fielder had no concern in it from the time he left till then.

By the COMMON SERGEANT. How do you know that? Because he told me.

Who hired you in the house? Mr. Fielder.

When? In the month of March in that year."

Who paid you? Mr. Fielder, but not after July.

Who pays you now? Mr. Aldridge.

You said Fielder had nothing to do with the business. What business do you mean? I mean what is done in the room.

Dont you mean by business the game of *rouge et noir*? I do.

Is not the house a common gaming-house? It is.

What are you in it? Porter.

You stand at the door and look through to know whether friend or foe is coming, is it not so? Yes.

Did Mr. Fielder ever come after July? He might have come, but I never saw him in the room. I took my station at the door at nine o'clock; if he came after that, I must have seen him.

Re-examined. In July, 1819, Mr. Fielder gave me a five pound note; said he was giving up the concern, and that I should not see him there any more.

TUNKINS, a waiter in the room gave similar evidence as to Fielder having given him five pounds in June 1819, and to his not having had any thing to do with the house after. But on his cross-examination he admitted that during the October of 1819 Fielder came



once or twice to the lower rooms, but it was only to read the papers. He added that he never saw the prosecutor at the rooms at all.

Here the defence closed.

The Common Sergeant shortly replied, and maintained that the case was clearly made out against Fielder (for as to Aldridge it was admitted by the witnesses for the defence that he was a proprietor of the house.) The story of the five pounds to the waiter, and the porter, might be true; but it was one of those tricks which were so frequently resorted to by persons in Fielder's situation, to make an appearance of giving up the business, that their servants might afterwards swear to it.

The Lord Chief Justice summed up the evidence, and observed, that upon the first count, which stated the house to be in the parish of St. James, the defendants were entitled to an acquittal, but he left it to them to say whether the evidence as to the second count warranted a conviction as to both defendants (for as to Aldridge there could be no doubt).

The jury, without hesitation, acquitted the defendants on the first count, but on the second found them both *GUILTY*.

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## CHAPTER XI.

Reports of Actions for the Recovery of Monies lost in common Gambling-houses—Development of the internal Machinery of the Hells, and the Means resorted to for the Purpose of getting rid of the Dupes and Victims, as detailed in the Evidence of the respective Witnesses.

IN the preceding chapter we have shown the means by which some of the most notorious keepers of

gambling-houses have been brought to trial and conviction. The present chapter is devoted to reports of actions which have been successfully brought, under very interesting circumstances, for the recovery of monies lost at the gaming-table. A more general knowledge than the majority of the public yet possess, of the great facility with which such actions may be brought, cannot but tend, in a most extensive degree, to the ultimate annihilation of the destructive vice.

IN THE COURT OF KING'S BENCH.

CARTER, *Assignee*, v. ABBOTT *and others*.

This was an action brought by the plaintiff, as assignee of MOSES ABITBOL, a bankrupt, to recover certain money had and received by the defendants, Abbott, Holdsworth, and Davis, to the use of the bankrupt, in the form directed by the statute.

Mr. GURNEY addressed the Jury. The plaintiff in this case was, as they had heard, an assignee, who availed himself on this occasion of a very salutary law, to recover back money which the bankrupt had lost at play, and apply it to the benefit of his creditors. By the 9th Ann, c. 14\*, any man who had lost money at play, to the amount of more than ten pounds at a sitting, might recover it back from the winner, by an action within three months from the period of his loss. Unhappily Mr. Abitbol, the bankrupt, had been infatuated by that dreadful passion for gaming, which rendered all the ordinary enjoyments of life insipid—which misfortune only served to heighten—and which almost certainly led to the utter ruin of its miserable victims. The defendants were the keepers of one of those infamous establish-

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\* See page 400.

ments, where that passion was inflamed to madness; they were among those pests of society, who, while cool, deliberate, and cautious themselves, fed and excited the fever in the bosoms of the inexperienced and the young; who profited by their intoxication, and took advantage of the wrecklessness of their despair. They were now called on to restore a portion of those sums of which they had despoiled this unhappy bankrupt, under that wise provision which the Jury would have peculiar satisfaction in enforcing.

The commencement of the action having been shown, evidence was given to establish the right of the plaintiff to sue, and the competency of Mr. Abitbol to prove his losses. It appeared by documentary evidence, that all the creditors who had proved their debts under the commission had released him from future liability; while, on the other hand, he had released Carter the plaintiff, so that he could derive no benefit from the verdict even in case of a surplus.

Upon this, Mr. SCARLETT and Mr. J. POLLOCK contended, that Mr. Abitbol was not a competent witness, and that the plaintiff had no right to sue under the statute. Mr. Abitbol was not competent, because, notwithstanding his release, there would still, in case of a surplus of effects, be a resulting trust for his benefit; and Carter had no right to sue, because the statute only gave that action to the loser of the money, and by his release to the bankrupt, all interest was diverted from him.

Messrs. GURNEY, PULLER, and WYLDE, replied to these objections; contending that the bankrupt could, under no circumstances, reap benefit from the verdict after the releases; and that Carter being assignee under a valid commission, had a right to sue, because all the estate of the bankrupt was vested in him, and part of that estate was the money unlawfully won.

Mr. SCARLETT proposed to strengthen his objection to the competency of Mr. Abitbol, by showing

that though he had been released by all the creditors who had proved under his commission, there were other creditors who had not proved, and who had not released him. To establish this fact, he called

Mr. ISAAC TOOKE, who deposed that he was a wine-merchant, and that he had received a check signed by the bankrupt (which was produced) for 30*l.*, and which had never been paid. He received this check from a person named Oldfield, at No. 28, Bury-street, St. James's\*, in payment for wine.

The check, which purported to be payable "to cash or bearer on demand," was then withdrawn from the witness, who underwent a strict cross-examination from Mr. Gurney. He first said that he did not know that No. 28, Bury-street, was a gaming-house; then admitted that he had seen *rouge et noir* tables there; he supplied the wine for the house. He was sure the check was not in the hands of Oldfield at the time when the commission against Abitbol was issued. He certainly received it about *a month before it was due.*

Here the LORD CHIEF JUSTICE interposed, and said that it was quite clear the witness knew nothing of the matter he was swearing to, when he said that he received a check, which, in fact, was payable to bearer on demand "about a month before it was due." He was a mere man of straw, put up to say any thing. The case must stand as it did on the original objection.

Mr. SCARLETT acquiesced, and rested on the objection as originally made.

The LORD CHIEF JUSTICE said, that he entertained doubts as to the effect of the releases on the

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\* Another common gaming-house! of which Oldfield, from whom this witness received the bill, is one of the proprietors, and also a defendant in a similar action to the present. See next report.

future property of the bankrupt; but the safer course would be not to decide either point at *Nisi Prius*, but to take the evidence subject to the objections hereafter to be brought before the Court in a special case.

MOSES ABITBOL, the bankrupt, was then sworn after the custom of the Jewish nation, on the Old Testament. He gave the following statement:—I have carried on business as a merchant, and know the defendants, Abbott, Holdsworth, and Davis. In 1820, they kept a house, No. 5, King-street, St. James's, for gaming. *Rouge et noir* was played there. All three acted in the conduct of the play. They kept a bank, against which the visitors played, and acted as its owners. The bank in such case puts down a number of notes under a lead, and pays from thence when it loses. When it won, the large notes were often put aside, and a large number of small ones in another heap. Any sum might be staked from five shillings to a hundred pounds, and, on some occasions, more. The play was from nine in the evening till two; sometimes the bank left off before the usual time; always when they were considerable winners. On many occasions, they withdrew the large notes from the bank, which enabled them to leave off earlier than usual. Nineteen times out of twenty the bank won by the advantages of the game, and the intoxication or insanity of the visitors. Wine and spirits were always on the table free; sometimes French wines. The bankers always kept themselves sober.

Two or three days before November, 1820, I met Holdsworth; he invited me most particularly to the house, where I had previously lost large sums; and on the 3d of November I went. I played; all the defendants were present; Holdsworth and Davis dealing, and Abbott giving directions. I lost 870*l.*, having carried in 1000*l.*, and had only 130*l.* left. I said to them, "I was unlucky at your house before, and I was wrong to come now."

On the 21st of the same month I went there again, taking with me between 300*l.* and 400*l.*, large notes to the amount of 300*l.*, and small notes to 100*l.* Holdsworth and Davis were there, but I am not sure as to Abbott. I lost 300*l.*, and some small notes. On the 27th, I went again, and lost 440*l.* at the least. I said to one of them I would play only 200*l.*; he gave me a 200*l.* note for small ones, which he said he had won from Major Aubrey. When I paid 250*l.*, I said, "There is ill luck again;" I changed the 200*l.* note, and lost it.

*Cross-examined by Mr. SCARLETT.* I have the honour to be an African by birth. I have visited Paris. I never had any connexion with a gambling-house; but I bought a government security for 1000*l.* on a house of this kind, which gave me no interest in its success. I played a great deal at Paris, and lost on the balance. This was after I was a merchant; I never played till I had been eight or nine years a merchant; I am now about thirty-six years of age. I have lost 30,000*l.* or 40,000*l.* more than the actions are brought for.

All the defendants have proposed to me to negotiate with the creditors. I went to Abbott's house, in consequence of Mr. Holdsworth's negotiation, who desired me to propose 740*l.* or 750*l.* to the creditors. I proposed to take 1000*l.* subject to the approbation of the creditors. There are three other actions by the assignees against other houses, and one has been compromised. In the lock-up house I received 10*l.* from a person named Hefferman. I do not remember the number of the 200*l.* note. I took no one as a witness, never a clerk of Evit and Rickson for any such purpose. I have met him by accident, and he has gone with me to this and other houses. His name is Dunkin; I never contemplated his being a witness; he will be one to-day, for he saw me lose money. I told Mr. Holdsworth that Dunkin would corroborate my evidence. I deny that I ever told Holdsworth or any

one else that I had given money to Dunkin that he might appear to be a player. I never took any body else, but lots of people followed me; for they were very curious to see me lose a great deal of money. A person named Clack has been with me at several houses, but never as a witness. I got my money by purchases and advances from the first houses in the city. I have won 1300*l.* or 1400*l.* in a week at one time; but I lost it in one night. I have received 30,000*l.* or 40,000*l.* in commerce, and lost it at play. Since my bankruptcy I have played at no gambling-house in London; but I have lost some trifle. Perhaps I may have lost 150*l.* since my bankruptcy. I have made several thousand pounds since, and received several from my father; I have paid several of my creditors, and, please God, mean to pay all. In 1810 I assigned my effects to secure my creditors. At that time I stopped for 50,000*l.*; my creditors have received several shillings in the pound, and have large claims. My business used to bring me in 10,000*l.* a year during the war.

Re-examined. My creditors are receiving still. Aldridge and Mazinghi were the defendants in the compromised action. Jewels and money were claimed of them. They delivered up the jewels, and paid above one thousand pounds. These have been received by my assign for the benefit of my creditors. Neither in that or any other action have I a farthing interest. From the time of the action being brought, Holdsworth and Abbott have repeatedly made proposals. Dunkin was not clerk to Ewit and Rickson when he went with me. I did not go expecting to lose, but to win.

Mr. ALEXANDER LEE examined by Mr. PULLER. I know the house No. 5, King-street, St. James's. I have been there when play at *rouge et noir* was going on. I first went four or five years ago. I know the defendants, who appeared as the conductors of the bank and play. In November

1820, I believe I saw Mr. Abitbol there; I am sure sometime in November I have seen him play. He lost largely. I have seen him generally with large sums of money.

Cross-examined by Mr. MARRYAT. I played myself, and did not particularly observe the winnings or losings of others. I have sometimes seen Mr. Abitbol win largely; but I only saw him win once at that house. I have myself instituted proceedings against these houses by indictment and action. They have not been tried or compromised, but are still pending.

Re-examined. Though Mr. Abitbol appeared to win as well as lose, in the result he lost largely.

ROBERT DUNKIN examined by Mr. WYLDE. I have not for four years been in the employ of Evit and Rickson. In November 1820, I, having gone myself to play, saw Mr. Abitbol at the house of the defendants. I never went to be a witness. Mr. Abitbol undoubtedly lost very largely while I was present. I saw him there four times. On one occasion he seemed to lose seven hundred or eight hundred pounds.

Cross-examined by Mr. SCARLETT. I have been at other houses; but I never made a memorandum of what passed. I got acquainted with Abitbol at Evit and Rickson's. I had been to a gambling-house long before I saw him. I have seen him win one hundred pounds at a blow; but afterwards, in my opinion, he lost. Sixty or seventy persons were playing at the same time; I observed one other gentleman lose much, but I do not know his name. I never borrowed money of Mr. Abitbol; I only accompanied him once to Oldfield's, in Bury-street. I am now a manufacturer, and have no business as an attorney or attorney's clerk.

This was the case on behalf of the plaintiff.

Mr. SCARLETT addressed the jury for the defendants. Every sentiment expressed by Mr. Gurney



in his eloquent opening had his entire concurrence. Happy would it be for human nature if it were possible, by manners or by laws, to eradicate the vice of gaming entirely from the heart; but it was too much thus to excite prejudice by general declamation on gambling against these unfortunate defendants; when the game they played, *rouge et noir*, was one of the fairest games of chance—fair, indeed, it was, compared with the lottery; while that vast game, the most disadvantageous and unequal in the world, was superintended by the government of the country. If, therefore, Mr. Gurney's discourse had been reserved for another place—if he could have persuaded the legislature to practice his precepts by the abolition of the lottery, he would have rendered an important benefit to the public morals,

**The LORD CHIEF JUSTICE.** Surely we have nothing to do with the lottery here; the simple question is, whether this person has lost his money to the defendants.

**Mr. SCARLETT.** Certainly; and this was his very object—to show that these general topics did not belong to the case; that they had no place here; that no men—at least in a court of justice—ought to create a feeling against individuals for gambling on a small scale, while gambling on the most magnificent scale was a part of the system of government. Never, never, let any one blacken others with the imputation of this vice, until he could proudly stand up and say that he belonged to a country where there was no law to tolerate or sanction it.

Gaming was indeed a deadly passion—not confined to cards or dice—for sometimes judges and jurors were made the counters to carry on the game. So it was here, where all the complicated machinery of the cause only tended thus to degrade them into the instruments of the most unfair of games—scarcely the lottery excepted. Here was an assignee without interest; creditors without interest; a bankrupt with-

out interest; all anomalies reconciled; for the purpose of enabling Mr. Abitbol to play the witness, and to win a verdict by his evidence. No one could doubt that he was the real plaintiff; and surely, then, it would only be fair play if the defendants could be heard on oath as well as he. The defendants were indebted to his moderation that he only asked 1600*l.*; he had demanded 13,000*l.* in his declaration; but some prudent friend had counselled him that this was a little too much to ask, and that it would be better to divide his favours.

If he had been an innocent young man, seduced by the arts of the defendants, who now, in a fit of repentance, sought to retrieve the consequences of his folly, the jury would listen to his story with an inclination to give it credit. But what was he?—a professed gambler; one who had been initiated at Paris in all the mysteries of the craft; who played a safe game—when he won, he walked away—when he lost, he brought his action. This was his game—“Heads, I win—tails, you lose.” He was an accomplice with the deepest interest; and what was his tale? At eighteen years of age he failed for 30,000*l.*; he had since been making 10,000*l.* a year, and had lost 40,000*l.* by gambling; and now here he was at thirty, trying to recover his losses by a trick of bankruptcy and his own evidence. Such was he at thirty. What would he be at fifty, when age should have matured his virtues—when knowledge of the world should have sharpened his perceptions? O what an accomplished witness would he be then! No jury would then be able to resist him.

Meanwhile, however, the jury would not concentrate all the rays of their indignation on these defendants, but suffer a few of them to fall on the virtuous plaintiff and witness. The defendants could call no witnesses to prove a negative; for Davis, who might have been their witness, had been included as a defendant. In this the plaintiff had over-reached him-

self; for by trying to shut out testimony, he had furnished a defence to the action, as Davis was not a partner, but a servant, and this misnomer would be ground of nonsuit. He should call witnesses to prove this fact, and the jury would not be sorry to give effect to a defence which, though a technical defence, would produce substantial justice.

CHARLES SWAIN was then examined, to prove that Davis was not a partner. He said, on the illness of Mr. Leach, who had been a partner in the house, and was since dead, I recommended Davis to assist, because he was a trusty and proper man to become a servant in their house. I am confident he had no interest in the house, for he was in very indigent circumstances. He was taken into the house on my introduction. Frequently I have been there, and seen him act in paying the receiving gains or losses. I have seen Abbott and Holdsworth pay Davis his weekly salary within two years, and even within six months. I have heard directions given to him as to the servant.

On cross-examination by Mr. GURNEY, the witness said—I am of no profession. I have been very familiar with the house, constantly playing there myself. Holdsworth and Abbott kept another house before, which I frequented. I did not play large stakes. Sometimes I remained and supped with the partners after the play was over. The executive remained when the visitors had retired.

Being re-examined, the witness said that when he stayed after the play, he has seen Abbot and Holdsworth put the notes into a box. Sometimes one and sometimes the other did so. The outward door of the house was always guarded, to prevent improper persons obtaining admission. At the mention of this virtuous precaution, a loud laugh ran through the Court.

THOMAS HOLDSWORTH, brother of one of the

defendants, deposed that Davis was servant like himself, and no principal.

THOMAS DEARLOVE, another servant of the house, deposed that Davis was employed as a dealer and croupier, that is, a payer and receiver of monies. He was a servant at a weekly salary. The witness also was a dealer and croupier, and they dealt alternately and relieved each other. Every Saturday night Davis received a weekly salary.

Mr. GURNEY, in reply, contended that Abitbol was confirmed in the most decisive manner by the absence of all contradiction; not one of the witnesses called having been asked a question to contradict him respecting his losses. There was no imputation on that gentleman, excepting that he had been the victim of that dreadful infatuation which he trusted had now left him for ever. There were persons who had been able to redeem themselves from its control—one excellent friend of his (Mr. Gurney's) who had described to him the agonies of the passion in the most vivid and frightful colours, and who, having on one happy occasion lost a very large sum, solemnly promised never to touch card or dice-box again, and had kept his word. He trusted Mr. Abitbol would profit in like manner by this severe lesson. If the defence set up should succeed, every action of this kind would be defeated; for if few were joined, a plea in abatement would enable the defendants to get over the time limited by the statute; and, if every active person were included, witnesses of this kind would always be procured to show that he was only a servant at a salary. He felt sure the Jury would rather judge by the actions of the parties than by the testimony of such witnesses as they had called, and would make Abbott and Holdsworth jointly with Davis, restore to the creditors of this deluded young man the money which they had shamefully and wickedly obtained from him.

The LORD CHIEF JUSTICE summed up the evi-

dence. He left the Jury to judge of the credibility of Abitbol; but thought it right to observe, that if the testimony of a person who, like him, had unhappily played at establishments of this kind, were rejected as unworthy of belief, the wise provisions of the law would be entirely defeated. If they believed the witness, they would find a verdict for the plaintiff; and if they did so, they would further state whether they believed Davis to be interested in the winnings; as, if they did not think him interested, a question would arise how far such want of interest in one of the parties was a defence to the action.

The Jury found a verdict for the plaintiff—damages 1,610*l.*; and expressed their opinion that Davis was interested in the winnings jointly with the other parties.

The verdict was taken, subject to the opinion of the Court on a special case, as to the competency of the assignee to sue, and of the bankrupt to give evidence.

#### CARTER *v.* OLDFIELD *and* BENNETT.

THIS was another action brought by the same plaintiff, and under similar circumstances with the last, to recover back money lost by Mr. Abitbol at a gaming-house, No. 28, Bury-street, kept by the defendants.

Mr. GURNEY very shortly opened the case, declining to make any general remark, as the Jury had probably been in Court during the former trial.

All the formal proofs given in the last cause were, by consent, taken as if again substantiated in this.

Mr. ABITBOL was then called, and stated the circumstances attendant on his losses. The defendants were the proprietors of two gaming-houses, one No. 71, Pall-mall, the other No. 28, Bury-street, at each of which *Rouge et Noir* was played. The hours of play at Bury-street were from three to six; at

Pall-mall, from nine till two in the morning. Sometimes when the bank was broken, a fresh supply of notes was procured; at other times the bankers ceased to play, and they often ceased to play when they were winners, before the hour. Oldfield often subtracted large notes from the bank, and replaced them with small ones, to enable him to secure something as winner, which often drew forth the expostulations of the witness. On the 3d of November, at Bury-street, he lost 100*l.*; on the 14th, 300*l.*; and on the 17th 300*l.*, besides several 5*l.* notes, at least amounting to 50*l.*

The witness was cross-examined by Mr. MARRYAT as to the history of his life, and gave the same account as that which had been elicited on the previous trial. He also admitted having lost about 150*l.* since his bankruptcy, but he had not been in any gaming-house in London. He had been induced to play a little at a club at Cheltenham; and at Brighton a Frenchman introduced him to a house, plied him with champagne, and told him that he would show him how he might make his fortune, by which he lost all the money in his possession.

ROBERT DUNKIN confirmed Mr. Abitbol as to the fact of his having played at the house in Bury-street, and also as to the presence of the defendants; but could not state whether the balance was in his favour or against him.

Mr. MARRYAT replied, contending that Mr. Abitbol was not a witness on whose testimony the Jury ought to take any sum he might choose to fix on out of the pockets of the defendants, whatever might be their characters.

The LORD CHIEF JUSTICE left it to the Jury to say whether they believed Mr. Abitbol; and they found a Verdict for the Plaintiff—Damages 750*l.*

WILLANS, *who sues*, &c. v. TAYLOR.

THIS was an action of debt on the statute 9 Ann, c. 14. s. 2, which enacts, That any person who shall at any time or sitting, by playing at cards, dice, or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose in the whole the sum or value of ten pounds, and pay the same, the person so losing and paying shall be set at liberty, within three months then next, to sue for and recover the money or goods lost by action of debt; and in case the loser shall not, within that time, really and *bonâ fide* sue for, and prosecute with effect for the same, it shall be lawful for any person\* to sue for the same and treble the value thereof, against the winner; one moiety for his own use, and the other for the use of the poor of the parish in which the money shall be won. The present action was against Taylor, as the proprietor of a gaming-house, Nos. 57 and 58, Pall-mall, to recover the sum of six hundred and seventy-seven pounds, and three times the amount, which William Willans lost at *rouge et noir* in the defendant's house; which he had not sued for, and which, therefore, his brother now sought to recover, with the threefold increase, to his own use and that of the poor.

Mr. C. PHILLIPS stated the case on behalf of the plaintiff, the brother of the young man who had been the victim of the seductions of the defendant's establishment, and who took this course by the desire of his afflicted family.

Mr. PILKINGTON, the attorney for the plaintiff, produced office copies of the writs issued in the cause, to show that the action was commenced within a year.

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\* See page 401.

Being *cross-examined* by the Attorney General, the witness said, Mr. William Willans called on me about a week before the action was brought, by desire of his family. I did not tell him his brother should bring the action, and he should be the witness. I know Mr. Brough, but have had no conversation with him respecting this cause. Mr. Joseph Willans has not told me that he frequented gaming-houses himself, or that his brother had been in many. I do not frequent gaming-houses.

Mr. WILLIAM WILLIAMS was then called, and examined on the *voire dire* by the Attorney-General. He said, I am not to have any money recovered in this cause: it is not to be applied in payment of my debts.

He was then examined by Mr. Phillips, and stated as follows:—I am the brother of the plaintiff. I know the house 57 and 58, Pall-mall. In March, 1822, it was kept as a gaming-house by the defendant. *Rouge et noir* was played there. On the 20th of March I was there; I played; I took a memorandum of my loss at the time on this very paper (looking at it); I lost thirty-five pounds. On the 22d I lost sixteen pounds; on the 23d I lost ninety-seven pounds; on the 24th I lost eighteen pounds; on the 28th thirty-seven pounds; on the 29th ten pounds; on the 3d of April seventy-six pounds; on the 4th eighteen pounds; on the 5th one hundred and six pounds; on the 6th fifteen pounds; on the 9th eleven pounds; on the 11th fifteen pounds; on the 12th twenty-six pounds; on the 13th fifty-four pounds; on the 16th eighteen pounds; on the 19th eighteen pounds; on the 20th eighty-six pounds; on the 3d of May eighty-six pounds. At this time I did business in the stocks, though I was not a member of the Stock Exchange; I had previously been a wine merchant. I had often been in this house before March, 1822; I frequently saw Taylor there; he inspected



the tables; disputes were referred to him; and if any gentleman wanted money, he lent it to him. In February, 1823, I had a conversation with him; he asked me several questions respecting his house in Pall-mall. I then saw him in a house at the corner of Bolton-street, Piccadilly, where I went by desire of my mother. I told him I waited on him by her desire; he said, "I have received letters from her, saying, you lost money in my house; I do not recollect your person." I said, "I was surprised at that, as he must have seen me many times in his house." He asked me to wait, and called in a dealer, whom he had sent for, to see if he could recognise me. The dealer was one whom I had often seen. Taylor asked "if he knew me?" He said, "I do." Taylor said, "This gentleman says he has lost one thousand four hundred pounds in my house; do you know any thing of it?" The dealer replied, "I think he must be mistaken, as I have seen him play only for small sums." Taylor asked me if I was married; I said I was. He said if he had known that, he would not have let me into his house. No one had ever asked me if I was a married man. He went on to say, "What can I do for you?" I told him, "I was placed in a very unpleasant situation, that I did not come on my own account, but by desire of my mother." He said, "Well, what is your mother's wish?" I replied, "I believed she had stated it in her letters:" he said, "Well, what is it?" I replied, "that he should return me the money I had lost, or procure me some situation to maintain my family under Government, or in some public office." (*A laugh in Court.*) He said, "Well, Sir, I will make inquiries, and let you know." I then left him. I have seen him since, but not to speak to him. I never heard any man in the house asked whether he was married or a bachelor. I believe the dealer I who was named West. I am quite certain as to the

sums I lost. The game of *rouge et noir* is played by the players against the keepers of the house. Wines, spirits, and refreshments, are provided gratis.

*Cross-examined* by the ATTORNEY GENERAL. I could not rely on my memory for the dates and sums, but wrote them down every evening after I came home. I swear these entries were made night by night; not all at the same time. I set down all that I lost, and all that I won. I first began to play at this house in February, 1821; the paper begins one day beyond the year, because I had not been for some time—about nine months. A gentleman of the name of East introduced me to this house. I have been in 16, Bury-street; I kept an account of my losses there. I played at No. 10, King-street; I was not shut out in consequence of any misconduct. I have played at 32, late 40, Pall-mall, in 1822, very often. I have also played at No. 5, King-street, in 1821. I do not know who Mr. East who introduced me was, but I was introduced to him by Mr. Jackson, a surgeon in the navy. I used to speculate in the funds on my own account. I had no establishment. I left the business of wine merchant in May, 1821. I did not fail. Before that I underwrote a little in Lloyd's Coffee-house. I was then a clerk to Robert King, Esq., an insurance-broker. In 1822, when I was losing these large sums of money, I was not borrowing small sums from different people. I then lived in a lodging up one pair of stairs, in John-street, Clerkenwell; it is not paid for now; I have given an acceptance, which I hope to pay. I swear I have no expectation of sharing in the proceeds of this action. At the meeting in Bolton-street, I did not say I never saw Taylor before. I know a person named Peyton; I have never borrowed any thing of him; he owed me a considerable sum of money, which he paid me by small instalments. In March, 1822, I swear that I saw Taylor there. I introduced myself to Mr. Pilkington to consult him, by my mother's desire. I

do not write or dictate my mother's letters. I introduced the plaintiff to the attorney; he is three years younger than I am; he has been a few times to these houses. I have received small sums as seven shillings and six-pence at a time from Mr. Peyton, but he owed them to me. Peyton sold a pipe of Madeira for thirty-two pounds for me to Oldfield, the gambler, in 1821. The meeting in Bolton-street was by appointment; West was not there the whole time; but after he came, he stayed till I went away. In the interval, before March, 1822, I went to the minor houses, having little to lose.

*Re-examined.* Peyton did not pay me the whole thirty-two pounds for the wine, and I was glad to get the balance as I could. The partnership was dissolved because I lost my money. I paid Mrs. Strong for my lodgings. I have often borrowed small sums to pay for a coach home; but never except at a gaming-table. I have often borrowed small sums at the gaming-table; but there only. On the balance, I have lost between 1,300*l.* and 1,400*l.* at Taylor's house. My mother desired me to call on the attorney who conducted the former cases, and I went to Mr. Phillips's office to know where he lived.

Mr. Pilkington being recalled, said, he received from Mr. Willans a written account of his losses.

The ATTORNEY-GENERAL addressed the Jury for the defendant. He asked them if they could believe that the witness, on whose testimony the case entirely rested, after being forced to recede from his partnership, and gambling in the Stock-Exchange, had the sums in his possession which he had sworn that he lost? Could they believe that he, without the least idea of bringing an action, night by night wrote down the amount of his losses? If they looked at the paper produced, they would be satisfied that it was all written at one time, and it was obviously written only for the purposes of the cause, for it began only one day beyond the year to which the action was, by

law, restricted. True it was that the defendant had been connected with this gaming-house; but he had seceded from it, and, in fact, never was present during the whole time when Willans swore that he saw him presiding over it, though not then entirely separated from it. He would prove that, during March and April, 1822, the witness was not in the house; that in those months Taylor was not in the play-room; and that he never lost, and never was in a condition to lose, the sums which he now swore that he had lost. He was, indeed, in great poverty, borrowing small sums of money, and unable even to pay for his lodgings. Great prejudice undoubtedly existed against the keepers of gaming-houses—a just and honest prejudice; but when he proved these facts, and that the day on which the witness professed to have lost his largest sum was Good Friday, on which there was no play, he was assured that they would give him their verdict.

W. CRAGGS said, I am a porter at the house 57 and 58, Pall-mall, and have been so since 1819. It was my duty as porter to keep account of all persons who came to the house. I entered their names, first on slips of paper, and on the same evening in a book. I know Mr. William Willans. I did not know his name, but called him Mr. Berger's friend; he was first introduced by Berger. The house was not open on Sunday or Good Friday for play. The witness referred to his book, and said the entry was on the 5th of April, 1822, "Good Friday, April 5—no play;" and after looking at all the days spoken to by Mr. Willans, said he was not there on any of those days. Taylor quitted the house on the 31st of August, 1822, and for nearly a twelvemonth had left the personal management of the concern.

*Cross-examined by Mr. PHILLIPS.* I think the last day Mr. Willans was in the house was the 13th of August, 1822. He first came on the 10th of May, 1822. I never asked him his name; Taylor

never told me to ask any one if he was married or single. The house was not kept open on Christmas-day. Mr. Willans sometimes came alone; but Mr. Berger was there that day. I never left the door where the book was kept from two in the afternoon till it closed, so as not to be able to answer the bell. Mr. Eades was a frequenter of the house, but he did not introduce Willans.

The Jury proposed that the witness should write the six first names in one of the pages, that they might compare them with the book, and ascertain whether it was in his hand-writing. He did so, and the paper was handed to the Jury.

The Jury asked the witness who were dealers in 1822? He said Bengough and Mazemore. They were not now living with Taylor. He had been at the battle of Waterloo.

GEORGE FISHER said, I was a dealer at the house from the 17th of December, 1821, to the 31st of August, 1822. Major Berger introduced Wm. Willans. I do not recollect seeing Willans play for large sums. I remember being asked by Major Berger, who introduced Willans, in his presence, and I replied, "He did." I think Willans said he had been in the house prior to his introduction by Major Berger; I then said, "I do not recollect your losing large sums;" he replied he had lost money prior to my engagement with Taylor. I never saw Taylor in the room during play, in my life.

*Cross-examined.* I never saw him in the room: he might be in the house. I have seen him in the room. I am now in the wine-trade. I formerly held a situation in Somerset-house; I left it in consequence of losses at play. I was ruined. I knew Mr. Willans by no other appellation than Major Berger's friend. Taylor paid me 4l. a week. I am now inspector at another gaming-house, 32, Pall-mall, as well as in the wine-trade.

JOHN MAZEMORE said, I became a dealer at

this house in December, 1819, and continued till the latter part of April last. I knew William Willans as Major Berger's friend; he was introduced by Major Berger. He first came about Midsummer, 1822. I believe he was not there in March or April. I recollect that the house was closed on Good Friday; notice was given, and I did not attend. Taylor's interest ceased in the latter end of August, 1822; he had ceased to attend the play-room for twelve months before. I never saw H. Willans stake five pounds at a time; nor play even gold. I do not choose to say what I am now.

JOSEPH BENGOUGH, another dealer at the house, said, I was once in the commissariat; I entered it about November, 1817. Taylor left the concern in August, 1822. During the whole previous year, Taylor never attended in the play-room. Willans went by the name of Major Berger's friend: he rarely played. I never saw a bank-note in his hand.

*Cross-examined.* I now live on the bounty of my friends. Taylor has sent me a note when I asked for it.

JAMES WEST said, I was principal manager of the house. I was present at the meeting in Bolton-street, between Taylor and Willans. Willans said he had never seen Taylor till that day. He seemed to think he had a claim on Taylor for money he said he had lost. I had seen him before; but never knew his name. He may have played for one or two pounds. Had he lost such sums as one hundred pounds I must have known it. When any gentleman played for large sums, we always inquired his name; we never thought it worth while to inquire Willan's name.

*Cross-examined.* Taylor now lives in Arlington-street, and keeps a highly respectable establishment.

Mrs. MARY STRONG said, William Willans and his wife came to lodge with her in October, 1821, and lived at her house three months. He was to pay

rent monthly. When he left, seven pounds was due ; he gave her a bill, which he paid partly by coals, partly in money. About two pounds ten shillings was paid in halfpence. The clothes were left till the bill was paid.

Mr. Thomas Woods proved that Willans borrowed several half crowns of him at houses of play. He never saw any large sums in his possession.

Mr. John Abbott proved that Willans borrowed small sums ; once he borrowed one pound, and paid it by instalments.

The LORD CHIEF JUSTICE left the Jury to decide on the credibility of the only witness in support of the plaintiff, broken in upon as it was by the witnesses for the defendant, and by the testimony respecting the Good Friday, and by the appearance of the paper which he had sworn was written night by night, but which had all the appearance of being written at one time.

The Jury retired, and soon after returned to ask whether, if they found for the plaintiff, they could reduce the damages.

The LORD CHIEF JUSTICE. If you can give credit to this man, you may find for a part of the debt.

The Jury retired again, and on returning into Court, said, " We find that the witness has lost one hundred and seventy pounds." They accordingly found for the plaintiff—Damages Six Hundred and Eighty Pounds, parcel of the sum demanded.

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## MOTION FOR A NEW TRIAL.

WILLANS V. TAYLOR.

ON a subsequent day the ATTORNEY-GENERAL moved for a rule to show cause why a new trial should not be had. He urged that the verdict was against the

weight of evidence in the cause; that the appearance of the paper proved it to be all written at once; and that the very finding of the Jury manifested that they did not place implicit reliance on the solitary witness by which the case was supported.

The LORD CHIEF JUSTICE said, that the appearance of the paper, the books of the defendant, and the demeanour and testimony of the witnesses on both sides, were all before the Jury, and the Court could not say they had formed an erroneous judgment. Had they found a verdict for the whole sum, he was not prepared to say they would have done wrong; and he could not think a defendant had a right to a new trial, because they found for less than they might have compelled him to pay.

The other Judges concurred, and Mr. Justice BAYLEY observed, that it did not seem to him that the paper was all written at the same time, though probably with the same kind of pen and ink. The rule was therefore refused.

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## CHAPTER XII.

Sentences of Fine and Imprisonment passed on persons convicted of keeping common Gambling Houses—ROGIER and HUMPHRIES—Affidavits in mitigation and in aggravation of punishment—OLDFIELD and BENNETT, previously imprisoned for the same offence—Judgment prayed against FIELDER—Quibbles by which sentence was evaded—Corruption of prosecutors—Sentence passed on a conviction which had taken place seven years before.

### JUDGMENT ON ROGIER AND HUMPHRIES.

MR. C. PHILLIPS moved for the judgment of the Court upon Charles Edward Rogier and William



Southwell Humphries, who had been convicted for keeping a common gaming-house at 32, (late 40) Pall Mall.

The defendants being called, and answering to their names, appeared on the floor of the Court.

The LORD CHIEF JUSTICE read his notes of the trial. From them it appeared, that the case was brought home to the defendants by the evidence of Mr. Woodroffe, who represented the house as splendidly fitted up, the doors strongly guarded by bars and bolts, and servants stationed at them to prevent the admission of officers and suspicious persons. Wine, spirits, and every species of refreshment were supplied gratis to the guests. Rouge et Noir was played there; the peer and the apprentice mingled in the same pursuit; some of the visitors were occasionally intoxicated, but the defendants, who acted as managers, were always sober.

Mr. CURWOOD, for the defendants, rose to submit an objection to the Court in arrest of judgment, and upon this objection he placed considerable reliance. The indictment upon which these defendants were convicted was not framed upon any statute, but was at common law, for keeping a gaming-house for "lucre and gain," and causing idle and disorderly persons to meet together, and play at an unlawful game, called Rouge et Noir, to the common nuisance of the subjects of the king. Now, he would contend that keeping a gaming-house was not a nuisance *per se*, though it certainly might become so if it attracted a concourse of persons to the inconvenience of neighbours and passengers. Gaming was not illegal at common law; and in all the statutes which had prohibited particular games, no mention was made of Rouge et Noir, which was a game of modern invention. The first *dictum* which any way favoured the supposition that keeping a common gaming-house was an indictable offence, would be found in *Hawkins*, and there the position was put very doubt-

fully, the words being, "*it is said*, keeping a common gaming-house is an indictable offence at common law." He, therefore, contended that the game was not unlawful, that the indictment charged no offence recognised by law, and consequently that judgment ought to be arrested, or a new trial granted.

Mr. PLATT, for the defendant Humphries, contended that there was no statute which made the game of Rouge et Noir an unlawful game, and that if there was no ground for arresting the judgment of the Court, the parties were at all events entitled to a new trial, because there was no evidence to prove that they kept the house for "lucre and gain."

The LORD CHIEF JUSTICE stated (and the other Judges concurred in the opinion) that the indictment charged an offence at common law, nor was there any deficiency in evidence to warrant the granting of a new trial. Every institution to subvert public morals was a nuisance; and although there was no authority applicable to the particular case of gaming-houses, yet for a length of time they had been ranked by repeated Acts of Parliament as common nuisances. It was really too much to say that there was no evidence of keeping the house for "lucre and gain," when all the incitements to play were set forth, and when it was clear from the whole conduct of the parties that they were actuated by no other motive.

Affidavits in mitigation were then put in by the defendants.

The first by Rogier, stated that he certainly at one time had a share in the gaming-house, but not at present, and that no persons were admitted but those of the higher orders of society, and that Mr. Woodroffe, the prosecutor, had brought an action against him to recover three hundred and sixty-two pounds, as money won at play, which never was lost: he believed the prosecution was instituted only to extort money, for two hundred pounds had been demanded,

besides the three hundred and sixty-two pounds, as the price of compromise, and further, that he had settled a prosecution against a person named Aldridge for the sum of two hundred and fifty pounds.

Humphrey's affidavit corroborated these statements, and alleged that he was only a servant in the house at a weekly salary.

On the part of the prosecution, the affidavit of Mr. Woodroffe was put in and read. It stated that he had lost large sums at the house No. 32, (late 40) Pall-Mall, where the defendants acted as masters. The doors were strongly secured and well-guarded, to prevent the entrance of strangers; the interior was fitted up in a superior style, and wine and spirits were supplied gratis to the company, who were frequently in a state of intoxication when they played. At this house Rouge et Noir was constantly played, by numerous persons of different degrees: some of them peers of the realm, some tradesmen and tradesmen's apprentices; and others had the appearance of merchants' or bankers' clerks, having the long black note-cases commonly used by persons so employed. There were youths there who did not appear more than 16 or 17 years of age, playing in the same manner with the others. By the rules of the house, the players might stake any sum from 5s. to 100*l.* on each event, which was usually decided in less than a minute. The prosecutor had seen one person lose 300*l.* in a minute, and had observed the proprietors win to the amount of 2,000*l.* in a single evening. Since the indictment was preferred, the prosecutor, by the special appointment of Rogier, called at his house, when Rogier urged him to compromise, and on his refusal threatened to harass him with prosecutions, and asked him how he could help himself if he proceeded against him, as he had been advised to do by Bennett, the manager of a similar concern? Rogier, further to intimidate Mr. Woodroffe, said he would ruin him, as the gaming-house keepers

had a common fund of a million of money to defend prosecutions; and that he would take care that he should be annoyed in the public streets, and that a caveat should be entered against his call to the bar, in the society of which he was a member. Rogier also observed, that if he were convicted, he should suffer very little except personal inconvenience, as his house was under the control of foreigners, and he could bring over a fresh batch every fortnight, whose persons were unknown, and who could secure the profits to him, even if he were in the tread-mill. The prosecutor also swore to his belief, that the defendants had "branch societies" established in various parts of the country, where unlawful games were carried on for their profit and under their control. He also believed that the game was still carried on in this very establishment, and that the defendant Humphries continued to officiate as manager.

Mr. CURWOOD addressed the Court on behalf of the defendant Rogier. He saw with regret the unfortunate prejudice which existed in the public mind against persons in the situation of his client, and although the judges were elevated far above this prejudice, their wisdom and their station having raised them to an eminence, whence they would look down with calm contempt on all the prejudices around them, yet he felt it his duty to strive for its removal. Magistrates now thought themselves authorised to break into houses suspected to be used for gaming, with a violence which they would find it difficult to justify, in search of the most atrocious felon. After the decision of their lordships he was unwilling to advert to any other topics, but he had the authority of sages for asserting, that gaming was not calculated to sap the foundation of public morals. There is also an act of legislature which denies that gaming is a moral offence—

Mr. Justice BEST. Where do you find that?

Mr. CURWOOD. It is so stated of gamblers, and I take it for granted, that they are equal in point of criminality to the person who keeps a house for play.

Mr. Justice BEST. I believe Lord Mansfield did say, that gaming was not a crime; but keeping a gaming-house is an act of quite a different nature.

Mr. CURWOOD. They are *in pari delicto*, my Lord.

Mr. Justice BAYLEY. No; I may perhaps do that innocently in my own house, which if done in public, and under other circumstances may become criminal.

Mr. CURWOOD said he would not urge the stale topic of the lottery; but surely the legislature could not consider gaming as bad in itself, when every act prohibiting it, contained an express reservation in favour of the royal palaces. (*A laugh.*) With respect to the evidence, I do not wish to say much, but it is that species of testimony which reflects but little credit upon the prosecutor; and the Court would feel an honourable wish to avoid gratifying the malevolence of a person who had studied law at the gaming-table, and having taken his chance of winning the defendant's money, chose thus to revenge his losses. The story which he has told before the Court will be received with jealousy, and when I hear that he is a student at law, I only hope the profession, to which it is my pride to belong, may never number him among its members. I say with the most unfeigned sincerity—*dii talem avertite pestem*. In the affidavit which has just been read, Mr. Rogier states he has quitted the occupation for ever; and, as one end of punishment was obtained, the judges, he trusted, would be disposed to visit him lightly, and not give effect to prejudices which had already inflicted no small degree of misery upon him.

Mr. PLATT for the defendant Humphries followed.

He urged several arguments in mitigation of the

punishment of his client who was merely a servant; he disclaimed all participation in the sentiments which would represent the practices of these persons as moral; he thought, on the contrary, that they were highly pernicious and ought to be repressed; but there were circumstances which created a distinction in favour of his client who was prosecuted by a man who came into Court with unclean hands.

Mr. CHARLES PHILLIPS then rose, and addressed the Court, in aggravation, nearly as follows:—

My Lords, it now becomes my duty to offer a few observations to your lordships, on the nature of the offence of which the defendants stand convicted. After having listened to the addresses of the two learned gentlemen, I confess that I am somewhat puzzled to know the exact situation in which I stand. I am almost inclined to fancy that I have mistaken my situation, and that I am to appear on the part of my client to make an apology for doing an act of public justice! Perhaps it would not be the most unwise course to leave the speech of Mr. Curwood, to the answer it had received from Mr. Platt, had I not received instructions from the prosecutor to point out to your lordships, the mischiefs which the defendants are so actively engaged in advancing, and had not his character been so malevolently aspersed by their assertions. My learned friend, Mr. Curwood, pathetically deplored the prejudice under which his client laboured, and termed it—an unfortunate prejudice. Far otherwise did Mr. Platt—he, with that sound judgment which he always exercises, saw that the ground thus occupied by Mr. Curwood was utterly untenable, and accordingly he laboured hard to rescue his client from any participation in Mr. Curwood's sentiments. But I have now not only to address your Lordships in aggravation, but to vindicate my client from the imputations flung out this day against his character, because he has had the courage to come forward—and against what? against the at-

tacks of the very men by whom he was first seduced. He is charged in the affidavit of Rogier of attempting to compromise this proceeding; and having failed in that, it is said, that he comes here with a vindictive spirit to call for severity upon these defendants. Now, I leave it to your Lordships' good sense, whether, if money could have silenced the prosecutor, the defendants would to-day have had to stand upon the floor of this court waiting their just sentence? That my client has suffered himself to be trepanned into the den of these defendants was his misfortune, perhaps his transgression, but not quite as inexpiable, I hope, as Mr. Curwood's classical research would make it, when we consider his youth and his temptation. That he should endeavour to guard others from the seductions to which he was subject, is at once a duty which he owes himself, and an atonement which he owes society. Indeed, from the report which his Lordship read to-day, you must perceive, my Lords, that this question materially concerns the whole community; I therefore say, and when I hear the doctrines which are promulgated by my learned friend, I have a right to say, that the court is not only called upon to inflict severe punishment upon the defendants, but by so doing to extend mercy to the thousands who are as yet perhaps hesitating on the brink of their destruction. Upon the sentence which you are about to pronounce depends, whether this vice, which, with all deference to Mr. Curwood, I still presume to designate a moral offence, is to be effectually checked, or to continue its pestilential visitation. It appears, that these defendants have been convicted of keeping a gaming-house in the very centre of this metropolis. Mr. Curwood dwells with great force, and irresistible pathos upon the innocent intention of these defendants, and indeed Rogier himself has had the hardihood to swear, that he did not know that the game of *Rouge et Noir* was illegal. What then, I would ask your Lordships, was the meaning of the precaution

adopted against all but the initiated? It is not denied, though the defendants had an opportunity of denying it, that the doors of their iniquitous dens are barred up and barricadoed like the dungeons, to which, in the end, they too generally lead. Does not this fact alone abundantly prove that they are well aware of its guilt, and of its illegality? When you enter their house, from which all are excluded, except the unwary, it seems that there was not only drink to stupify the senses, but every expensive decoration to fascinate and attract;—that these inducements to the game are given gratuitously, proving the calculation in favour of the donors;—that the play is carried on to such an extent that £100. may be staked at a time, and the stake forfeited in half a minute;—that the gradations of the stakes run so low as 5s. in order to accommodate the inferior candidate for ruin; and that the proprietors have won even in a single night, a sum amounting to £2,000. Mr. Rogier has ventured to swear in his affidavit to-day, that no persons, but those above the middle class of society, were permitted to play; yet it was proved at the trial, that all persons, from the peer to the apprentice, were indiscriminately admitted, and that this deluded rabble were not left to the excitement of the vice itself, but often under the influence of intoxication were cruelly plundered of property, which in many instances was probably not their own. Such is the system, or rather a part of the system carried on at these hells, as they are very emphatically and not inappropriately denominated; for in them the worst of passions are in conflict. The fiercest imaginable tortures are enduring—the consummation of all evil is completed; and that nothing may be wanting to fill up the picture, we find the grand Master Demons of the place creating,—encouraging,—enjoying,—and even exulting in the ruin that surrounds them. It appears to me, my Lords, that if there were no other feature in this case than the confusion



of rank to which these places lead, it would of itself be sufficient aggravation. Men of birth may only descend to this tarnishing connexion in the hope of profit, but humbler men will shelter their conduct under the cloak of their excesses and example. Happy however would it be if this were the only aggravation,—happy would it be if, to the matured profligacy of either class, this infatuation could be limited! But what can be said of the enormity of these defendants, when you hear that their doors are open to the youthful and the innocent? Boys of sixteen, bankers' clerks, tradesmen's apprentices too—all who have their own or their masters' money to lose, are welcome to this scene of impartial depredation. Give me leave to ask you, my Lords, while these pest-houses exist, what father can count upon the morals of his child? What merchant—what man of business can rely upon the honesty of those employed by him? What family, no matter his rank, is in a state of security? It is absurd to imagine that any moral barrier can be established against this vice. Enclose the victim but once amidst the circle of its fascination, and every devisable remedy becomes neutralized and powerless: the freshest and dearest virtues of our nature fade under its withering influence. In other vices there is some hope of redemption, and misfortune may correct a man: but it is the peculiarity of the vice of gaming, that even the gamester's losses operate only as so many stimulants to his perseverance, and the more adversity contracts and darkens his horizon, the more delusively brilliant appears the meteor that beguiles him. But I feel, my Lords, that this is not the place to expatiate on the vice; and I hope there is but one person in Court (Mr. Curwood) who does not think it immoral. Your own enlightened minds, my Lords, no doubt, will trace it from its first excited, and perhaps involuntary lapse, through every gradation of crime, to its fatal termination in suicide or the scaffold. I will, how-

ever, ask your Lordships what think you of the conduct of one of these defendants, when he was remonstrated with by the prosecutor—when he even anticipated conviction? Did he express any contrition? Did he promise either penitence or amendment for the future? Not he; he scorned such puling hypocrisy—he gloried in the idea of setting justice at defiance; all he had to do it seems was to import a fresh cargo of his countrymen amongst us, to ingraft the luxuriance of their vices upon our stunted delinquencies; and then, even in the tread-mill, his calculations and profits would go on just as accurately as ever. Not one victim would be saved from the sacrifice—not one guinea less would be wrung from the community. In closing this case I cannot but remark on the difficulty of bringing these men to justice. Mr. Curwood's legal acuteness is the least of these difficulties; the defendants belong to a gang, formidable from its opulence. It is not enough that a man is to be plundered and cheated, but if he dares complain, he will meet with a persecution, purchased by his own money. My Lords, I have trespassed upon your attention; I leave the case with perfect confidence in your hands: I have—I can have no personal feeling, nor should I have said so much, but for the natural excitation occasioned by the speech of Mr. Curwood, and the strong conviction of what a deep interest the public have at stake in its decision. I believe most solemnly that it depends on this day's judgment, whether many industrious, moral, honourable men, may not hereafter have to attribute to the infernal system carried on at these pestiferous dens, the extinction of their fairest hopes, and the irreparable ruin of their children.

The Judges were engaged in consultation, when

Mr. PHILLIPS again rose and said, it would perhaps be more convenient to the Court, and it would save time, to have the other four detendants, who

had been found guilty, brought up to receive the sentence of the Court.

The LORD CHIEF JUSTICE. Are they here ?

Mr. CURWOOD. Yes, my lord, three of the four found guilty upon the other indictment are here ; and I have an affidavit that one is detained by illness.

The LORD CHIEF JUSTICE. Then let the two defendants, Rogier and Humphries, and also the three defendants, Bennett, Oldfield, and Carlos, who are, as you say, in readiness to receive judgment, be immediately taken into custody ; and let them all be brought up at the sitting of the Court to-morrow, when judgment will be passed upon them.

### JUDGMENT OF THE COURT.

ON the following day, as soon as the court was full, the prisoners, Rogier, Humphries, Bennett, Oldfield, and Carlos, were brought into court, in the custody of Mr. Gibons the tipstaff.

Mr. CHARLES PHILLIPS then moved the judgment of the court upon Richard Bennett, Frederick Oldfield, and Thomas Carlos. John Phillips, who was also found guilty with them, did not appear on account of illness, and a certificate from his physicians to that effect, was read in court.

The LORD CHIEF JUSTICE having read his notes of the trial which took place at the last sittings for Middlesex :—

An affidavit in mitigation, on the part of Frederick Oldfield was read. He stated that he withdrew from all concern and interest in the house, No. 75, St. James's-street, in June, 1821, and that in the September of the same year the nuisance was abated. Since that period he had embarked his capital in

trade, on which he now depended for the support of his family. He had a wife and nine children dependant upon him, who would be reduced to poverty if any heavy fine should be inflicted; and he was subject to a disease in his head, arising from a determination of blood to that part, which protracted imprisonment would dangerously heighten. Under these circumstances, he threw himself upon the mercy of the court.

Bennett's affidavit set forth that the house in question was shut up in September 1821; that he then retired with his family to the New Road, where he now resided; that he had a wife and seven children, and was in indigent circumstances; and that he was subject to periodical attacks of the gout, which would endanger his life if he should be detained long in prison.

The statements of Oldfield and Bennett respecting their health, were confirmed by the affidavits of their medical attendants.

Thomas Carlos, in his affidavit of mitigation, deposed, that he had a wife and seven children. His wife was in a delicate state of health, and he believed any severe sentence upon him would produce an effect on her extremely dangerous. He had served as a lieutenant in his majesty's service for nearly thirty years, and had been employed in various parts of the world, particularly in the West Indies, and during the rebellion in Ireland: but on the peace he was thrown on the world destitute of money and resources, and at the present moment he believed the whole of his property was barely sufficient to pay his creditors. He further stated, that he had never been concerned in a house of this description before, nor had he ever before been indicted. He concluded by throwing himself upon the mercy of the court.

Mr. WOODROFFE, the prosecutor, put in an affidavit in aggravation. He described the strong fastenings which secured the approaches to the rooms; the furniture was of the most splendid kind, and wines, spirits and refreshments were plentifully supplied free of expense. Some of the visitors every night were in a state of intoxication, and hazarded their money while in that condition. On one occasion, a very young man was playing in a state of high inebriation for large sums, and the defendant Phillips, took up his money, as if he had lost on the event, whereas he had in reality won; upon this Mr. Woodroffe remonstrated, and Phillips paid the young man, saying that it was a mistake, which they could rectify without the interference of a stranger. Play was carried on in three rooms to a great extent, and was shared by young men and lads, apparently the clerks of merchants and tradesmen. Mr. Woodroffe remembered one of them stung to madness, by his losses, declaring that the money he had lost, was the property of his employers. He believed the defendants had been engaged for many years in the management of gaming-houses,—that they had “*branch establishments*” in various parts of the country, at Brighton, Bath, Preston Guild, and many other places—that many actions had been brought against them for money won at play—and that Oldfield and Bennett had been convicted on one indictment, but judgment had never been prayed against them.

Mr. CURWOOD here interposed, and said this ought not to be stated, as it was only on belief.

The LORD CHIEF JUSTICE. It will have no effect on us; whatever a party in such an affidavit states on mere information and belief, will always be entirely futile.

The affidavit of the prosecutor further stated that Oldfield and Bennett were possessed of enormous wealth, and lived in a costly style.

Mr. CURWOOD addressed the Court on behalf of Bennett and Oldfield. The character of the prosecutor was disclosed by the affidavits which he had put in, which manifested a savage desire to press down the prisoners with aggravated sufferings. But he was sure the Court would divest their minds from every kind of prejudice, which those affidavits might for the moment have created. His learned friend (Mr. Phillips) had eloquence and the popular feeling on his side; he had topics which came home to every heart; in fact, he carried the whole torrent of public indignation against his unfortunate clients. He (Mr. Curwood) would not repeat those general observations which he had urged yesterday; but he would beg the Court to remember that in the opinion of some, gambling-houses were not totally without defence, for it must not be forgotten that private ruin was not always unmixed with public good, and some political writers of eminence have thought that much benefit was conferred upon society, by the breaking up of large capitals, which could only be effectually distributed at the gaming table. (*Much laughter.*) The learned counsel then urged the bodily infirmities to which his clients were subject, and expressed his hope, that the Court would remember, that to these persons, imprisonment would be so severe while it lasted, that they might reasonably shorten its duration, for upon them it would fall with accumulated severity.

Mr. E. LAWES addressed the Court on the part of Thomas Carlos. The Court would he trusted attend to his expressions of contrition, and to his determination never again to be engaged in such an occupation. He was unfortunately entrapped into an employment which he now sincerely regretted; but having been for thirty years an officer in his Majesty's service, he was, perhaps, from his situation in life, the more liable to temptation; his offence, therefore, was entitled to lenient sentence.

LORD CHIEF JUSTICE. It does not appear upon the affidavit of the prisoner Carlos, that he has abandoned the concern, or that *this house* has been abated. I have looked anxiously into the affidavits, and to see if they contained any statements that this party had entirely ceased from his occupation, but there is nothing of the kind in any of them, except that of Rogier, one of the defendants who was before us yesterday.

Mr. C. PHILLIPS then addressed the Court in aggravation, as follows:—

I should ill repay the indulgence which I experienced yesterday, if I occupied much of your Lordships' time upon the present occasion. But I cannot refrain from remarking upon the strange explanation given by my friend (Mr. Lawes) of the situation of his client. He says that he was in his Majesty's service thirty years, and that his situation qualified him, as it were, for his new situation as a gaming-house keeper. In what a very pleasant condition would the country be placed, if in case we ever went to war again, that on the return of peace all the half-pay officers were to set up gambling-houses, a situation for which (my learned friend says) their previous occupations had so eminently qualified them! (*A laugh.*) There has been a remark made by my friend, Mr. Curwood, that I have on my side all the popular topics, and that the observations which have been made upon the conduct of the defendants came home to every heart. But unfortunately the defendants formed an exception to this rule, for although they *now* talked of the feelings of *their* families, they have evinced all their lives a total disregard to the *feelings* and families of *others*. There is one more topic to which I wish to allude, I mean the censure which has been cast upon the prosecutor; the Court has had a specimen of what a man has to endure who comes into Court to prosecute persons of this description. Every topic of calumny which ingenuity

could devise, my learned friends have been advised to resort to, with a view to injure his character and prospects in life. Mr. Woodroffe is a very young man; he has been trepanned into a line of conduct which he now sincerely regrets, not on account of any losses he has sustained, for if he had consented to have foregone this prosecution these would have been repaid ten-fold, but on account of the exposure of his character, to which, by a sense of public duty he is impelled, in calling up the defendants to receive the judgment of this Court upon their offences. I will detain your Lordships no longer than merely to state a communication which I have just received from the prosecutor; he states that he has made anxious inquiries, and that he is convinced the defendant Rogier has entirely ceased to be connected with the trade of gaming-houses; but not so the other defendants, as might be inferred by their affidavits being silent on that part of the subject.

The Court having conferred together for a considerable time,

Mr. JUSTICE BAILEY addressed the prisoners as follows:—Charles Edward Rogier, William Southwell Humphries, Richard Bennett, Frederick Oldfield, and Thomas Carlos, you appear here to receive the sentence of the Court. You have been found guilty upon indictments preferred against you for keeping common gaming-houses. Much has been said by counsel, and stated in affidavits, respecting the motives of the prosecutors; but this Court looks at the offence of which you have been convicted, without paying any regard to the motives of those by whom you have been brought to justice. Nor can it fail to remark that whatever may be the motive of the prosecutor, when a man brings forward into a Court of Justice, a public delinquent, he is a great well-doer to the public; and for this reason the Court did not think themselves



bound to examine the motives of the prosecutors. The offence is one of a very high nature, and highly prejudicial to the interests of the public. Houses of this description bring ruin not only upon the individuals actually engaged in gaming, but upon their families and connexions—blast their prospects, and too frequently produce irretrievable ruin. You were charged with keeping common gaming-houses, and it was urged yesterday by your counsel that keeping a common gaming-house was not an offence at common law; but if your counsel had inquired more minutely into the law of the case, he would have found, that, upwards of a century ago, keeping a common gaming-house was held to be an offence at common law. It is also sworn in the affidavit of Rogier, that the game of *Rouge et Noir* is not an unlawful game. The Court is not called upon to give any opinion upon that point, because you are not charged with playing at *Rouge et Noir*, and thereby committing an offence; but you are charged with keeping common gaming-houses, and playing for large sums at the game of *Rouge et Noir*. A common gaming-house is a nuisance of the worst description. It has a tendency to make persons lose not only the property belonging to themselves and their families, but in many instances it holds out a temptation to persons intrusted with the property of others, to hazard that property. You have submitted to the Court that this was not unlawful gaming; but it is quite clear that you did not feel that you were acting legally. The manner in which the houses were conducted proved what your conviction was. The doors were secured, and admittance refused to the officers of justice. Why was this extraordinary course resorted to, unless you had a consciousness of extraordinary danger? If bad practices were not going on, why should you have been anxious to keep out strangers? It appears that there were refreshments, foreign wines and spirits, provided gratis for the persons engaged at play; and

it also appears that those persons were in many instances intoxicated, whilst you, the keepers of these houses, were invariably sober. It has been stated in the affidavits put in on the part of the prosecutors, that Rogier had said he had large funds, out of which would be advanced the sums necessary for paying any pecuniary fines which might be imposed by the Court, and for defending all prosecutions; and in the affidavit of Rogier that is not denied. It has been urged on behalf of Bennett and Oldfield, that their imprisonment would bring extreme distress upon their wives and children. The Court cannot avoid feeling that these defendants having wives and children, should have been securities for the wives and children of others, who frequented these houses, many of whom doubtless have been involved in unutterable ruin. The Court has attended to that part of the affidavits in which it is stated that a heavy imprisonment might prove fatal to two of the defendants; and the Court has also attended to the affidavit of Rogier, which states, that he has not, during a considerable time past, been engaged in gaming, and that he is not now engaged in any gaming practices; but the Court is sorry to observe that no such declaration is made in the affidavits of any of the other defendants. The Court, therefore, taking all the circumstances of the case into consideration, and feeling that in the discharge of their duty they owe it to the public to put down such practices, doth order and adjudge,

That you, CHARLES EDWARD ROGIER, do pay to the King a fine of 5000*l.*, and be imprisoned in his Majesty's House of Correction, Cold Bath-fields, for the term of twelve calendar months.

That you, WILLIAM SOUTHWELL HUMPHRIES, do pay to the King a fine of 200*l.*, and be imprisoned in the same prison for the term of two years.

That you, FREDERICK OLDFIELD, do pay to the King a fine of 1000*l.*, and be imprisoned in the prison of this Court for one year.

That you, RICHARD BENNETT, do pay to the King a fine of 1000*l.*, and be imprisoned in the same prison for one year.

That you, THOMAS CARLOS, do pay to the King a fine of 500*l.*, and be imprisoned in his Majesty's House of Correction, Cold Bath-fields, for the term of eighteen calendar months.

That each of you, at the expiration of your several periods of imprisonment, do enter into recognizances for your good behaviour for five years, yourselves in 2000*l.* each, and two sufficient sureties in 1000*l.* each; and further, that you be imprisoned in the said prisons until such fines be paid, and such recognizances entered into.

Mr. Justice BAYLEY farther observed, that in this instance the Court did not, under the provisions of a late act of parliament, feel themselves bound to order that the defendants during their several periods of imprisonment should be kept to HARD LABOUR, because the offences of which they had been found guilty were committed prior to the passing of that act of parliament. Let it, however, be understood, that the Court would in future punish with hard labour persons convicted of offences similar to those for which the defendants had received the judgment of the Court.

The defendants were then taken out of Court in the custody of the tipstaff.

#### SENTENCE ON OLDFIELD AND BENNETT.

ON the motion of the Attorney-General, these defendants having been remanded from the preceding term, were brought up to receive the judgment of the Court on three several indictments, charging them with keeping common gaming-houses at No. 75, St. James's-street, No. 71, Pall-mall, and No. 6, Pall-mall, respectively. There was a fourth indictment

against Oldfield for keeping a common gaming-house in Bury-street, St. James's, in the year 1817. In one of these instances, the record of conviction having been clandestinely taken away from the Court, the Attorney-General obtained leave to make up a fresh *postea*, upon which he prayed judgment on the defendants.

Both defendants were brought up from the King's Bench Prison, where they were confined, in execution of a previous sentence for a similar offence, whereby they had been adjudged to pay a fine of 1000*l.* each, and to be confined for twelve months.

When the defendants were before brought up, they obtained leave to answer certain matters stated in the affidavit of the prosecutor, importing, first, that they still had an interest in other gaming-houses at the west-end of the town; and second, that since their confinement they had carried on their illicit practices, and had opened a common gaming-room in the King's Bench Prison. The prosecutors in the other cases were persons named Richard Carlos and William Smith respectively.

The defendants now put in affidavits, in which they severally denied in the most solemn manner—first, that since these prosecutions had commenced they had any thing to do, either directly or indirectly, with any gaming-house whatever; and, secondly, that they had opened any gaming-room, or had any thing to do with gaming since their confinement in the King's Bench Prison. They stated, that the assertions thus made by the prosecutor, arose from malicious motives, and for the purpose of exciting prejudice against them in the minds of the Court. The affidavits further stated that the prosecutor, at the period when he frequented their houses, was a person in indigent circumstances, and had not the money to lose which he asserted he had lost.

Both represented themselves to be men with large families, wholly depending on them for support;

that these prosecutions had wholly ruined them, and that they were both in an ill state of health. The defendant Oldfield stated that since he was first indicted, he had commenced the business of a wine merchant, and was now endeavouring, by honest industry, to obtain an honourable livelihood for himself and numerous family of young children ; and that his business, which required his personal superintendence, would be ruined, if he was subjected to further imprisonment. He further stated that, from the manner in which he had been brought up in infancy, he was not aware of the pernicious tendency of the crime of which he had been convicted. Other affidavits were put in by Oldfield, from respectable wine merchants, confirming the statement that he was carrying on the business of a wine merchant in a creditable way.

In one of the cases against the defendants, a verdict of guilty was recorded by consent, and in another they had suffered judgment to go by default.

Affidavits were also put in on the part of the prosecution.

Mr. ADOLPHUS addressed the Court on behalf of the defendants, in mitigation of punishment, and urged, that although the Court had a public duty to discharge, yet it was impossible to be blind to the motives of the persons by whom the prosecutions were instituted. These prosecutions were influenced, no doubt, by selfish and vindictive feelings, and not from any regard to public morals. The defendants were already suffering under a very heavy sentence ; and the Court would recollect, that the offences for which they were now to receive judgment, were not committed since that for which they were at present in confinement. All that public example could effect by these prosecutions, had already been attained, and any further punishment would only crush the defendants, who were already bowed down in health and worldly means by the sentence they were now suffer-

ing, and drive them again to unlawful pursuits to gain a livelihood.

The ATTORNEY-GENERAL, Mr. GURNEY, and Mr. ROTCH, severally addressed the Court in each of the cases in aggravation of punishment, and urged the necessity of punishing with severity an offence so dangerous to society. The defendants complained of loss of health, of ruin in their affairs, and urged these as topics of mitigation; but it was not to be forgotten that these were the inevitable consequences of their lawless lives. By their means the youth of the country had been entrapped by hundreds from the paths of virtue and brought to ruin, by indulging in a vice the most destructive to the morals of society. Nothing was more difficult than to bring such persons to justice, and it was their bounden duty to visit the offence with the utmost severity, in fit and proper cases. This was a case of that description, and the Court could not but mark its sense of the crime imputed to the defendants, by a sentence which would check the vicious career of persons following their profligate habits of life.

Mr. Justice BAYLEY, in an impressive address to the defendants, pronounced the judgment of the Court. In one of the cases the Court forbore passing any sentence, in as much as the offence alleged was committed within a few days after that for which they were now suffering.

For the offence of which Oldfield had been alone convicted, the sentence was that he should pay a fine of 500*l.* For the next offence of which they had been both convicted, Oldfield was sentenced to pay a fine of 1500*l.*, and Bennett a fine of 2000*l.*; and for the third they were sentenced to pay each a further fine of 1500*l.*, and each to give security for his good behaviour for five years, themselves in 10,000*l.* and two sureties in 2000*l.* each, and be imprisoned until the fines were paid, and the securities found.

JUDGMENT *on* JOHN FIELDER.

THE ATTORNEY GENERAL moved for judgment upon John Fielder, convicted of keeping an unlawful gaming-house.

The LORD CHIEF JUSTICE said, that this case had been tried before him. It was an indictment against the defendant for keeping an unlawful gaming-house. The first count setting forth that the said house was situate in the parish of St. James, Westminster, but the evidence proving the parish to be differently situated, the defendant was acquitted upon the first count and afterwards convicted on the second count, which merely charged him with keeping and maintaining such a house, not describing its parochial scite. An arrest of judgment was moved for the latter omission, and the question now was, was the second count sufficiently laid, without the parochial nomination, so as to maintain the conviction had thereupon?

The ATTORNEY GENERAL was heard in support of the conviction. He said he was aware of the dictum of Mr. Justice Buller, that a precise local description of the place, where the offence was alleged to have been committed, ought to be given, but he was also prepared to contend, that upon the fair analogy of other cases, it was unnecessary to insert in the indictment the local situation of the house where the gaming was carried on, provided that house was within the town. Was it imperative, he would ask, in prosecutions for keeping a brothel, that the exact locality should be expressed? It was quite clear that the place must be specifically described in an action for trespass; so again it must in charges for stealing in a dwelling-house under the value of 40s.

Mr. LITTLEDALE said, that he was with the Attorney-General in support of the conviction. In all these cases, where the local description was necessary, it was on account of the infringement upon the

rights of things. He was prepared to contend, that the longer description was no more a necessary ingredient in indictments than in civil actions; and then, for the reason he had already given, namely, the infringement upon things. In charges of assault, of murder, libels, &c. the same rule held.

Mr. JUSTICE BAYLEY. But those are transitory offences, which may happen any where. The question here is,—is this alleged to be a local offence, which requires a local habitation? The charge is for keeping a common gaming “room,” not, I believe, a house.

The LORD CHIEF JUSTICE. The defendant cannot have judgment, unless you satisfy the court upon these two points. First, would the indictment be good, without the statement of the place; and is it not a fact, that this indictment does not contain such statement?

Mr. LITTLEDALE insisted that the rule of law was, that the specific description of place was not necessary, until they came to a local action. The question at present was, was this the kind of local action that required such a description? Was it necessary, after proof of the gaming in a certain room, to describe the actual locality of the place?

The LORD CHIEF JUSTICE. Is there not another indictment against the same person, which is free from all objection, and on which he has been found guilty! Why not proceed to judgment upon that, and wave the present argument?

Mr. ADOLPHUS, who was for the defendant, admitted that there was another indictment, but he submitted whether it ought now to be passed, after remaining inoperative so long as seven years!

Mr. JUSTICE BAYLEY. But whose fault was it that it rested so long?

Mr. ADOLPHUS replied, that it was difficult to say where the fault lay, there had been so much corruption on the part of the prosecutors.



Mr. LITLEDALE resumed his argument, and was interrupted by—Mr. Justice Best, who said, “Suppose the indictment had been to cause divers people to come together, and game and play, without naming any room, or any house; would that be an indictable offence?”

Mr. Littledale replied, that an indictment might be so framed, as to embrace such a case. Gaming parties carried on in the open air at fairs, by persons moving about with E O tables, and such things, were punishable.

Mr. RAINE said, that the offence was not in the local description, but in the gaming. That practice might be carried on in a room, which was so constructed as to be moveable. That was, he understood, now commonly practised, and was it necessary to follow the same parties with successive indictments, while they moved from parish to parish?

Mr. ADOLPHUS was then heard for the defendant, in arrest of judgment; and he contended that the local description was an essential and indispensable ingredient, which could not be omitted. There was the precedent of Mr. Justice Buller's opinion, in favour of his view of the case.

Mr. CHITTY supported the motion in arrest of judgment.

After some further arguments, which consisted of mutual repetitions of what had been already said by the counsel, on the subject of the arrest of judgment,

The LORD CHIEF JUSTICE said, “We shall take time to consider the objection. Move, Mr. Attorney General, upon the other indictment.”

The ATTORNEY GENERAL: Then, My Lord, I move the judgment of the Court upon the same defendant for a former conviction.

Mr. JUSTICE BAYLEY read his notes of the trial. The indictment was brought in the Easter Term of the 57th year of the late king (1817). It charged

the defendant with causing divers persons to assemble on the 29th March of the same year, at a certain common gaming-house, for the purpose of playing divers unlawful games, called Hazard, Rouge et Noir, &c. &c.

The evidence consisted of proof that Fielder officiated as a partner at the house, No. 9, Bennet-street, St. James's-street, and that upon a computation, ten thousand pounds used to be staked at play every night. The place used to be crowded, particularly on opera nights, and men of rank as well as idle young men about the town, were in the habit of playing at a variety of unlawful games.

Mr. ADOLPHUS said that he was really unprepared at the moment to state the objections which he had to this conviction, as seven years had elapsed since it took place.

After some conversation between the Court and the Attorney-General, judgment upon Fielder was postponed to give Mr. Adolphus time to consider the case. The defendant to stand committed to the King's Bench Prison in the mean time.

On the appointed day, the Attorney General prayed the judgment of the Court upon Fielder.

On the part of the defendant affidavits of medical men were read, which stated that his health was so much impaired as to render exercise and frequent change of air peculiarly requisite. Mr. Adolphus addressed the Court in mitigation of punishment.

The ATTORNEY GENERAL, for the prosecution, observed, that no doubt could exist that the defendant had, by collusion with the prosecutor, deferred sentence till the present period. It appeared also that by his own affidavit, that after the first prosecution, he continued for five years to carry on the same lucrative but most mischievous trade until he was a second time convicted. He did not ask for a severer punishment than the circumstances warranted, but

for such a sentence as would check a practice productive of much misery.

The defendant begged, as allusions had been made to the second conviction, that an affidavit of himself and a man named Cousins might be read, from which it would appear that he was entirely innocent of the charge.

The LORD CHIEF JUSTICE replied, that a compliance with this request was not agreeable to the practice of the Court, nor was it necessary to the interests of the defendant, as nothing could be considered but the prosecution now before the Court.

The Judges consulted for some time, after which, Mr. Justice Bayley proceeded to pass sentence, which, after expatiating on the evils of gaming, and on the probable means adopted by the defendant to avert the consequences of his conviction, he declared to be, that he should be imprisoned in Newgate for one month, pay a fine of Three Thousand Pounds, and find security for good behaviour for five years, himself in Five Thousand pounds, and two sureties in Two Thousand Pounds each.

This sentence is on the conviction which took place in 1817; the subsequent conviction being still undecided on the point of law, and the defendant of course liable to be brought up for judgment whenever that point shall be decided.



JOSEPH HUNT.

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WALTER H. H. H.

1880

## APPENDIX.

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### DESTINY OF JOSEPH HUNT.

HUNT, as our readers will recollect, was sentenced to death at the same time as Thurtell, but no day was named on which the sentence was to be carried into effect. The general impression was that the sentence of death would ultimately be commuted to transportation for life; but no official intimation of any such intention was at that time given, unless the intimation of the Judge, that the reasons urged by Hunt against his receiving sentence, might be made the ground of application to the sovereign for mercy, can be understood as conveying such intimation.

The High-Sheriff of Hertford, in the regular course of his duty, had named a day, upon the principle acted upon on such occasions, within fourteen days from the day of sentence, on which the execution should take place, unless the course of justice should be arrested by the intervention of the Royal mercy.

During this period, and under the expectation of being called out to undergo the awful sentence of the law, Hunt remained in the most distressed and disconsolate state imaginable. The day finally fixed for the execution approached, and no respite having arrived, the Sheriff repaired to London, to inquire at the Secretary of State's Office what determination had taken place as to the fate of Hunt, when he was

informed that a respite of the execution for one week had that day been forwarded to Hertford.

This respite was in a few days after followed by a commutation of the sentence of death, to transportation for life, on condition that the convict should fully and truly disclose all he knew of the secrets and intended crimes of his late associates; a condition which was gladly accepted, and his confessions, such as they were, lodged in the Secretary of State's Office.

On the appointed day Hunt was conveyed in a post-chaise from Hertford to Woolwich, and delivered into the charge of the Superintendent of Convicts at that station. He was afterwards, preparatory to his being sent on his final destination, taken on board the *Justitia* receiving hulk, where he was received with a mixture of curiosity and contempt by the assembled convicts.

Immediately on his arrival on board the hulk, he was stripped, and placed in a large tub, for the purpose of being well-washed and cleansed, a custom universally practised on these occasions. The ceremony gave him the greatest surprise and uneasiness, which were by no means diminished when the operators proceeded to shave his head, and thus deprive him of the fine flowing locks and curling whiskers upon which he had been wont so greatly to pride himself. But when, in addition to all these marks of degradation, he was refused permission to dress himself in his own clothes, instead of which the coarse convict uniform was given him, with the usual accompaniment of a coarse woollen cap, he seemed totally overpowered by the sense of his situation, and quite broken down in heart and spirits.

Any confessions which he may have made in compliance with the conditions on which the pardon was granted, will not of course meet the public eye. But after it had been determined to accept of Probert as a witness for the Crown, and to put Hunt on his trial

on the capital charge, he made a confession to his Solicitor, which has since been published, and is altogether so replete with interest, and so strongly illustrative of the principles and actions of his late colleagues, that we here insert it at length.

### HUNT'S CONFESSION PREVIOUS TO HIS TRIAL.

As the issue of the present prosecution is extremely uncertain, and as the consequences to me are very likely to terminate fatally, I feel it a duty which I owe to society to make a full and true confession of all the circumstances attending the melancholy death of Mr. Weare, and also of my acquaintance with, and knowledge of, the parties implicated in his murder. I am anxious to perform this duty previous to the termination of the trial, in order that if I should be doomed to suffer, my mind after conviction, may be composed, and that I may not be interrupted by any importunity or applications for confessions, or other worldly considerations, but that I may be able to employ the whole time allowed me in this world to my devotions, and my endeavours to make atonement to the Almighty for my crime. I do, therefore, now make this true and honest confession, and desire that it may be considered as my solemn dying declaration.

About three years ago, when I kept the Army and Navy Coffee-House, in St. Martin's-lane, I first became acquainted with William Probert; I had seen him before in company with Mr. Noyes, his brother-in-law, at the house of my wife's sister, Mrs. Mountain; but I did not then know who he was. While I was keeping the Army and Navy Coffee-House, Mr. Noyes called on me several times to solicit my custom for wine, and I was at last induced to give him an order for Port and Sherry to the amount of



ten or twelve pounds. A few days after this order was executed, Noyes brought Probert to my house, and introduced him to me as his wife's brother. After being three months in business, I found the house did not answer my expectations; the rent and taxes were so high, that I was unable to pay my way, and keep up my credit; and besides, I had given a Warrant of Attorney to Richard Thomas, from whom I had taken the house, for nearly eight hundred pounds, to be paid by monthly instalments. These payments not being kept up, the Warrant of Attorney was put in force, and I was obliged to surrender to the Fleet-prison, where I was confined for seven months, and then took the benefit of the Insolvent Act.

When I got my liberty, I went to reside at Paddington, near my mother's, and on the scanty assistance she could afford me I was obliged to depend for my subsistence. About six months after this, I removed to Lambeth, and set up the business of a blacking-maker; and while there I frequented a public-house near the Horse Guards, called the Suttling House, kept by one Mr. Childs, where I often met with William Probert and Thomas Noyes. Probert always treated me with great kindness, and used to observe how happy he should be if I could again get into the public line, so that he could afford me some assistance,

On the day that Thomas Thurtell's trial took place against the Fire Office, I called by chance at the sign of the Mitre and Dove, the corner of King-street, Westminster, kept by William Hall, whom I well knew; while I was there a gentleman, who said his name was Leach, entered into conversation with me, and said that, although he was unknown to me, he had often been in my company and heard me sing a very excellent song. During our conversation, a Mr. Ensor, whom I had seen at Mr. Bent's, a publican, at Stangate, one of whose daughters he was paying his addresses to, came in, and said to Leach—

“ It is time for us to go into Court ;” and after asking me how I was, he said they were subpoenaed on the trial of a friend of theirs, named Thurtell, who kept the sign of the Cock, in the Haymarket, and if I was not engaged, I might as well go into Court with them, and join their party at the dinner, which was provided after the trial was over. I accepted the invitation ; and, a verdict being given for Thurtell, all the party, very much delighted, proceeded to the Cock, in the Haymarket, to dine. While we were at dinner, Probert entered the room, and taking a seat next to me, shook me by the hand, and expressed his surprise at seeing me there, as well as the pleasure he should have in hearing me sing. I stopped till eleven o'clock, and then went away without taking leave of the party.

In about a week after I met Probert accidentally at the west-end of the town, and he introduced me to Tetsall's, where, by his request, I sung several songs ; and at parting, he invited me to meet him the next morning at the Cock, saying, he could be of service to me. I went accordingly, was introduced by Probert to John and Thomas Thurtell, and stopped to dine with them, but nothing particular passed. As Probert omitted to explain in what way he could serve me, I went the next day to the Cock, and was invited up stairs by John Thurtell, where I found Probert ; and they pressed me to dine with them, which I did ; and afterwards Probert asked me to walk over the water with him, saying he wanted to speak to me on particular business. I agreed to go with him, and on our way, Probert said to me—“ Hunt, I will tell you something in confidence, but I beg of you never to divulge it, as I am the only person Thurtell has made acquainted with what I am about to tell you.” I promised secrecy ; and he then said, “ You know Thurtell has obtained a verdict against the County Fire Office, for nearly two thousand pounds, and as that verdict will make his own and his bro-

ther's credit stand well, they intend to avail themselves of it, to get whatever goods they can with acceptances, then sell them, and put the money into their pockets, together with the money from the Fire Office. Thomas Thurtell will then become a bankrupt, and work his way through the Commission as well as he can. Now if you will consent to take some of their acceptances, go with them to different tradespeople, and purchase articles for the Thurtells, you shall be allowed so much in the pound for all the goods you can obtain." I told Probert that I would do what they desired, but that I did not much understand the business.

From this time I became a very frequent visitor at Thurtell's; Probert and Noyes were almost constantly there, and no charge was made for whatever I had to eat or drink. In about a fortnight after Probert first mentioned Thurtell's affairs to me, he called me into a private room to Thomas Thurtell, told him he had made me acquainted with what was intended, and that as he had known me for some time Thurtell need be under no apprehension of danger. Thomas Thurtell then said—" Hunt, I will satisfy you for any goods you send here, and for which my bill is taken; and if you can get my acceptance discounted, you shall have a share." This occurred about the beginning of September, and both of them said that no time was then to be lost in getting whatever they could, as he, Thurtell, would have to go into the Gazette soon after the November term commenced. Another fortnight elapsed without any thing being done, and then Probert said—" Hunt your appearance is very shabby, I will get Thurtell to give you his acceptance payable at his banker's, in Pall Mall, where he keeps an account, and no tailor will refuse to take such a bill for a suit of clothes." He afterwards gave me a bill for ten guineas, and I tried it at several places, but could not succeed, and I returned it again to Thurtell.

By Thomas Thurtell's desire, I ordered some expensive articles at Dare and Slark's, in Cockspur street, which were sent according to the order. There was about this time to be a great dinner at the Cock: and about ten days before the dinner, John Thurtell went to Probert's cottage on a shooting-party for a few days, to shoot on the grounds of Major Woods; he returned the day before the dinner, and at the dinner he took the deputy chair. On the same day that J. Thurtell returned from the cottage, he told me that he had become desperately in love with Miss Caroline Noyes, the sister of Probert's wife; but that she had promised her hand to a man named Wood; he said, however, that he did not care for that, he would continue his visits, and endeavour to supplant him; and, I understood from him that he frequently went to the cottage, until one Saturday when he was going down there, he met Mr. Wood and Miss Noyes coming to town in company together. This very much vexed and mortified him, and he then commenced writing letters to her, which were either unnoticed or returned under cover; this only served to irritate him still more, and he inveighed most bitterly against Wood; Probert also joined in the abuse of Wood, and said—"You know, John, I hate the fellow, and there is no man of my acquaintance that I should like to have the girl but yourself." Thurtell said no man in this world should ever stand between him and his happiness, if he lost his own life in the cause; and that he should go to Norwich the then next week, and get his friend Harper to lend him his air-gun to settle some of the gentlemen who had ill-used him. He said there were three or four on the list, but Wood stood first, because he was in the way of his happiness. I understood from Probert and John Thurtell that Miss Noyes was entitled to some money on her marriage, and that if she married J. Thurtell he and Probert were to go into business together. J. Thurtell went to Norwich at about the

time the indictment was preferred against him and others for the conspiracy, and he was absent two days. I met him in Fleet-street the same night he returned, with the air-gun under his arm.

John Thurtell had written a letter from Norwich, addressed to me at Mrs. Mountain's, wherein he informed me, that he had got every thing he wanted, that all was right; and desired me to meet him at nine o'clock on Saturday evening at Temple-bar, at the corner of Shire-lane. I was a quarter or half an hour beyond my time, and found him waiting; he showed me the air-gun and a double-barrelled pistol, the latter he said would be of no use to him, as it would make too loud a report. It was a large sized pistol, and has the name of Mr. Harper upon it. We went to Mrs. Mountain's, and after taking something to drink, I left him. The next week he gave me the pistol, which I pawned at Cotterell's in Shoe-lane for 8s., and it is now there, either in the name of Jones or Hunt.

The ensuing week the plan of shooting Mr. Wood, in Castle-street, was determined upon as follows:—Wood, Probert, and Noyes had lodgings in the same house together, at No. 35 or 36, Castle-street, Leicester-square, and it was agreed that some night when Noyes was down at Probert's cottage, Probert was to go home early at night, and keep the landlady and her daughter drinking below stairs after Wood was gone to bed; and when he was supposed to be asleep, John Thurtell, disguised in a boat-cloak, was to enter the house by means of Probert's key of the street door, proceed to Wood's room, and shoot him through the heart with the air-gun. He was then to place a small pistol that had been discharged, in Wood's right hand, so that it might appear as if he had shot himself, and he was quietly to leave the house, and sleep in the city. Probert was afterwards to have gone up stairs, and found Wood in this situation, and given the alarm, or the landlady was to

have found him dead the next morning. An inquest would of course be held on the body, and it was to be made appear, that in a fit of insanity or despondency, he had shot himself. Probert said he would attend before the inquest, and swear that Wood was much embarrassed in his circumstances, and depressed in his spirits, and that was the reason he had no doubt why he had destroyed himself. John Thurtell asked a man, named Woolf, who keeps a sale shop, and who was in the habit of using his brother's house, the price of a boat-cloak for the purpose, but I do not know whether he bought one or not. The reason why this plan was not carried into effect at once was, that the air-gun was found to be out of repair, and it was sent to a gunsmith's in Sherrard-street to have a new valve. Thurtell told the gunmaker he had it for the purpose of killing deer; the repairs came to a shilling or two under a pound.

The night Wood's murder was to have been perpetrated, he fortunately did not sleep at home, and some accidental circumstances afterwards caused it to be put off, and the idea of shooting him in Castle-street, altogether abandoned, although Probert was continually urging Thurtell to commit the murder, saying there could not be a better time to *serve him*, as the landlady had no other lodgers in the house. Probert often said, "if you mean to do it, why don't you do it at once; you know I can keep the women engaged." Thurtell replied, "D—n your great eyes, if you want it done, why don't you do it yourself; you are big enough and ugly enough, and there is the air-gun at your service." On which Probert used to turn it off with a laugh, and say, "You know, Jack, I want you to have the woman, and should not like Wood to get her."

The house in Manchester-buildings was taken for the express purpose of destroying Wood, and making it a warehouse for whatever goods could be ob-

tained from tradesmen by fraudulent bills. J. Thurtell took it from a solicitor in Berner's-street, and gave a reference to Cousins, a linendraper at Kensington, to whom also a great quantity of Thurtell's valuable property was sent. Thomas Thurtell pawned one of the looking glasses for £5, to pay for the agreement. I went with J. Thurtell and Mr. Asseretis' clerk, to see the house, and J. Thurtell told the clerk he should not want the fixtures, as when his family came from Norwich, he must have all new fixtures and furniture. When this house in Manchester-buildings was taken possession of, I went with a waggon, hired from Daffern, in Compton-street, to bring away a great many articles of furniture and bedding, which had been obtained from different tradespeople, and deposited in a cottage which T. Thurtell had hired at Kensington for the purpose of secreting them. Some of these things were afterwards seized, as I have been given to understand, by the creditors, at a house in Cumberland-street.

The next plan against Mr. Wood was, to entice him to the house in Manchester-buildings, and there destroy him. J. Thurtell borrowed a pair of heavy dumb-bells, 6lb. each, from a Mr. Hancock, and it was settled that I should by stratagem get him to accompany me to, and enter, the house, and when he was within side, I was to shut the door upon him, and go to Charing-cross, where Thurtell was to meet me, after dispatching him. And, in order to account for his absence, a letter was to be sent to his lodging, to say that several writs were out against him.

According to this arrangement, I dressed myself in the clothes of Thomas Thurtell's servant, Ennison, that is, I wore his fustian jacket and white apron, and went about seven o'clock in the morning to Wood's lodgings in Castle-street, and told him (as had been previously settled between me and Thurtell,) that a

lady, named Brew, wanted to see him, and had sent me to fetch him to her at a friend's house in Westminster. This Mrs. Brew is an old lady who lodges at Cousins's, at Kensington, and who has a great friendship for Mr. Wood. Mr. Wood asked me if I knew why she wished to see him; I told him that she had had some words with Mr. Cousins, and she wished to see him before she returned to Kensington. He accordingly accompanied me, and in the way he asked the name of the street, which I told him I did not recollect, but would lead him to the house.

On reaching No. 10, Manchester-buildings, I said, that was the place, and rapped at the door. The door I found was a-jar, and gave way, on which I pushed it open and entered, expecting that Wood would follow me; he however stopped on the threshold; he was no doubt deterred from going in by observing that it was uninhabited, and as I think, from seeing Thurtell, who was standing at the foot of the stairs, close to the back parlour door, with his coat and shoes off, a red handkerchief over his head to disguise him, and a dumb bell in each hand ready to strike Wood on the head. As I found Wood did not follow me, and was gone from the door, I went to see what had become of him, and I just saw him running round the corner of the buildings. I then went to John Thurtell and told him Wood had run off; Thurtell said—"It was lucky for him he did run, or else he would never have run again." In order to prevent any alarm in Wood's mind as to the real intention, and as we knew he was in difficulties, we resolved to write to him to make him believe it was a stratagem of sheriffs' officers to arrest him for debt; we therefore ran across the Park as fast as we could to Thomas Thurtell's, at the Haymarket, and there John Thurtell wrote a note to Wood, as if coming from a friend to advise him to keep out of the way, as there were several writs out against him.



Ennison, who is a *factotum* of the Thurtells, was sent to deliver it, and I dare say it was at Castle-street, a very few minutes after Wood got back. In order to keep up the deception, another letter was written the same evening by John Thurtell, in the name of "Clarke," to say that he had to thank Curtis for the endeavour that had been made that morning to arrest him. This letter I delivered, and to convince Wood that these letters were genuine, and that the object in getting him to Manchester-buildings was an ingenious decoy of sheriffs' officers, J. Thurtell prevailed on \*\*\*\*\* to swear a debt against him of £29, and he was actually arrested the next day on this false oath.

After the failure of this scheme Thurtell said he would buy a pair of pistols, and shoot him some night as he went home from the house he used, which was kept by a man named Thornton in a street near the Haymarket. This, however, was afterwards relinquished, and Thurtell said he should leave him for a month or two, and pick out another of his enemies.

\*\*\*\*\* was aware of the different plans against Wood, and frequently, when we were discoursing on the subject, he used to say, "D—n and b—t Wood; what is the use of killing him?—Barber Beaumont is the man we want out of the way; why don't you do for him." John Thurtell replied, "Never fear; he is booked.—We shall have him safe enough, you may depend on it." The reason why they wished Barber Beaumont to be destroyed was, that they thought he was the only cause of the money not being paid by the Fire-office, and they feared he would urge the prosecution to be carried on for a conspiracy; and for several nights and days John Thurtell laid in wait for him with the air-guu charged, in the neighbourhood of the Fire-office. He generally took his station at the door of Mr. Ward's, the corner of Sherrard-street; and he set me to watch

at the office door in order to ascertain at what hours Mr. Beaumont went in and out; If I discovered him, I was to run and give notice to Thurtell which way he went, and he was to follow and shoot him. I, however, could never make out which was Mr. Beaumont, for I did not know his person until some one pointed him out to me at the Inquest. The air-gun resembled a knotted walking stick, and held no less than sixteen charges. It was let off by merely pressing one of the knots with the finger, and the only noise was a slight whiz, scarcely perceptible to any one who might happen to be on the spot.

John Thurtell mentioned to me that some of his friends were obliged to leave this country for France, and among others he named William \*\*\*\*\* and George \*\*\*\*\*, on account of some informations or prosecutions against them for gaming, and he had every reason to think Weare was one of the informers.

I was present at a public-house kept by Mr. Casely, in Orange-Court, when a man named\*\*\*\*\* told John Thurtell, that a young gentleman named Graham, who had lost money and was prosecuting, or informing, and also a Captain Kelly were obnoxious to his friends, and that if he Thurtell knew how to get rid of them, he could undertake to say that five hundred pounds would be of no object to those who were at that time obliged to live in France, on account of these prosecutions.

Thurtell said "If you can get George \*\*\*\*\* to pass his word for the money, it shall be done." \*\*\*\*\* replied "I will speak to George, and I have no doubt he will undertake to pay the money, if they are completely out of the way; and when I get his answer you shall see me again. After \*\*\*\*\* was gone, John Thurtell said to me "If George \*\*\*\*\* will pass his word for five hundred pounds, it is sure to be paid; the men he wants put out of the way shall be disposed of in a week, and

I will do it in such a way that the public shall believe they all killed themselves,"

The reason why Kelly was to be got rid of was, that he was terribly violent at the gaming-houses; for when he lost money, he insisted on its being restored to him, and if it was not, or if the proprietors did not lend him what money he asked for, he assaulted them and broke their glasses and furniture. The way Thurtell proposed to despatch him was, by inviting him to meet some young gentlemen to play, from whom money was easily to be won; and he was by this pretence to be drawn into the Park, as being in the way to the place appointed. Thurtell was there to shoot him with the air-gun, and I was immediately to go up and place a discharged pistol in his hand, and then make an alarm and call out for assistance. The moment any one came, I was to declare that I had seen him engaged in a duel; that he had fired without effect at his adversary; that the shot was returned, and he had fallen, whereupon his opponent ran off. John Thurtell frequently expressed his intention to kill an Attorney named Springfield, who lived at Norwich, because he had used him ill in his bankruptcy.

About three weeks before Weare's murder, John Thurtell, Thomas Thurtell, and myself, were walking towards Spring Gardens; John Thurtell said he would go and see Rexworthy, and we all went into his billiard-room, which had been newly fitted up. I there saw a gentlemanly looking man sitting down. John Thurtell went up to him and said, "Mr. Weare, how are you?" The gentleman got up, they shook hands together, and appeared very friendly; and after conversing together for about a quarter of an hour, they went out together and remained absent an hour. On their return, Thomas Thurtell said, he must be off, and we went away. When got out, John Thurtell told me that the man I had seen him in company with, and Bill \*\*\*\*\* had won three

hundred pounds from him in one night, at Blind-Hookey. I said that is a great deal of money. "Yes," said he, "and what is worse, when I asked them, and particularly Weare, to lend me five pounds, he told me to go a thieving for it, as he did; and that I had better say nothing about it, as the money was my creditors." Thurtell also said, "I do not forget this treatment, and shall soon settle accounts with some of them, and shall never die easy until I have my revenge of Weare."

Shortly after the indictment for the conspiracy was found, and when the officers were expected to be on the look out for the Thurtells, Probert introduced them to Mr. Tetsall; told him that warrants were out against them, and begged that he would let them stop at his house and keep a good look out to deny them, if any person should make inquiries of whom he had suspicion, and Mr. Tetsall accordingly let them have a private room up stairs. Probert and John Thurtell were almost continually in company together, either in London or in going backward and forward to the cottage; and I believe they arranged and settled the plan of Mr. Weare's murder before the particulars were communicated to me; for although I heard it mentioned several times that it was to be done, I was not informed of the manner in which it was to be perpetrated until just before the murder took place; but although I was ignorant, Probert, from the observations he made, and the directions he gave, appeared to know every particular. It was not until the Friday morning that the murder was committed at night that I was let into the secret as to several of the arrangements. I understood from Probert that he was in great distress and difficulty, and that unless he got some money he should be compelled to leave the cottage clandestinely; and as he was in daily expectation of his landlord coming to seize and take possession of the place, he told Thurtell not to delay any longer than he could

help, and said, "If it is done there, it never can be found out, because it is so by and private a place; for I kept a private jigger there, and it was never discovered;" and from his representations it was, as I believe, determined by Thurtell to commit the murder at Gill's Hill, or its neighbourhood. Thurtell told Probert and me that Weare, the man it was intended to *serve*, never carried less than from 1000*l.* to 1,500*l.* secreted about his person, and that he knew where to find it. He besides said, that he should tell him that he had become acquainted with a young gentleman who was just come into possession of a large property, and who had an inclination for gaming, but could not be tempted to play unless it was for large stakes. That this gentleman had given him an invitation to come down to his country-house, and bring a friend with him to take two or three days shooting; he should, therefore, persuade Weare to accept this pretended invitation, and impress on his mind the necessity of taking a large sum if he intended to do any good, because, as he (Thurtell) had no money to entice the gentleman to play, Weare must provide it, and if he did so, they could introduce cards, hazard, or backgammon after dinner and make a famous thing of it. Thurtell said he had no doubt this would be a sufficient bait to catch Weare; that he would take plenty of cash with him, and they should be sure to get four or five hundred pounds a piece, which would be no bad thing. Probert answered "No, that sum will just relieve me from my present difficulties." About two nights before the murder a conversation took place at Tetsall's betwen Probert and John Thurtell, in which Probert said—"You had better make it Friday night if you can, because I am usually down at the cottage on a Saturday, and by showing myself to the neighbours no suspicion will fall on me if the man is missed. Thurtell promised to arrange for that night if he could.

On the morning of Friday J. Thurtell said he had settled every thing with Weare; that he was to meet him that evening at Cumberland-gate with a chaise, to take him down to the gentleman's mansion; and that no time was therefore to be lost in making the necessary preparations. In the forenoon of Friday I went with Thurtell to purchase the pistols. They were bought at a jeweller's in High-street, Mary-le-bone, for one pound fifteen shillings. At about two o'clock the pistol balls were made. The two Thurtells, Probert, and myself were present in the front room, on the first floor, at Mr. Tetsall's. The lead for making them was melted in a fire-shovel, which \*\*\*\*\* held over the fire. Four bullets were cast while we were all present; Probert handled them, and said they did not appear to him to be large enough to kill a man on the spot; on which John Thurtell replied, "You would be d——d sorry to have one of them through your head, small as they are; and if you had, you would not get to Gill's Hill cottage in a hurry."

Probert said he was sure the air-gun would not kill any one on the spot, and John Thurtell replied, "I know that as well as you, Bill, or what the hell should I buy these pops for, if it was not because I would not trust to the air-gun," and added, "I was a bl—y fool to go all the way to my friend Harper, at Norwich, to borrow that air-gun; but I will take care not to miss that bl—y thief Weare, as I did your short (*using a vulgar expression*) friend Master Wood." Probert laughed and said, "You made a bad business of that Jack, for I expected Wood would have been dead, and you would have had the girl long ere this." John Thurtell then made answer—"Well, you shall see what sort of a miss I will make of Weare before this night is out—and after him comes Wood and two or three more that you know Bill." Probert said, "I hope you will do your business well, and that your friend may have plenty of money with him."

Thurtell replied, "There is no fear of that, as he thinks I am going to take him into the country a *flat catching*." Probert and \* \* \* \* \* laughed heartily at this observation, and John Thurtell went on saying, "It will be pretty flat catching, Bill, for I will lay the — flat enough before I have done with him."

We were all four present when the pistols were prepared and loaded. The lock was tried, and being found stiff in consequence of the pistols being new, I was sent to get some oil to grease the hammers and the triggers, to make the pistols go off readily.

In the course of conversation, Thurtell said, "How shall we manage about your old woman, to prevent her looking out." Probert replied, "Oh, never fear, I have a plan to get her to bed." Thurtell asked what it was, and said he should like to know it, so that we might all know how to act when we got there. Probert said, "Why, Hunt must sing us two or three songs, and, after a little while, the old woman will get sleepy, and I can then say that, having my friends down, I must sit up with them to keep them company, and as we mean to enjoy ourselves, that she and Nancy had better go to bed; and when they find we are determined to sit up, they will be glad to go to bed." It was arranged that Probert and myself were to watch Thurtell and Weare past Field's, and then to follow at a little distance, so as to prevent any one following up the lane, to interrupt J. Thurtell; and, if any one approached, we were to give him notice. Thurtell was to pass the cottage out of hearing of pistol-shot, and then to shoot Weare while sitting beside him in the gig. Probert himself told Thurtell how to do it; he said, "Jack, if the man has any suspicion about the lane, you can tell him you think you have missed your way, and when you have got to a convenient spot, as you are the driver, you can make some remark, and point his attention to make him look to the left, and

directly he turns his head, that is your time to shoot him." After the act was done, the body was to be put into a sack and brought to Probert's, and thrown into the pond by him and Thurtell, while I was to be engaged amusing the people in the house, as had been before settled.

After dinner, Probert said, "Have you got every thing you want, Jack?" "No," answered John Thurtell, "we must send Joe for a six-bushel sack, a hank of cord, and the horse and chaise." Probert said, "We must have some punch, Jack, before you start, and we must order it directly; because it will not do for you to keep him waiting." It was agreed that J. Thurtell was to start first, and Probert and me were to follow him in about three-quarters of an hour. I wished to stop and take some punch, but Probert told me I had better be off, and get the things for Jack, and as we were to remain for three-quarters of an hour, we could have some punch together after he was gone. Besides these things, I was sent by Thomas Thurtell to get a box-coat belonging to him, which was at Mr. Cribb's, in Panton-street; and also with a note to the man who was in possession at the Cock, for a coat and red shawl of John Thurtell's, which were left in his room. This red shawl was the same which John Thurtell had round his head when he intended to destroy Woods, in Manchester-buildings, and which was afterwards found round the neck of Mr. Weare.

I went to Probat's, the stable-keeper, to hire a horse and chaise—they had no chaise, but they lent me a horse, and I got a chaise at Mr. Cross's. It had been previously arranged that I should say I was going to Dartford, and I did so. I then went to Buckingham's, in Broad-street, and there bought a sack and a hank of cord: also to Cribb's, for the box-coat, but as he was not at home I could not get it. I then went to the Cock, and on delivering the



note, got the great coat and red shawl, and drove to Tetsall's.

When I returned into the room, I found several persons who were strangers to me had joined the Thurtells and Probert; I therefore called Probert and John Thurtell into the passage, and told them every thing was ready, and showed them the sack, which Probert examined and said, "I am sure this is not a six-bushel sack—this will not be large enough for him, Jack." Thurtell answered, "Never mind, Bill, we must make a shift with it; we have no time to lose." And he further remarked, "What a b——y fool my brother Tom is, to have a parcel of people here at a time like this." Probert said, "It was a foolish thing, but he was sure Tom did not expect any person, and as they were come to serve him about his bail, he could not well deny himself." Thurtell then said, "Well, never mind, let them stop and be d——d; I must be off. You go into the room, Bill, and bring me Tom's drab great coat." Probert went and fetched it accordingly. John Thurtell put the red shawl round his neck, and the drab great coat on, and being ready to start, he asked Probert to repay him the ten pounds which he had let him have to take up a bill a few days before, out of the money for which I had sold a horse to a Mr. Simcock; and Thurtell said he must have it or a part of it, because he had no money. Probert said he would let him have part then, and the rest next week, but he had no money himself, and must therefore borrow it of Charles Tetsall, the landlord. He accordingly borrowed some money of Mr. Tetsall, and gave it to Thurtell, but how much I cannot say. John Thurtell told Probert not to be long after him, and got into the gig, and drove off. After Thurtell was gone, Probert and myself went into the room and had some punch, and in about three-quarters of an hour Probert desired Mr. Tetsall's son to bring his horse and chaise

to the door. He then left the room, and in about five minutes returned, saying, " Hunt, the chaise is ready." I wished the company good night, got into the gig, Probert followed, and we drove off. In Oxford-street I got out and bought a loin of pork, at the desire of Probert. We then went on to a Mr. Harding's, a publican in the Edgeware-road, where we had some brandy and water, and again started. On our getting near the Bald-faced stag, Probert wished that I should get out and walk on, saying that he would soon overtake me.

It was not at my desire on account of the horse cloths, as Probert stated at the Inquest, for so far from my wishing to avoid the people of the house, I on the following morning stopped there to breakfast with Thomas Thurtell and Probert's boy. I had never been at the house but once, and that was to a supper at the invitation of Probert; and the cloths were not lent to me, but borrowed by Probert for a friend of mine, named Morgan,—and I went away, leaving John Thurtell and Probert there. While they were in this house on that occasion, John Thurtell fought with three countrymen, and they afterwards told me that in the confusion they robbed one of the countrymen of his watch, which Thurtell pawned for twenty-five shillings somewhere in London, and they divided the money between them.

At Edgeware we stopped at a corn chandler's, and Probert got out to purchase corn,—while he was in the shop, I saw Thurtell and Weare pass. When Probert came out, I told him they were gone by, and we went on to Field's, the Artichoke, at Elstree, where we waited in expectation of their passing us again, and had three or four glasses of brandy and water. At last the chaise with Thurtell and Weare passed the house, and Probert nudged me and whispered, " There they go, we must be after them." Field, the landlord, about this time brought as another shilling's worth of brandy and water, and on my ex-

pressing my anxiety to be off, Probert said, "Never mind, we shall be time enough; for as their horse is a hired horse, he must be nearly knocked up, and as our's is fresh, we shall soon overtake them." We finished our brandy and water, and then Probert set off in a gallop in the same direction they had gone, and on arriving at a place where a road branches off, and which I now know is near Mr. Phillimore's Lodge, but which I was then totally unacquainted with, as I had never been that road before, Probert said, "You get out here, and I will go on to the cottage, and see if Jack is there, and if all is right." I accordingly got out, and Probert went on with the horse and chaise as hard as he could down the lane.

In our way down, Probert frequently alluded to the money that was expected to be found upon Weare, and his apprehensions lest Thurtell should *well it* (meaning keep it to himself.) He said, "We know Jack is a very determined fellow, and is sure to do the trick; but if he don't do the thing that is right in giving us our share, we shall be sure to learn by the newspapers what amount he takes, and we shall know how to act hereafter." After an absence of near an hour, Probert came back to the spot where he had left me, and directly he was within hearing, he began singing "Bright chancicleer proclaims the dawn, &c.!" and when I got into the chaise, he said, "It is all over, Jack has killed him!" (meaning Thurtell had killed Weare)—"I have seen Jack, and Jack has shewn me the murdered man's hunting watch." I said, "He must have been at your place some time?" "Oh yes," replied Probert, "at least an hour, for his horse and chaise are put up, and the horse dressed; but Jack tells me the man had not got so much money as he expected."

On our arriving at the cottage, Thurtell was leaning against the stable door, and Probert's lad was cleaning down his horse. Probert sent me into the

kitchen with the loin of pork, and told me to desire the cook to dress it for supper, while he went into the stable to Thurtell. In about ten minutes they came to me in the kitchen, and we all went into the parlour, where Probert introduced me to his wife, saying, "This is my friend Hunt, of whom you have so often heard me speak as being so good a singer; and I have brought him down to entertain you." After a little time had passed, Probert told his wife that while supper was getting ready, it would be better for us to get out of her way, and we should therefore go to the stable and see to the putting up of the horses. We accordingly went to the stable, and Probert sent the boy into the kitchen, and told him to stop there till he gave him further orders.— Directly the boy left us together, Thurtell shewed me the gold watch and appendages, and then he, Probert, and myself, took the lantern from the stable, and went across a ploughed field, in order to search for the body of the deceased. As we were proceeding to the spot, J. Thurtell said that he had got Weare's purse which had only two or three sovereigns in it, but that he did not have time to search thoroughly for the other money.

On crossing the ploughed field, we came directly upon the body, which was laying near the hedge on the inside, and there was a gap in the hedge, which had evidently been made by dragging the body through it. The head and face were covered with Thurtell's red shawl, which also appeared to be tied round the neck of the deceased. I held the lantern, and Probert held up the body, under the arms, while John Thurtell rifled the pockets. Nothing was found while I was present, except four £5. bank notes, which were taken by Thurtell from the trowsers pocket of the deceased;—these were folded together carelessly, and not enclosed in any purse or pocket-book. Thurtell and Probert expressed themselves as being much disappointed, and I also joined in similar

expressions ; but I have now reason to believe that either one or both of them must have deceived me as to the money found on the deceased, because it was not likely Mr. Weare would have brought so small a sum down, considering the object he had in view :— nor was it probable that he would carry his notes loose, when he had a silk note case in his possession. This note case had been taken by Thurtell from the deceased, before Probert and me arrived : and besides how should he have been able to tell Probert that the man had not so much money about him as he expected, unless he had then made a complete search. My opinion is, that he had got the money, and kept it in his own possession, except the £ 20 which he put into the pocket as a blind to us ; and I am the more confirmed in this opinion because he afterwards had plenty of money, and has boasted that he could give £ 300 to get witnesses to clear him.

After the searching was finished, the body was put into the sack I had purchased, and which Probert had brought from the chaise, and when it was secured, we consulted as to how long it was to be left there, and it was arranged that the deceased was not to be removed until after the women should be gone to bed, and then the horse was to be taken to fetch the body to the garden ; so that it might be thrown into the pond until a convenient opportunity offered to bury it.

The following is the account J. Thurtell gave us of the circumstances attending the actual commission of the murder :—

“ On reaching Tyburn turnpike, I found Weare waiting for me in the coach—I saw his head looking out of the window. As we were going along the dark lane, Weare said to me, “ D—n my eyes, Jack, here’s a pretty place to cut a man’s throat, if you want to get rid of him !” Presently after I said to him, “ I have missed the Lodge Gates—I must have passed them.” Then I turned the horse about, and

followed your advice, Probert, by telling him how nice the country looked that way; this induced him to turn in the direction I pointed, and I shot him through the head, but I have had a great deal of trouble to kill him. I never had so much trouble to kill a man in all my life, for at one time he had nearly got the best of me; and after I had discharged my pistol at him he jumped out of the gig and run; I followed, and he fought with me till I knocked him down with the pistol, and he then struggled with me with great resolution, and actually got me undermost. While, however, I was in this situation, I took out my penknife and cut his throat, and in so doing, I broke the blade of my knife. The blood rushed from him in large quantities, and some got down my throat and nearly choked me: at last when his strength failed him by the loss of blood, I got up. He still lay and groaned for a short time, but I soon stopped that by tying my large red handkerchief round the b——'s throat, and dragging him through the hedge. In the struggle I have unfortunately lost my penknife and the pistol, and we must endeavour to find them, lest they should be picked up by somebody, and create an alarm."

Probert said it was no use to look for them that night, but he would go early in the morning and find them; and it would be better for him to look for them, because, as he was known to all the people about, no suspicion would be created by his being in the lane, and he could take the dogs out with him as an excuse.

On returning to the cottage we had some brandy, and then John Thurtell drew the watch and chain from his pocket, and took off the chain, and said to Mrs. Probert, "This belonged to a little Quakeress, a sweetheart of mine at Norwich; but as I have turned her up, I must beg of you to keep it for my sake." He then placed the chain round her neck —

she received it very cordially, and promised never to part with it.

I omitted to mention a circumstance communicated to me about a month before Mr. Weare's murder, and which this allusion to the Quakeress brings to my recollection:—it is this, "I was," said John Thurtell, "upon terms of intimacy with a quaker's family at Norwich, and privately paid my addresses to the daughter, who was, I believe, very fond of me; until a young man who was a friend of the family, and a pretended friend of mine, told the father that I was a profligate bad character, and ought not to be permitted to visit at their house. The old gentleman told his wife, and she communicated what passed to the daughter, and the girl mentioned it to me. I soon after served him out for his treachery; I took him out with me in my boat, under pretence of fishing, but I took care he was never afterwards heard of." But to return to my narrative.

After we had finished our supper, and commenced taking our grog or mixed liquor, Probert said to his wife, "You think me a good singer, Betsy, but you must hear my friend Mr. Hunt, who will sing you a song about Betsy, a favourite song of mine." They repeatedly pressed me, and I sung the song he wished. I afterwards sung another—Probert also sung, and Thurtell endeavoured to sing, but could not get through the song he attempted. About twelve o'clock Mrs. Probert was forward in liquor: Probert told her that as he had me there, he intended to sit up and enjoy himself. Miss Noyes should therefore get us the glasses and another bottle of rum, and then they had better go to bed. Miss Noyes accordingly went away with Mrs. Probert, who at the time she left the room, said, "I suppose you will make a drunken bout of it, and I shan't disturb you." Thurtell said, "Yes, you may expect to see your Billy come up to bed drunk enough." In a little while

after the women were gone to bed, Thurtell said, "we may as well look and see if there is any *chaunt* about the money, and he examined the four notes, but there were no marks upon them. John Thurtell now produced a small silk note case, such as is generally carried by sporting men, with different divisions in it for their notes; this was examined, but it contained only Mr. Weare's shooting license, and a few loose memorandums: those, together with the memorandums, were burnt. He next brought out a brown silk purse, in which there were three sovereigns, and some silver; this purse also was burnt, and likewise a small betting book. The money was then divided between us, by Thurtell giving Probert and me a five pound note and a sovereign each, and reserving the remainder to pay for the horse and chaise, and the other expenses.

When Probert received his share, he held out his hand and said, "This is a bad look out—this is hardly worth coming down for, Jack." Thurtell answered, "It cannot be helped, I thought, Bill, we should have had a hundred or two at the least, but we must now make the best of it we can. This watch you must recollect, Bill, will fetch twenty or thirty pounds." "Very true," said Probert, "and the gun if it is good for any thing, will fetch ten pounds;" and then, addressing me, he said, "Go, Hunt, and fetch the gun, and all the other things, and let's see what they are worth." I accordingly went into the stable and brought the gun, a small box, and a travelling bag. Probert looked at the gun and said, "This is one of Manton's make; it will bring at least ten pounds." He then laid hold of the box, and said to Thurtell, "This is the backgammon board you were speaking of Jack." "Yes," said Thurtell, "that is the board to pick up a flat with." Probert said, "Come, Jack, let's open the bag, there may be some money in that." Thurtell then took out of his pocket a handsome penknife, which he said



he had taken from Mr. Weare's coat pocket, and cut the bag open while Probert held it up. The bag contained some linen, several waistcoats, and a shooting dress; also, two pair of dice, which I understood were loaded, and two or three packs of false cards. One pack of the cards Probert kept, the others were put again into the bag with the linen. Probert also took a yellow silk handkerchief, which was marked with Mr. Weare's name, and Probert burnt out the mark over the candle. After this division, it was proposed to go and fetch the body, and accordingly we all three went to the stable, and the bridle being put on Thurtell's horse, he and Probert went across the ploughed field, while I remained near the house to see that all was quiet, and if I found any one stirring, to give an alarm, and prevent their being seen on their return. In a short time they came back, Thurtell leading the horse, and Probert holding the body so as to keep it across the horse without falling. The horse was led into the garden near to the pond, and the body was then thrown from the horse's back into the greensward by the side of the pond, when Thurtell observed that the body would not sink unless some stones or something heavy was put into the sack; whereupon Probert said he would get some of the large flints from his shrubbery, and he accordingly went and brought several large stones, which were put into the sack, and the body was thrown with a swing, by Thurtell and Probert, into the pond. Before the body was thrown in, Probert said the feet would probably rise up, unless something was done to keep them under water, and to prevent it, he tied one end of a string to the dead man's legs, and kept the other on the bank, and when the body was sunk, he drew the string so as to keep the legs down, and fastened the end to a particular spot by the pond side, where he said he could readily find it, and draw the body ashore whenever he wished.

After the body was thus disposed of, we returned

into the parlour, and Probert said he would go up stairs, and see if his old woman was asleep; he remained absent a few minutes, and on his return we entered into conversation, and sat drinking until about two o'clock, when Probert left us and went to bed. In the course of this conversation, Mr. Probert said, "There cannot be a better place in the world than this, to get rid of that b—y thief, Holding; you know how he has robbed me, Jack, and it will be easy to get him here and finish him in this parlour, and as you know I must soon leave this cottage, it must be done quickly." Thurtell said, "You have only to say the word, Bill, and it is done." Thus ends the history of this eventful night.

The next morning (Saturday), as soon as it was sufficiently light, I went with John Thurtell to the lane to look for the pistol and penknife; but we were unable to make any very particular search, because some labourers were near the spot, employed in repairing the road. We, however, saw a great quantity of blood at the place where John Thurtell said he had cut Mr. Weare's throat. Thurtell, in order to account for our being there, and also for the blood, if they should discover it, pretended to the labourers that we had been upset there overnight in the gig. About eight o'clock Probert came down stairs, and we told him we had been looking in the lane for the lost things, but could not find them; and he promised, after breakfast, to take the dogs, and go to look after them.

In the course of the morning he took us round to the shrubbery, and pointed out a spot where he thought it would be best to bury the body, because, as he said, it was very much hid by the shrubs and trees; and he desired us to bring down a new spade from town, as he had not one that was fit for use; and he said, that he would assist at digging in the night-time, because he understood it better than us;

and he said, " I will not leave here until every thing is safely stowed away."

After we had breakfasted, Probert put the bag, the box, and the gun, into the chaise, and John Thurtell and me went to London. On reaching Oxford-street, John Thurtell got down, saying he would go the back streets to Tetsall's, for fear he should meet Upson, who had the warrant against him for the fire-office prosecution; and he desired me to take all the things home to my lodgings, and return the horse and chaise, and then join him at Tetsall's.

According to these directions, I called at my lodgings, and left the articles I have described; and I also secreted under the bed the drab great coat which Thurtell wore when he committed the murder, and which was a good deal stained with blood; and after taking home the horse and chaise, I went to Tetsall's, where I found the two Thurtells. From the conversation that passed I found that John had communicated every thing to his brother; and in my presence he told him, that we were going down again for the purpose of burying the body.

After a little time John gave me a duplicate, and one of the 5*l.* notes which he had retained, to go to Mr. Gray's, a pawnbroker, in Fleet-street, to redeem a suit of clothes which he had in pawn there; and I paid the same note in the name of Price, to the pawnbroker, who wrote that name on the back of the note. The things came to 3*l.* 8*s.*, and I took them and the change to Thurtell.

Some time after my return with the clothes, John took Mr. Weare's watch out of his pocket, and Thomas said to John, " You ought to make me a present of the watch, because you got those clothes by means of one of my bills;" and he several times afterwards proposed to buy the watch.

In the course of the afternoon I went with John Thurtell to an ironmonger's in Warwick-street, Gol-

den-square, to buy a spade. We both went into a warehouse up stairs; John Thurtell selected and paid for one, and I took it by his desire to my lodgings until the next morning, when we were to take it down to Gill's Hill.

On the Sunday morning I again got the horse and chaise for John Thurtell and me to go down to the cottage, and the spade was put into the chaise. On the road we overtook Thomas Thurtell, and John got out of the gig to let his brother ride. On arriving at the cottage, Thomas threw the spade over the hedge into the field, and Probert afterwards went and fetched it from thence, and again pointed out the place where the body should be buried; and in the course of the morning, while walking in the garden, John Thurtell told his brother Thomas, in my presence, where the body was secreted. He pointed to the place in the pond, and said, "There lays the b——y thief, safe enough, who robbed me of 300*l.*, and would not lend me 5*l.*; that's the way all such b——s should be served; and it will not be long before we have Holding there." Thomas Thurtell laughed, and said it was a famous place for the purpose, because there was no other house near.

While we were near the pond, John Thurtell said to Probert, "If you do the thing that is right, Bill, this is how I will serve the man you want out of the way. Bankruptcy, I mean. You know Holding, don't you, Bill?"—"Yes," said Probert, "too well."—"Then," said John Thurtell, "you understand what I intend doing?"—"Yes, yes," said Probert, "I know well enough, we will have him for another turn."

In the course of the afternoon, Probert went to Mr. Nicholls, and was absent about two hours. On his return he appeared greatly agitated; he called me into the garden, and told me he had been much alarmed, in consequence of his having seen two or three gentlemen at Mr. Nicholls's, one of whom told

him that he had heard the report of a pistol about eight o'clock on Friday night; that another man had said he heard two pistols; and Mr. Nicholls said, a report was raised that dreadful groans had been heard, and some one calling out for help, and saying, "Oh! John, for God's sake, spare me, and I'll give you all the money I've robbed you of." That at the time this was mentioned, he, Probert, had a glass of gin and water in his hand, which, with his great fright and trembling, shook very much, and he was so agitated that he thought he should have dropped, and had no doubt he should actually have fallen if he had not sat down; and he was very much afraid lest his agitation should have been discovered. While Probert was relating this to me, John Thurtell came out, and Probert repeated it to him, and added, that Mr. Nicholls had talked about dragging the pond for large fish, and said, of course if this is done the body will be found. John Thurtell appeared alarmed at this information, and said, "Then I'm done."

We consulted on the best steps to be taken; and in the course of conversation John said, as he had brought down a spade, he would, in the course of the night, endeavour to dig a hole to bury the body. The next morning John Thurtell showed me, Probert, and his brother Thomas, where he had commenced digging the hole, but said he had found he had not sufficient strength to complete it, and had therefore filled it up again; and it was arranged that the body should be removed that same night to some spot where it could be concealed.

After what had passed at Mr. Nicholls's, we all became very much afraid that some stir would be made in the business; and in order to prevent the boy from being questioned, or giving any information as to what he had seen or observed, it was determined to take him to London. And on the Sunday night it was settled, that the boy should go up in the chaise with me and Thomas Thurtell, in order

that one of the Thurtells might get him a place in London.

On the Monday morning John Thurtell told his brother, Probert, and myself, that he had been endeavouring to dig a hole for the body, but finding the task too laborious, he had given it up. He showed us where he had made the attempt, and the earth appeared to have been newly disturbed.

Several plans were then talked of for disposing of the body. Thomas Thurtell suggested, that it would be a safe way to get rid of it, to cut off the head and bury it, and bring the body to the house in Manchester-buildings, and secrete it there until a convenient opportunity occurred of throwing it into the Thames; and then, if it floated, no one would be able to recognise it; and this plan, I understood, was to be adopted.

According to the arrangement which had been made over-night, the boy came up to London, on the Monday morning, with Thomas Thurtell and me, in Probert's gig; and as the lad was with us, nothing particular passed, except, when we were passing over a small bridge, near Edgware, Thomas Thurtell, pointing to the water, said, "This would not be a bad place." At another time he said, "we might find some difficulty to get rid of the job; but it was well planned to leave the big one, (meaning Probert) at home."

Thomas Thurtell quitted the chaise at the corner of Maddox-street, and sent me on to his attorney, in Clement's Inn, to inquire if the bail had been accepted. I went there, but the attorney was not within; and, on my going to Tetsall's, I found Thomas Thurtell there, reading the newspaper. He then sent me to my mother's, whose name had been given as one of their bail, to ask if any inquiries had been made there. On seeing my mother, she was displeased at her name being used, because she knew

nothing of the Thurtell's, and said she would decline becoming bail. Just after I came out of my mother's, I met John Thurtell, Miss Ann Noyes, and Thomas Noyes, in the gig I had hired at Charing-cross; and John Thurtell left the gig he was in, and joined me; and we rode together as far as Oxford-street, when he got out to go to Tetsall's. I took the chaise to the end of Conduit-street, where Tetsall's man took it from me; and Mr. Noyes having come up with the hired chaise and horse, I received it from him, and took it home. I at the same time ordered another horse and chaise to be ready for me the same afternoon, at three o'clock, and then returned to Tetsall's.

The two Thurtells, Noyes, Ennison, and myself, dined at Tetsall's; and at three o'clock Thomas said to his brother, "John, you had better go down and tell Probert that Hunt's mother has declined being bail, so that he may get another." John, who understood what was meant, replied, "Very well;—Hunt, you go and get the horse and chaise again, and we will ride down." And he directed me to drive to Tyburn gate, and there wait for him.

It was nearly six o'clock before John Thurtell joined me; he was dressed in a great coat, and trowsers over his breeches, which I had never before seen him wear. On reaching Elstree we stopped at Field's for nearly an hour, and then went on to the cottage.

On seeing Probert, he expressed considerable fear of a discovery, and begged that the body might be removed as early as possible that night from his premises; and he stated his determination, in consequence of the reports in the neighbourhood, to leave the cottage entirely, with his family, on the following Thursday. Probert suggested the propriety of cutting all the clothes off the deceased, so as to prevent his being identified; and he undertook to rend or cut

them into small shreds, and distribute them in such a manner as that they could never be put together again or be known.

Between twelve and one o'clock Probert and John Thurtell left me with the females, while they, under pretence of getting the horse harnessed and chaise ready, took the body from the pond, and cut off the clothes. Probert took out with him a white-handled knife for the purpose. After they had been out some time, Probert came in and told me the chaise was all ready, and that Thurtell was waiting for me. I then took leave of Probert and his family, and on joining John Thurtell, perceived the dead body, enclosed in a sack, laying in front of the gig. We went on with it to the pond near Elstree, and there threw it in.— That pond I understood was selected because it contained several feet in depth of soft mud, into which the body would sink, and there was therefore no danger of its being discovered. We then came together to Coventry-street, where I put him down, and after returning the horse and chaise to the place from whence it was hired, I went to my own lodgings.

On Tuesday forenoon I joined the Thurtells at Tetsall's; and about three o'clock Probert's chaise was brought there, and Thomas Thurtell desired me to go down to Probert to arrange about bringing up his children the next morning. I accordingly went, but happening to stop at Field's in my way down, I heard some people talking about a woman having been found drowned in a pond; and suspecting it might be Weare's body that had been discovered, I became greatly alarmed, and instead of going on to Gill's Hill cottage, I returned directly to town to the Thurtells, and told them what I had heard, and my fears that something was wrong; on which John was as much frightened as myself, and he said to his brother, "You had better go down, Tom, and inquire the particulars, and you can do it with safety, because no one knows you." Thomas Thurtell accordingly



went down almost directly, with the same horse and gig, and that was the way he happened to be at Probert's when the officers went there that night and apprehended him.

All the things belonging to Mr. Weare had been taken to my lodgings, until John Thurtell should have an opportunity of taking them to some man in the city whom he said he knew would buy them; but as there was now some danger of suspicion falling on us, and a probability of a search being made at our lodgings, it was determined to get rid of any thing that was likely to be identified, and also to remove the marks of blood from the great coat which had been worn by John Thurtell when he committed the murder, and which was still under my bed. We accordingly went to my lodgings, and sent my wife out on an errand, to redeem a coat of mine that was in pledge at a pawnbroker's in St. Martin's-lane, while we did what was necessary. We tried, by washing the sleeves of the coat, to remove the stains of blood, but could not succeed, and it was therefore determined to cut the sleeves off, and throw them separately away, and secrete or otherwise dispose of the body of the coat. The sleeves were left with me to get rid of, and I threw them down the privy of the house where I lodged, and the other part without the sleeves was dropped in Mary-le-bone. Thurtell cut Mr. Weare's hat in small pieces, and threw the pieces in a street near Maddox-street. He also threw a white-handled razor and strop on the pavement in a street facing Maddox-street and Bond-street, which was directly after picked up by a man accidentally passing by. Mr. Weare's tortoiseshell comb and hair-brush he dropped in the middle of the same street, and a housewife filled with thread and needles belonging to the deceased was thrown behind the railings of a house in Maddox-street.

The next morning I was apprehended, and John Thurtell also, when, after undergoing a short examin-

ation, at Bow-street, we were conveyed to Watford ; and there, in consequence of the solicitations and promises made to me, I disclosed where the body was concealed, and confessed many of the leading particulars of the horrid transaction. I also told the officers what articles they would still find belonging to Mr. Weare, at my lodgings.

The reason for marking out Mr. Graham, who is, as I understand, related to Mr. Clutterbuck, was, to get rid of a prosecution he was carrying on against some parties who had won a large sum of money from him ; and Weare and others were supposed to be urging on the prosecution, because the party, who won the money, refused to let him share with them.

JOSEPH HUNT.

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We enter into no discussion of the truth or falsehood of this most revolting document. It contains some matter that has been proved, much that is capable of proof, and upon the whole carries an appearance of probability with it. Still it must be received as the testimony of a man not to be implicitly believed under any circumstances. One use may, however, safely be made of this confession. It may be considered as a characteristic picture of the parties whom it portrays, which, although questionable in some of the minute points of colour and shade, has still a decided accuracy in its outline. If this assumption be correct, what a narrow escape may every man be said to have had from the knives and bullets of this affiliated gang of blood-shedders.

## LIBERATION OF PROBERT.

THIS execrable character having been, for the purpose of forwarding the ends of justice, formally acquitted before the trial of Thurtell and Hunt was proceeded with, remained at liberty to depart after giving that evidence which, whether true or false, has consigned him to eternal infamy. The wretch, however, either from the want of a place in which to hide his head, or from fear of encountering the indignant gaze of his fellow men, was glad to seek as a favour the shelter of that prison, of which he had hitherto been a compulsory inmate, and under whose roof he now begged permission to pass the night. On the following day it was hinted to him that his company was no longer agreeable, and he was about finally to quit the gaol without paying some small sum of money which had been lent to him by one of the Turnkeys. The disgust universally felt towards him, however, prevented his success, and he very reluctantly drew forth the sum, and left Hertford Gaol amidst the curses and execrations, "not loud but deep," of every class of its inmates.

At the time of his quitting the prison, his natural impudence seemed to have rallied. He walked down the town with a careless swaggering air, and proceeded to the inn in which his unhappy wife and her brother and sister were staying. After the infamous scenes which had been acted and described by this couple, there can be nothing interesting in the description of their meeting, and we therefore pass it over.

The cold-blooded scoundrel had made no secret of his intention to remain in Hertford to witness the fatal consummation of the law on his former associate. But one of the magistrates anxious to rid the town of so base a man, called upon him at the inn, to urge the propriety of his immediate departure with his

wife. Probert objected his want of pecuniary means, but the magistrate would not suffer money to be an obstacle to the accomplishment of his anxious desire, and therefore most willingly undertook to defray out of his own pocket the expense of a post-chaise to town. The fellow who had so narrowly escaped the fate of his associate, was thus once more let loose in London.

A few days after, he had the assurance to appear in the Royal Exchange, where he addressed himself to a respectable merchant who had formerly known something of him. It is needless to say, that he was treated with becoming contempt and disgust.

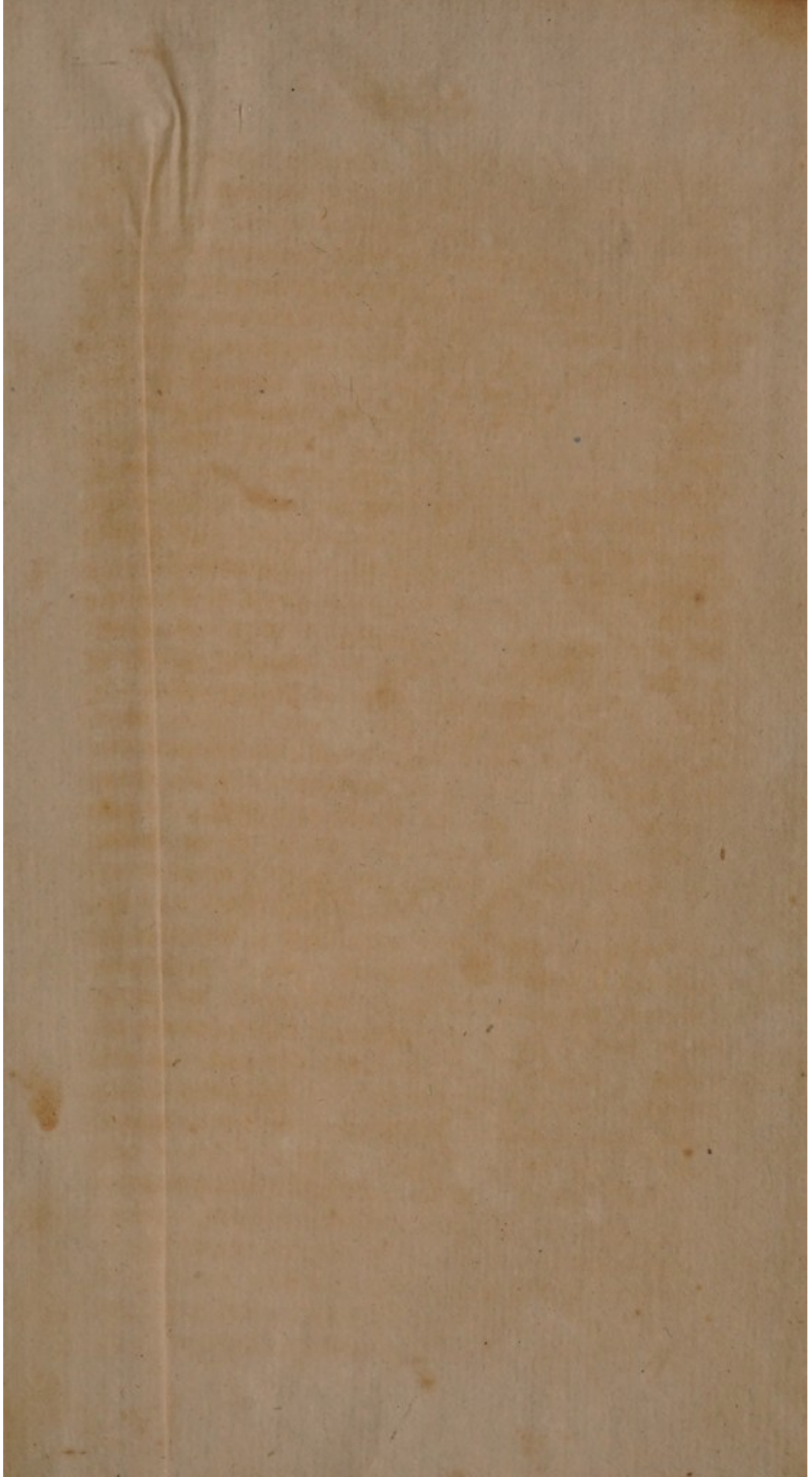
The public prints had of course spoken of this fellow in terms in which every man who feels the dignity of his nature, and who values the social and domestic tie by which society is held together in harmony and in intellectual contact, could not fail to apply to him. It is hardly credible—but the facts stand incontrovertible—that the proprietors of two morning newspapers, and the publishers of some of the tracts relative to the Gill's-Hill Murder, actually received notice of an intention to commence legal process against them for *the aspersions which had been cast on THE CHARACTER OF MR. PROBERT!!!*

It is scarcely possible to find terms in which to express at once the feelings of ridicule and indignation that rush into the mind on the bare mention of such outrageous insolence! *THE CHARACTER OF PROBERT!* the character of the “aider, abettor, and comforter” of the assassin in one of the most deliberate and systematic murders that ever stained the page of history! *THE CHARACTER* of the canting, whining hypocrite, who through all the tedious preparatory proceedings, so solemnly protested his utter ignorance of all knowledge of the subject! *THE CHARACTER* of the base and treacherous approver, who with

“Cheek of parchment, eye of stone,”

stood up in the witness-box and braved the burning indignation of the court, the jury, and the assembled multitude, while in the very teeth of his former protestations, he detailed with demoniacal coldness and fiend-like precision his own acts and deeds in the horrid work of blood! The CHARACTER of the wretch whom the impartial Judge Park emphatically described as “the man Probert—than whom a more infamous character could not easily be conceived!” We for bear to mention the name of the solicitor whose signature was attached to these threatening notices, and sincerely hope that the public feelings will never again be insulted by the mention of the base name of Probert—a name that must evermore bring to recollection every crime by which human nature has hitherto been disgraced. With these sentiments we leave him to the scorn and indignation of mankind, and the bitter pangs of a guilty conscience.

END OF THE APPENDIX.



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