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No. 1.

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THE
TRIAL
OF
DANIEL DAWSON,

FOR
Poisoning Mr. Adams's Mare,

AT NEWMARKET, IN 1809,

Which took place before Mr. Justice HEATH, at

CAMBRIDGE,

JULY 22, 1812,

CORRECTED AND REVISED,

With the addition of

A TRUE COPY OF THE INDICTMENT,

THE

SPEECH OF COUNSEL

AND THE ARGUMENTS ON THE POINT OF LAW, AT LENGTH,

TOGETHER

WITH OBSERVATIONS ON THE CASE,

**THE PRISONER'S BEHAVIOUR AFTER CONDEMNATION,
TO THE TIME OF EXECUTION, &c.**

With other interesting Matter.

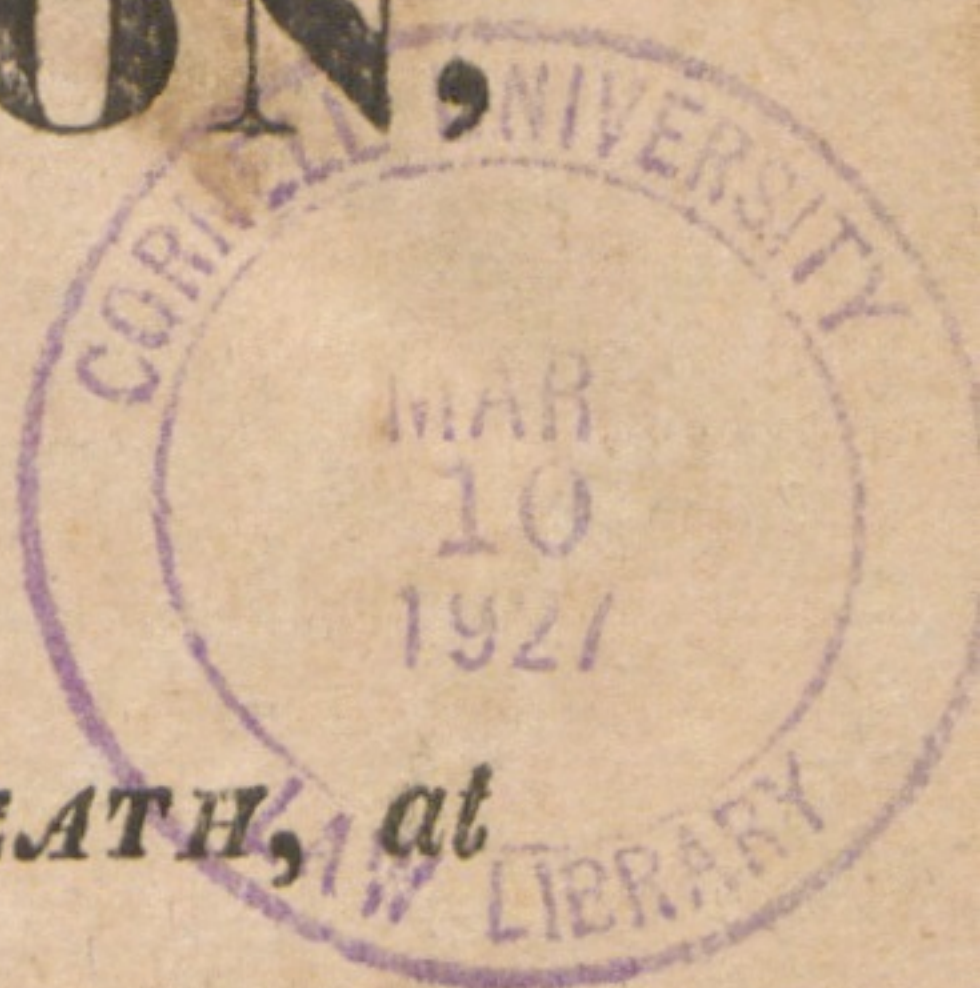
TAKEN IN COURT,

BY GEO. KENT.

LONDON:

Printed by W. GLINDON, Rupert Street, Haymarket;
TO BE HAD OF THE WRITER, 8, DUFOUR'S-PLACE, BROAD-STREET,
GOLDEN-SQUARE; HUGHES, LUDGATE-HILL; HORNCastle,
TICHBORNE-STREET; RICE, NORTH SIDE OF BERKELEY-
SQUARE; AND R. ROGERS, NEWMARKET.

PRICE THREE SHILLINGS AND SIXPENCE.



REMARKS.



THE Writer begs leave to return thanks to the Public for the patronage he has met with in the sale of two former works.—Several complaints have been made respecting the imperfect state in which the last edition was issued to the Public, but such can only be attributed to the hurry and bustle, occasioned by the immediate demand of the book, and the consequent desire to gratify Public curiosity. The present work is submitted to the public, as including the whole proceedings, accurately, with respect to Dawson's conviction; and a copy of the indictment is also given, together with Mr. King's speech, so that the reader may form his own judgment with respect to the *law* and *facts* attending

the case; and the writer's great object is, that it shall be a work of reference regarding this event, which has made such confusion in the sporting world, and worthy the library of sportsmen, and the curious.



TRIAL

OF

DANIEL DAWSON.

THE Court was opened at seven o'clock in the morning, and every avenue was thronged, so as frequently to impede business. Dawson was brought into the dock soon after; he looked extremely well, and saluted many of his friends who had assembled in court, with the utmost cheerfulness. Lord Stowell, Mr. Northey, and many other sporting gentlemen took their stations on the bench with the Judge.

INDICTMENT.

Cambridgeshire to Wit.—The jurors for the lord the king, upon their oath, present that Daniel Dawson, late of the parish of Wood Ditton, in the county of Cambridge, labourer, being an ill-designing and disorderly person, and of a wicked and malicious mind, after the first day of June, in the year of our Lord, 1723, to wit, on the 10th day of July, in the 49th year of our sovereign lord George the third, by the grace of God, of the united kingdom of Great Britain, and Ireland, king, defender of the faith, &c. with force and arms, at the parish of Wood Ditton, in the county of Cambridge, aforesaid, one mare of great value, to wit, of the value of £20, of the cattle, goods, and chattels of one William Adams, there then being, feloniously, unlawfully, wilfully and maliciously, then and there did kill and destroy, by having before then, that is to say, on the same day and year aforesaid, in the said parish of Wood Ditton, in the said county of Cambridge, feloniously, wilfully, maliciously, and unlawfully put and infused into, and mixed with certain water, then and there being, in a certain trough in the parish of Wood Ditton, afore-

said, in the county aforesaid, used for the purpose of watering horses, and at which said trough, the said mare of the said William Adams was usually watered, a certain quantity of deadly poison, to wit, arsenic, and of which said water, wherein the said poison had been so put and infused, and mixed as aforesaid, the said mare of the said William Adams afterwards, to wit, on the said 10th day of July, in the forty-ninth year of the reign aforesaid, at the parish of Wood Ditton aforesaid, in the county aforesaid, did drink, and by reason of, and in consequence thereof, the same mare then and there became and was poisoned, and afterwards, to wit, on the day and year last aforesaid, did, by reason and occasion, of her having been so poisoned as aforesaid, die, to wit, at the parish of Wood Ditton, aforesaid, in the county aforesaid, to the great loss and damage of the said William Adams, against the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity, &c.

SECOND COUNT. And the jurors aforesaid, on their oath aforesaid, do further present, that the said Daniel Dawson, being such ill-designing and disorderly person, and of such wicked and malicious mind as aforesaid, after the said 1st day of June, in the year of

our Lord, 1723, aforesaid, to wit, on the said 10th day of July, in the 49th year of the reign aforesaid, at the parish aforesaid, in the county aforesaid, one other mare of great value, to wit, of the value of £20 of the cattle, goods, and chattels, of the said William Adams there then being, feloniously, unlawfully, wilfully and maliciously then and there did kill and destroy, by having before then, to wit, on the same day and year last aforesaid, at the said parish of Wood Ditton in the county of Cambridge, feloniously, wilfully, maliciously, and unlawfully, put and infused into, and mixed with certain water, whereof the said mare of the said William Adams was accustomed to drink, a certain quantity of deadly poison, to wit, arsenic, and of which said water, wherein the said poison had been so put, and infused, and mixed, as aforesaid, the said mare of the said William Adams, afterwards, to wit, on the said 10th day of July, in the 49th year of the reign aforesaid, at the parish of Wood Ditton aforesaid, in the county aforesaid, did drink, and by reason and in consequence thereof, the same mare, then and there, became and was poisoned, and afterwards, to wit, on the day and year last aforesaid, by reason and on occasion of her having been so poisoned, as aforesaid, die, to wit, at the parish of Wood

Ditton aforesaid, in the county aforesaid, to the great loss and damage of the said William Adams, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown, and dignity, &c.

THIRD COUNT. **AND** the jurors aforesaid, upon their oath aforesaid, do further present, that the said Daniel Dawson, being such ill designing and disorderly person, and of such wicked and malicious mind as aforesaid, after the said first day of June, in the year of our Lord 1723, aforesaid, to wit, on the said 10th day of July, in the forty-ninth year of the reign, aforesaid, at the parish of Wood Ditton, aforesaid, in the county aforesaid, another mare, of the value of £20, of the cattle, goods, and chattles, and property of the said William Adams, there then being feloniously, unlawfully, and maliciously, then and there, did kill and destroy, to wit, by then and there causing and procuring the same mare, to take and swallow a certain quantity of certain deadly poison, to wit, arsenic, of which the said last mentioned mare, then and there died, to the great damage of the said William Adams, against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity, &c.

FOURTH COUNT. And the jurors aforesaid, on their oath aforesaid, do further present, that the said Daniel Dawson, being such ill designing and disorderly person, and of such wicked and malicious mind, as aforesaid, after the said first day of June, in the year of our Lord 1723, aforesaid, to wit, on the said 10th day of July, in the forty-ninth year of the reign, aforesaid, with force and arms, at the parish of Wood Ditton, aforesaid, in the county aforesaid, one other mare, of the value of £20, of the cattle, goods, chattels, and property, of the said William Adams, there then being, feloniously, unlawfully, wilfully, and maliciously, then and there did kill and destroy, that is to say, by poison, to the great damage of him, the said William Adams, against the form of the statute, in such case made and provided, and against the peace of our said lord the king, his crown and dignity, &c.

The prisoner was arraigned on a second indictment charging him with poisoning a brood mare, value £20 the property of Mr. Northey, on the 10th of July also.

Another indictment charged him with poisoning a horse, value £1000, the property of Sir F. Standish, at Newmarket, in 1811, by unlawfully, wilfully, and maliciously procuring one Cecil Bishop, by promise of money and division of bets, to infuse poison into the troughs occupied by Mr. R. Prince.

The fourth and last indictment on which the prisoner was arraigned, was, for poisoning Periouette, the property of Lord Foley, in 1811.

The two last bills of indictment were found at Cambridge, during the assizes, charging Dawson with having been an accessory before the fact of poisoning, he having been indicted at a former assize as *principal* in the poisoning act, and acquitted on an objection taken by Mr. King, as will be seen by reference to the pamphlet published on that occasion.

The prisoner pleaded not guilty to the several indictments, and on being asked in the usual way, if he had any objection to any of the Jury, he replied,—
 “No, my lord, the gentlemen are all strangers to me, and I can have no objection to any of them.”

The following twelve Jurymen were then sworn :

ROBERT FULLER,	CARTER TYSON,
THOMAS WEBB,	JAMES FULLER,
JAMES COLLING,	JAMES NORMAN,
Wm. FARLEY,	GEORGE BARNES,
RICHARD FEW,	JOHN SCOTT,
THO. PORTER,	J. BEACHEY,

The Counsel for the Prosecution, were Serjeant SELLON, and Messrs. BEST and STORK, and the Solicitors were Messrs. HOOPER and BROUGHTON, gentlemen of the first respectability, residing in Great Marlborough-Street. Mr. KING defended the prisoner with Mr. HARMER, an eminent solicitor in the criminal law.

The prisoner was tried on the indictment, charging him with poisoning Mr. Adams's mare.

Mr. STORK opened the case, and Serjeant SELLON addressed the Jury as follows ;—

GENTLEMEN,

The offence with which the prisoner stands charged is recognised by an act of parliament, called the *black act*, which provides against unlawfully and maliciously destroying cattle. I shall not occupy your time by entering on the law of the case, because the learned judge, whose peculiar province it is to enlighten you on that subject, will promulgate it with his accustomed wisdom. I shall content myself with a detail of facts attending the case, to which I must intreat your particular attention. One general observation however arises; I shall prove distinctly that the mare, the subject of this indictment, was poisoned by the infusion of arsenic into the troughs, and the next point for your consideration, is, whether the prisoner at the bar so infused the poison into the water. If you are of that opinion, I submit to the learned judge, that malice against the owner was implied, and the case will be complete. Gentlemen, you must know that Newmarket is a place of turf amusement, where several meetings are held in a year, and the horses are in the care of training grooms, who reside there to prepare them for running. There are in truth seven meetings in the year, the *Craven*, the *first spring*, the *July*, and others in the autumn.

It was in the July meeting that this offence was committed. Amongst the training grooms to whom I have alluded, is a Mr. Stevens, in whose care the horse, the subject of this indictment, was intrusted, as well as others of different value, amongst which was a horse named *Woodwellhead*, the property of General Grosvenor. The training grooms have their respective troughs, and it was generally known that an alarm had been raised in consequence of horses having been poisoned, and particular persons were suspected. These troughs are kept covered, but not so closely as to prevent the introduction of a straw or a syringe. Your attention will be particularly directed to Monday, the 10th of July, on which day the meeting commenced, and also on Saturday the 8th, to which days the evidence I am about to call, will particularly apply. Amongst the horses watered on the Monday morning, was *Woodwellhead*, a great favourite, two mares of Mr. Northey's, one of Sir C. Bunbury's, and Mr. Adams's hackney. After returning from water, the horses heads were tied up as usual, for dressing, and on giving them corn the animals refused it. Some recovered after many painful struggles, but two died; the one for which the prisoner now stands before you, and the other a

brood mare, belonging to Mr. Northey, and the circumstances which I shall prove, can leave no doubt in any reasonable mind, as to the cause of death. I shall prove to you that the horses were in sound health, up to the 10th of July, and it is impossible to draw any other conclusion than that they were poisoned. A skilful veterinary surgeon, who attended the opening of the horse, will prove this fact, and a skilful chemist, who analyzed the contents of a bottle, will prove to you, that he found arsenic enough about it to kill. Another important point for your consideration is, did the prisoner infuse that poisonous liquid into the trough, because if he did, it implies malice. I shall prove he was a frequenter of Newmarket races, and a witness, who you will hear to day, will state to you, that the prisoner arrived at Newmarket, at the spring meeting, when a conversation took place betwixt the said witness and the prisoner, which I shall forbear to state, as you will better judge of it from her own mouth. Dawson lodged at her house, and she will prove his arrival at Newmarket, two or three days before the July meeting. You will hear from her, that she discovered a bottle concealed, in making Dawson's bed, and she will best describe that event. On Saturday, the 8th

of July, previous to the commencement of the meeting on the 10th, the prisoner obtained of this witness, two phials, and she will prove that he was from his lodging at late hours on the nights of Saturday and Sunday, when a candle was left burning for him at his request, and his excuse was that he had gone to see *Captain Barclay* walk his match. Dark deeds, Gentlemen, are generally performed in the dark, where the eye of observation can be baffled. This is a natural cause, and it can only be got at by circumstances, which form a chain; but a concatenation of evidence, which bind the links, cannot deceive, when the positive testimony of one or two witnesses might, by sinister motives. *Woodwellhead* had engagements to perform, the first of which was on Monday, the 10th of July, and Mrs. Tillbrook will relate to you a particular conversation she had with Dawson, respecting this favourite horse. Close upon the time of the horse attempting his first engagement, the prisoner offered to bett 20 to 1 against his winning, and treated any notions of his chance of so doing as nonsense. Dawson was at his lodgings when intelligence was brought to the house that some horses were poisoned, and the conversation that passed on such being known, will require particular attention.

After this event, the bottle I have before spoken of, vanished, and after the prisoner had left, the same bottle, which would be identified, was found empty, and concealed in a different part of the house. It was afterwards delivered to a gentleman of the name of *Weatherby*, at Newmarket, and on trying a test on the remnants, it will be proved by Mr. Fuller, a gentleman of consummate skill, and first practice, to have contained poison. These circumstances are cogent and strong, when coupled together, more so even than direct evidence. The prisoner made particular inquiries after this bottle on his return to Newmarket. If any doubt remain, the evidence of Bishop, the accomplice will remove it by his testimony. Such evidence is entitled to full credit as far as it is confirmed by other witnesses, and it will be found the most important, and there are no reasons to discredit it. He will prove to you that he prepared the solution for the prisoner with his own hand, and that he personally delivered it to him, and he will prove an acknowledgement from Dawson, that he had infused the poison in the trough, and killed a mare and hackney. I shall not occupy your attention further than to call it to two points; viz. whether you shall be satisfied the horse, the subject

of this indictment, died by poison, and if so, whether you shall be of opinion the prisoner infused the poisonous liquid into the water.

After the bustle in court, at the conclusion of the counsel's speech had subsided, evidence was called to prove the case, and to prove that the horses were poisoned, the following witnesses were called:

Mr. Adams, of Royston, proved, having left his mare in the care of Mr. Stevens, a training groom, at Newmarket. He went to the stables on Monday morning, the 10th of July, and found the animal down in the stall, in apparent great agony, and she died on the same morning.

Cross examined by Mr. KING.

Q. Are you acquainted with the prisoner?

A. I know him.

Q. Have you ever had any dispute with him?

A. No.

Re-examined by Mr. BEST.

Q. You knew him personally.

A. Yes, I saw him frequently.

Jones, an assistant groom to Mr. Stevens, in July, 1809, stated, that he had been 16 or 17 years in his employ at different periods. Witness recollected

having Mr. Adams's hackney under his care in July, 1809, and he was in the habit of sending the horses in Mr. Stevens's keeping care to water, and sometimes attended them. Mr. Adams's hackney was in good health on Sunday evening, the 9th, and was rode to water out of a trough, by Richard Clark, a boy.— Witness saw the mare at five o'clock on Monday morning, the 10th, before she went to the trough, and she was then in good health

Question from the JUDGE.

Did she eat corn then?

A. Yes.

Witness saw the mare again, betwixt eight and nine o'clock on Monday morning, in the stable, when she was rolling about in great agony. She perspired a good deal, and had a kind of dizziness, and a violent purging. After continuing in this state about half-an-hour she died, and he afterwards saw her opened by a man named Clark. There were seven other horses in Mr. Stevens's stables, viz. two of Mr. Northey's, Mr. Adams's, Sir C. Bunbury's *Agnes*, *Woodwellhead*, and *Fair Ellen*, they were all very violently effected, but they all recovered, excepting two. *Woodwellhead* was to run the following Wednesday.

Cross examined by Mr. KING.

How do you know *Woodwellhead* was about to run on the Wednesday?

A. I knew by the Calendar, as well as having had my orders of General Grosvenor.

Richard Clark, a boy, in the employ of Mr. Stevens, proved having rode Mr. Adams's mare to water on the morning of the 10th of July, 1809. She was very well before she watered.

Mr. Joseph Goodwin, a veterinary surgeon, who resides in London, but who lived at Newmarket in 1809, was called on to look at the horses in Mr. Stevens's stables, on the evening of the 10th of July. He saw the mare, the subject of this indictment, which was dead, before his arrival. The mare was opened under the inspection of witness, and there was a general inflammation throughout the intestines. Witness had opened horses which had died of a common inflammation, but in the present case, according to his experience, appearances were different. From the report which had spread respecting other horses, witness was induced to examine the body more particularly, and he found the stomach almost in a state of gangrene, and the cause of death appeared the same in both horses which died.

Question from one of the Counsel for the Prosecution.

What, according to your professional knowledge caused the death of Mr. Adams's mare?

A. From the circumstance of analysing the water, and arsenic having been found therein, I am of opinion, the mare died from the effects of poison.

Question from the Judge.

Did appearances indicate that the mare died of a natural inflammation, divesting yourself of what you heard relative to poisoning?

A. It certainly did not appear as a common case of inflammation.

Q. Have you known instances of common inflammation killing in a short time.

A. Such a thing is not unusual.

Question from Counsel.

You also opened Mr. Northey's mare.

A. Yes, and I attended the other horses that were sick

Q. State your opinion upon the whole.

A. My opinion is, that one general cause produced the same effects on each horse, but I must be understood as speaking of the horses which did not die. Of those which died, the whole alimentary canal from the stomach to the intestines, produced appearances unlike those which appeared in common

inflammations, but I never had occasion before to attend a horse which had been poisoned.

Q. Is it common for a horse which has a common inflammation to purge?

A. Not always, but it is not uncommon.

Cross-examined by Mr. KING.

If it had not been for the report of a number of horses having been poisoned, what would have been your opinion as to the cause of inflammation.

A. I should not have made so minute an examination in one case alone, and it might have passed for a common inflammation.

Q. I understand you to state, that you never attended horses under similar circumstances.

A. No, I did not, but it struck me that there were something more in appearances than what is seen in common inflammations, and as I have before stated, from reports which were circulated, I should not probably have made so close an examination, but the inflammation had not the common appearances.

Thos. Payne, a servant, proved, having filled a bottle with water, which he took out of the trough where the horses had drank, and he delivered it to Lord Stawell.

Lord Stawell proved, that he delivered the said bottle to Mr. Fuller, a medical gentleman.

Mr. Henry Peter Fuller, a gentleman of most extensive practice, in Piccadilly, stated, that he received a bottle from Lord Stawell, the contents of which he analyzed. On applying a test, witness was quite satisfied it contained arsenic. This gentleman entered into an enlightened description of the test he had tried, and which had led him to this conclusion.

To prove the guilty knowledge of the prisoner, the first witness called, was Sarah Tillbrook, the wife of a carpenter at Newmarket. She stated that she knew Dawson, who had lodged at her house. She recollected him arriving at Newmarket, in the spring meeting, of 1809. Witness had some conversation at breakfast one morning with Dawson about Wilkinson's dogs, and he informed her to be careful and not let a young woman in the house, go to his bed room, as he had some stuff mixed up in a mug, which she might be for tasting. It might make her sick, although he did know if it would poison her. Witness saw the stuff in the mug, in quantity not half a pint, and it looked like chalk and water, or pale rum and water. Dawson said he had mixed it up for Wilkinson's dogs. The prisoner arrived at

Newmarket on the Thursday or Friday previous to the July meeting, and on witness going up stairs to make his bed, she did not find herself very well, and on throwing herself across the bed, she hit her head against a hard substance, and after she had taken a few minutes to recover herself, she found a bottle under the clothes, which looked like cream of tartar or pale rum and water. There was no settlement in the bottle, but it had a whiteish cloud. Witness also, found a paper containing a powder, betwixt the bed and the sacking, where she discovered the bottle, and she did not disturb either the bottle or the powder. On Saturday evening, the prisoner asked witness to procure him a phial or two, which she did, and he took them into his bed room. On that evening the prisoner said, he was going out to smoke a pipe with a friend, and to see Captain Barclay walk, and he begged to have a candle left a light for him, and he got home about two o'clock in the morning. On the Sunday, the day before the July meeting began, witness spent the afternoon at home, it being wet, and in the evening, he asked again for the key of the door, and begged to have a candle left burning for him as on the preceding night. He staid out again until the clock

had struck two, and witness was up when he got home. On Tuesday morning, when witness's husband came home, he said he had been making a new course for the winner, *Woodwellhead*. Dawson was present, and he made use of a bad oath, and said he would bet 20 to 1, play or pay, *Woodwellhead* would not win. The brother of witness's husband arrived in a great hurry, and said that Grosvenor's horses had been poisoned, and the husband said he should have been in a pretty mess had he made the bett with Dawson, At this time the prisoner was going up stairs, and he appeared to witness to change colour, which she attributed to a run of ill luck. Witness examined the bed on the Monday the meeting began, and the bottle with the liquid was gone. The prisoner left Newmarket on the Friday after the races were over. Some time afterwards witness promiscuously found the bottle (which she identified by a *dent in the shoulder*) amongst some rubbishing things quite empty, and it was a *hundred to one* it had not been broke. One morning after the horses were dead, as the prisoner sat at breakfast he said "*D---n my eyes I should not wonder if that Bully Mitchell saddles this poisoning upon me as he did the poisoning at Doncaster.*" Witness made answer, she supposed if it

was laid to the prisoner he could clear himself, and she supposed he would do it. The prisoner called again on witness, in the spring of 1810, and she had some conversation with him about the bottle, but witness did not tell him she had found it. This meeting was in consequence of the prisoner owing something for rent.

Cross examined by Mr. KING.

How soon after Dawson left Newmarket, did you find the bottle he left, you say in the middle of July?

A It was about the latter end of August, or the beginning of September.

Q. Are you sure it was not three or four months.

A. I am sure it was not three months, it was the latter part of the summer, when harvest was about.

Q. Do you know a person of the name of O'Mara?

A. Yes I do.

Q. Had you ever any conversation with him on the subject you are here about?

A. I don't know, I might have talked about it, I believe it was the night before his trial with Wilkinson.

Q. You are come here to speak the truth you know.

A. I should be sorry to tell a story.

Q. To whom did you first take this bottle, or mention that you found it, and at what time?

A. Why to Mr. Weatherby and Sir C. Bunbury. I don't know the time.

Q. Now listen, Mrs. Tillbrook.

A. Yes, and I will answer to, *if I think proper.*

Judge. You must answer, *if you don't think proper.*

Q. When did you tell Sir C. Bunbury, or Mr. Weatherby, I ask you again?

A. Why it was about the latter end of August, or the beginning of September.

Q. Did you ever mention about the bottle to any one else, and that Dawson had used you ill?

A. I might have given a hint that he had not used me well, because he was in my debt for rent.

Q. What, you harbour a grudge against him then?

A. No, I have no other grudge than he used me ill in not paying his rent; and you nor nobody else would be much pleased at that.

Q. Now, upon your oath, did not O'Mara tell

you, you would get some money for bearing here?

A. No, never.

Q. Upon the solemn oath you have taken, I ask, did he not tell you, you would have some money coming after this trial, from some person?

A. No, he never did say any such thing, nor did any one else.

Q. What, don't you know there were hand-bills posted about Newmarket, offering a reward for the discovery of this business?

A. I never saw any papers about it.

Q. Nor did you ever hear of a reward?

A. I might have heard such a thing, but *one would have enough to do* to listen to half what people say.

Q. You are very positive about the bottle you speak of, what marks are there on it, that you can swear so very exact about it?

A. Why there is a dent upon the shoulder of it.

Q. Then 'twas a lucky thing you happened to notice that dent.

A. Yes, 'twas *lucky enough*.

Q. Was it such a bottle as you get at an apothecaries?

A. I don't know, I am sure.

Q, Perhaps you have no knowledge of what an apothecary's bottle is?

A. Have I not, then I ought to know, for *I have had a pretty many of them.*

Mr. Edward Weatherby, race-manager, or keeper of the stud-book at Newmarket, stated, that Woodwellhead had three engagements during the meeting, which commenced on Monday, July 10th, 1809. Witness proved, that Mr. Stevens's house was in the parish of Wood Ditton. He received the bottle of the last witness betwixt the July and October meetings, but could not tell the precise time. The bottle had a white sediment in the upper part of it, in the bend or shoulder, although it seemed as if some pains had been taken to remove the remnants by washing it. Witness observed the bottle had a dent in it, which Mrs. Tillbrook had pointed out, and it was afterwards delivered to Thomas Foy.

Q. I understand you to say, you can't call to your recollection the time you received the bottle of Mrs. Tillbrook?

A. It was about the latter end of August, or the beginning of September.

Q. Was it subsequent to the inquiry and noise the business had occasioned

A. Yes, it was after the inquiry certainly.

Thomas Foy, an Officer of Marlborough-street police office, whose diligence and unremitting exertions, brought both Dawson and Bishop to justice, after long and laborious pursuit, produced the bottle he had received of Mr. Weatherby, which had never been out of his possession, excepting when Mr. Fuller tried his tests upon the sediment it contained.

Mrs. Tillbrook swore to the bottle being the same as she had found, when both full and empty.

Mr. Fuller was again examined, and he stated that he did not analyze the substance, but examined it by a test, so as to satisfy himself it contained arsenic. This gentleman entered into a scientific and learned statement in support of the conviction on his mind, that the bottle contained poison, but after being examined, and re-examined by each side, one of the counsel said he was not *learned enough* to comprehend the statement of the witness, but *that* was pretty *generally understood* in court. The Judge at length saved the counsel the trouble of making *another such confession*, by putting the following important question——“Is your judgment founded
“upon a matter of opinion, or do you speak from

“ a moral certainty ?” Mr. Fuller answered—
 “ I speak as being morally certain, I know of no
 “ substance in nature, which would put on the same
 “ appearance.

Cecil Bishop, the accomplice of Dawson, whose evidence was most important, stated, that he was brought up a chemist and druggist, in the shop of Mr. Baylis, Thayer-street, Manchester-square. Had some slight knowledge of Dawson twelve months before; the latter knew witnesses situation, but they became more acquainted when witness was at Baylis's, in the spring of 1807. In 1808, witness went to live at Mr. Gristock's, 66, Wardour-street, and soon after the prisoner called on him, and after purchasing some trivial article, he appeared rather surprised to see witness there. Dawson stated that a friend of his had lost a match, by a trick having been played off upon his horse, which was taken suddenly ill. The prisoner desired to have something which would produce the same effect. Witness inquired whether the horse was young, as it probably might be a cold, or a glandular affection. Witness made up a bottle of *corrosive sublimate*, and carried it to a public house, where he met the prisoner by appointment, and delivered it to him, in two

hours after it was ordered. He called on witness again, in three weeks after, and said he had tried the effect on some dog horses, but it was not strong enough. Witness made up a stronger bottle, and delivered it to him, and the next time he saw him was at Guy's hospital, where witness had a situation as assistant apothecary. He went there in 1808, and in the spring of 1809, Dawson called on him again, and expressed the difficulty he had in finding him out, and they went together and drank wine, in Jewin-street, where Dawson said the *stuff* had not produced the desired effect. The prisoner knew what the preparation was, witness having made him acquainted with it in Soho-square, but he understood at that time he wanted that which would prevent a horse winning without materially injuring him. The prisoner said that was what he wanted, and witness next prepared a solution of arsenic, which he took to Dawson, at the King's Arms, in Holborn. This was in the spring of 1809. He said the horses threw up their heads when they smelt the former preparation, and would not drink. The latter preparation was made up in a pint bottle, and had no smell. Witness told the prisoner to be careful how he used it, and after understanding from Dawson, that the trough

into which he was about to infuse the solution, held from ninety to one hundred gallons of water, he told him what quantity to put in, and he also gave him directions how to fill up the trough, as the horses drank out the water. If he went beyond these directions he would do away the effect of sickening, and kill the horses, for he had enough stuff to kill all the cattle at Newmarket, having been furnished with two other bottles at Bow-street, Bloomsbury. Dawson's reply was, "*Never mind that, they are all bl—y rogues at Newmarket, never mind killing, they would soon plunder you of a fortune at Newmarket, if you had it to loose, and they would not mind plundering me the same.*" The prisoner told witness he should not want £100 in case the thing answered. This was in the spring of 1809, and witness did not see the prisoner again, until the autumn, when the latter told him that he had put a double quantity of stuff into the trough, before it was filled up, and it turned out that a brood mare and a hackney had been poisoned. Witness wrote two or three letters for him, as he said there was a great piece of work about it, and suspicion had fell upon him. One of the letters was to Mr. Goodison, in vindication of Dawson's character.

Cross examined by Mr. KING.

You instruct well to make a rogue, Mr. Bishop, you are a very able master, where did you learn the art of poisoning horses so clearly?

A. I do not know.

Q. Where you ever in the army?

A. Yes, I was an ensign.

Q. On what account did you leave it?

A. Probably as many others leave the army, because I had no fortune to stay in it.

Q. Then I am to understand you left it voluntary?

A. No, I left it because I did not return in time—I was obliged to leave it.

Q. You have been at sea also, I believe?

A. No, I never was in the sea service.

Q. Pray what have you done for a living since you left the army?

A. I have been in the medical line.

Counsel. Yes, that we understand.

Q. From whence did you come now?

A. From confinement;—the custody of Mr. Orridge.

Q. I thought you had been at large?

A. No;—you took good care of that.

Q. Did you never hear of a reward of £1000 and £100 a year to give information on this business?

A. I know there was a reward offered.

Q. How long was it after the poisoning the horses was found out before you made the confession?

A. In January last.

Question from the Judge.

Where you in custody, when you made the confession?—A. Yes, my lord.

Mr. KING then addressed the Judge to the following effect:

MY LORD,

It is my duty, as Counsel for the prisoner, to state for the consideration of your Lordship, some objections in point of law, which, as it seems to me, must avail the prisoner. For even if the evidence on the part of the prosecution is believed, still, as I humbly conceive the facts do not constitute the crime created by the statute, on which this indictment is framed, namely, the 9th of George the 1st, commonly called the black act.

Among the cases that have come under judicial consideration, I do not find one which in its circumstances resembles the present; I must therefore take the liberty of reverting to the intention of the statute, and draw your Lordship's attention to the construction it has received, in those decisions which are nearest in analogy to this case.

In a question of such moment to my unfortunate client, I cannot help feeling considerable anxiety, lest I shall fail in urging the questions with that force they merit, and his cause should suffer in being intrusted to such feeble hands. But it is some consolation to know that I am addressing the learned Judge, who presided and determined several of the cases cited in our law books, whose comprehensive mind has been repeatedly called to the consideration of the subject, and whose wisdom, justice and humanity will not permit the prisoner to sustain any injury through the defects or inability of his advocate.

By the common law of the land, it is no offence to destroy or injure the cattle of another; but by statute 37th of Henry the 8th, whoever should cut out, or cause to be cut out, the tongue of any tame beast, should forfeit to the party grieved, treble damages, and ten pounds to the King.

The next statute was the 22d and 23d of Car. II. which made it felony for any one, in the night time, to kill or destroy any horses, sheep, or other cattle; and in the same statute, it is enacted, that if any person should maliciously maim, wound, or otherwise hurt any horses, sheep, or other cattle, whereby the same should not be killed or utterly destroyed, the offender should forfeit treble damages to the parties grieved.

Then followed the *black act*, on which the present Indictment was grounded. This enacted, that every person who should unlawfully and maliciously kill, maim, or wound any cattle, should be adjudged guilty of felony, without benefit of clergy.

On reference to the preambles of these statutes, and the history of the times when they passed, it will be perceived that the offence provided against was the destroying cattle by the *maiming and wounding*, or by those means rendering them useless to the owner. I therefore humbly submit to your Lordship, that as the death of the horse in this case, was not effected by, and cannot be attributed to the infliction of any wound or maim, that it is not a case within the spirit or intention of the statute.

I shall next take the liberty of urging to your Lordship, that this case cannot come within the

purview of the black act, because there is no malice against the owner. In all the cases that have been discussed, it has been held, that to constitute the crime, the offender must have malice, and intend injury to the owner of the cattle. I am aware, my Lord, that in many instances where a party injures the property of another, and no reasonable cause is apparent or assigned, the law and common sense may imply there was malice against the proprietor; there also may be cases where the intention is equivocal, in which it may be for the Jury to draw the inference from the facts laid before them. But in the present case, I submit to your Lordship, it cannot possibly be said, that any malice was entertained against the owner of the horse in question, no such presumption can be entertained for a moment, because it is clear it was by mere accident only this horse was injured, and it is distinctly proved, that the only object was to sicken race horses, so as to disable them from winning their race.

In the case of Pearce, which was decided by your Lordship, also in those of Kean and Shepherd, the accused were acquitted, because the animals were not destroyed from malicious motives towards the owner; and as in the present instance there is not

only an absence of all intention to injure Mr. Adams, but it is likewise in evidence that there was no intention to *destroy* any animal. I humbly hope for a similar decision in favour of this prisoner.

I will not trespass farther on your Lordship's attention, but if I should not have the good fortune to succeed in obtaining from your Lordship a favourable decision, I at least trust, that as it is altogether a new case, that your Lordship will reserve the points for future consideration.

Mr. Serjeant SELLON rose to reply, but was prevented by the Judge, who over-ruled the points, observing that the act of parliament was passed to prevent cattle from being destroyed, and if the animal was killed, it was immaterial by what means, so that it originated from malice towards the owner, and not from enmity or irritation against the beast. That in the cases cited by the prisoner's Counsel, the resentment was clearly proved to be against the animal, and the wounds given on some sudden provocation, but in this case there was no animosity to the animal; and if a man did an unlawful and cruel act, by which he injured the property of his neighbour, the law would presume he was actuated by

malice. That the observation of the Counsel, as to the intent not being to destroy, could not avail. He remembered a case in which persons administered medicines to procure abortion, and the female died, the persons were indicted for murder, and although it was evident they had no intention to kill the deceased, yet as it resulted from their unlawful act, they were held answerable for the consequences, and were accordingly convicted. So here the infusing poison into the trough was an unlawful act, and could only be done by a mischievous mind, meditating injury to some one, and notwithstanding the mischief did not fall on the intended victim, or might perhaps exceed the wishes and intention of the parties, still as the original act was unlawful, whoever committed it must be amenable for all the consequences that followed. That it was pretty evident the horse in question died in consequence of poison injected by some one into the watering trough from which he drank, and it would be for the Jury to say, when he had summed up the evidence to them, whether or not the prisoner was the person who so poisoned the water.

The case here closed on the part of the prosecution, and on the prisoner being called upon for his defence, he delivered himself as follows :

“ I have no room to say much, the whole sum of the evidence of Bishop and another of the witnesses is as false as God’s true. I don’t know where Stevens’s troughs are even. I never saw them, nor do I know any thing of Mr. Adams—and Mr. Northey, I never saw.”

The learned Judge with great accuracy recapitulated the evidence, and in the course of his charge, observed that Bishop’s statement should be received with caution, he stood in the situation of an accomplice or accessory before the fact, having, according to his own account, supplied the poisonous liquid, therefore, unless corroborated, it would be too much to convict any one solely on his evidence. But the jury were to see whether he was not materially confirmed, and if so, however bad he might be, his testimony was not to be rejected. In many atrocious cases, it was next to impossible, to satisfy the ends of justice without this sort of evidence, (for it seldom happened that there were any eye witnesses to these dark acts, except those concerned

in them) ; none, therefore, but the offenders could give a detailed and accurate account of their secret plans and proceedings, and if the statement of an accomplice received support and confirmation from sure and uncontaminated witnesses juries were bound to attend to it. Here, independent of this man, there was a strong chain of circumstantial evidence affecting the prisoner, which, in many instances, when combined, was equally strong and more satisfactory than positive proof, because persons may be suborned, or, from base motives, be induced, to swear falsely, but circumstances could not so easily be fabricated to link in and support each other. As to the horse of Mr. Adams having been poisoned, no doubt could exist ; and the important question for the jury to determine was, *by whom*, and in forming their judgment they should minutely attend to the conduct of the prisoner, as it had been described by the witnesses. He first cautions Mrs. Tillbrook against suffering her young woman, to touch a bottle in his bed room. She next finds a bottle filled with liquid, concealed in his bed ; this is afterwards found empty, and from the dregs which remain, Mr. Fuller, who has great knowledge and skill in his profession, undertakes to say it had contained arsenic. The prisoner is unusually late out on the two

evenings previous to the horses being poisoned, these if the witness was to be believed, and her testimony had not been impeached, were strong circumstances to call for explanation; the prisoner, however, had given none whatever, nor had he called any witnesses to prove where he was on those two evenings, which he might have done, had he been honestly employed. On the whole, the jury were to consider whether the facts proved against the prisoner satisfied them of his guilt; if so, it was their duty to find him guilty; but if they entertained any doubt on the subject, they would lean to the side of mercy, and acquit him.

The Jury turned round in the box about four minutes, and returned a Verdict of **GUILTY**, *death*.

The Judge proceeded to pass sentence of death on the prisoner in the following words;—

Daniel Dawson, after the patient investigation of your case, you have been convicted of an offence, which subjects you to capital punishment. You had laid your atrocious plans with so much art and ingenuity, that you hoped to avoid detection, but the providence of God has at length overtaken you, and your wicked and barbarous acts have not remained

undiscovered. The act of parliament upon which you have been convicted, was passed, to punish with death, those who should destroy the cattle of others, with intent to injure and impoverish, but you have been actuated by baser motives, your object was not merely to kill, but to win money by betting. After having been convicted of a crime so atrocious, let me admonish you to expect no mercy in this world: the dissolute life you have led, ill prepares you for that awful tribunal, before which you must shortly appear, to answer for your manifold crimes. Let me admonish you the short time you have to live, to make the best use of your time you can, allotted you in this world, in craving peace with God. It now remains with me to pass on you, the awful sentence of the law. You will be removed from this place to the place from whence you came, and from thence to a place of execution, where you will be hanged by the neck until you are dead, and the Lord in his infinite mercy receive your soul. The prisoner was conducted back to the Castle, in a post chaise, and is left for execution.

Bishop was ordered to be discharged, which was forthwith done

COPY
OF THE
PETITION

TRANSMITTED TO THE SECRETARY OF STATE,

On behalf of Daniel Dawson.

To his ROYAL HIGHNESS the PRINCE REGENT.

The Humble Petition of DANIEL DAWSON, a Prisoner in the Castle of Cambridge, under sentence of death.

MOST HUMBLY SHEWETH,

That your Petitioner, was tried and convicted before the Hon. Mr. JUSTICE HEATH, at the last Cambridge Assizes, of maliciously and feloniously killing a mare, the property of Mr. ADAMS, and was thereupon sentenced to suffer death, and is left for execution.

That your Petitioner begs leave to state that he had no intention whatever, either to destroy the horse in question, or any other ; neither had he the least malice or ill-will towards the owner or proprietor, but having unfortunately become the dupe of others, who had bets on racing, he was engaged to infuse into the watering troughs, a liquid which your Petitioner supposed would render the horses unwell for a short period, but not do them any permanent injury.

That CECIL BISHOP the principal witness, against your Petitioner, was the man who prepared the liquid, and he most positively assured your Petitioner that it contained nothing injurious, and was calculated only to occasion a temporary illness.

That had your Petitioner imagined the liquid likely to destroy the animal, he would not have consented to take any part or concern in administering it ; and your Petitioner Humbly submits, that no one can for a moment believe it was the intention to kill the horses, because the race would be thereby prevented, and the object of the betters consequently foiled.

That your Petitioner until this transaction, maintained a good character, and served in respectable

families with an unblemished reputation, as will appear by reference to the testimonials annexed.*

That to constitute the crime, under the statute on which your Petitioner is convicted, he is informed there must be a wicked and malicious intention to injure the owner of the cattle destroyed, and as no such intention can for a moment be attributed to your Petitioner, he

Most Humbly prays your Royal Highness will graciously condescend to take his case into your humane and benevolent consideration, and extend your Royal mercy toward him, in mitigating his present awful sentence, and your Petitioner as in duty bound will for ever pray.

This Petition was referred from LORD SIDMOUTH, to the trying Judge, for his report, who, in a written statement, gave his opinion, that the verdict was well

* These were certificates of the Count D'Artois, and other foreign noblemen, as to the Petitioners good conduct, while living in their service, but which were written some years ago, to recommend him as it is supposed into other services.

warranted, by the facts proved, and that he entertained no doubt as to the conviction and judgment being justified by the law; the prisoner was therefore left to suffer the judgment, and in order that he might not be buoyed up by falacious hopes, a Gentleman in the Secretary of States office, wrote to the Gaoler, desiring him to inform DAWSON, that the law must take its course.

OBSERVATIONS, &c.



THE physicing and poisoning system, which has been more or less practised by frequenters of the turf, amongst other *crosses* and *jostlings*, from the time of the defeat of the Prince of Wales's *Eclipse*, when *opium* was administered, down to 1811, is at length suppressed for awhile, if not completely abolished, by the execution of *Dawson*. The fate of this unfortunate man excited much sympathy, as his time to die drew near. That such sort of acts for which *Dawson* suffered, have been very frequent at Newmarket and other places of turf amusement, cannot be denied, when it has been known that balls have been administered to horses by the owners, to prevent them winning. The culprit had been many years a *touter* (a person who watches horses tried, &c.) to different betters, and although an illiterate obstinate

man, yet his mind was comprehensive, but uncultivated for want of education. He was born at Bath-easton, in Somersetshire, in 1765, and in the early part of his life, he travelled the Continent, in the employ of a servant, and he was many years in France, and at that time he bore a very respectable character. Dawson could scarcely be persuaded he had committed any offence to the hour of his dissolution, inasmuch as he had been nurtured as it were in the *lap of vice*, where morality and virtue were banished, and to use the prisoner's expressions, where it was considered a credit to pick the pocket of a friend, if it could be done without absolutely introducing the hand. Under this sort of tuition, a man of depraved and illiterate habits, with the forcible incitement of a want of money, claims pity at least, although his offence cannot be palliated. It was altogether a new case, and strong hopes were entertained by the prisoner's friends, that he would have received the royal clemency in a commutation of his sentence to transportation for life. This hope was seriously indulged, and it is understood, the humanity of Lords Foley, G. Cavendish, and others, were strongly excited in his behalf, which reflects on them infinite goodness; the former Nobleman having been deprived of the

best horses in his stud, of value incalculable, in worth, and in engagements. The petition was referred by Lord Sidmouth to the Judge, as his usual on such occasions, and it was afterwards returned with an answer, that the case was of too wicked a nature to pardon the offender. The law of the case has been much questioned, and is still disputed by very able lawyers, but the learned Judge was aware of the point of law arising from what was stated on the first trial, and it is strongly to be presumed he would have reserved the case, as asked by Mr. King, had he not been confirmed in his opinion by others of the Judges. *Lord Francis Osborne* had been twice with Dawson after his condemnation, at the request of the latter, to implore his interest to save his life, and he is understood to have mentioned several names, but Lord O. gave him no hopes of mercy. The prisoner had also made some communications to Lord Foley, previous to condemnation. The writer of this had frequent interviews with *Dawson*, at his request, after he had first been admitted to him, to make a communication from *Mr. Harmer*, his legal adviser. In speaking of Newmarket frequenters, he lumped the whole together, as persons who had as much right as himself to be in his situation.

His confession with respect to persons said to have been concerned *with him*, or having a knowledge, direct or indirect, that something was going on which would prevent certain horses winning will be expected to be stated; but the assertions involve in themselves so many delicate points, and were uttered under such circumstances, that upon minute deliberation, such would not only be unjustifiable, but would also subject the writer to separate actions, or indictments.— The question of publishing names has been canvassed in a consultation of barristers, who decided that such would be illegal, and from the circumstances of *Dawson* having been somewhat deluded into a seductive hope that any promulgation of names would save him; the learned gentlemen, who discussed the business, were of opinion, that credit did not attach itself to the *ipse dixit* of the prisoner, who was considered dead in the eye of the law, and that self protection was a very probable cause for his declaration. I shall not indulge in any risk on this head, but leave the accused accomplices to their own reflections of guilty, and whilst dwelling on this subject, I feel it a duty to state a few words on the subject of the first trial, where the name of a Mr. *Trist* was tolerably hackneyed by *Bishop*, the acknowledged accomplice

of DAWSON. Mr. *Trist* afterwards published a statement to the public, in vindication of his character, wherein he complains of injustice, and certainly he is a most ill used individual. I am a total stranger to Mr *Trist's* habits of life, or in what sphere he moves, but what I have to state is, that I merely did my duty as a reporter of the first trial, and somewhat influenced, perhaps, by an indignation at *Trist's* alledged misconduct; but from circumstances which have since transpired, together with the prisoner DAWSON's repeated confessions to Mr *Harmer*, his legal adviser in his interviews with him, that *Trist* knew no more about the business than he Mr. *Harmer* did. The conviction on my mind is, that Mr *Trist* is innocent, and from the circumstance of his character, having been stigmatized by my pen, it is a justice due from me to him, publicly to express my conviction of his having been slandered and injured for bad purposes. DAWSON died like a true christian, and with manly fortitude, impressed on him by a due sense of religion, wrought by the calm and pious exhortations of the Rev. Mr. *Pearce*, the Chaplain. This Gentleman's conduct is worthy the

emulation of the clergy in general. He was constant in his attendance, at long intervals twice and thrice a day, and the prisoner was transformed by him from the most illiterate state, to a religious composure, which alone could give him that sort of confidence which never forsook him, until he was launched into eternity. He was boisterous and unruly after condemnation, on returning to his cell. He had witnessed the execution of *Bird*, alias *Nightingale*, at the former Cambridge Assizes, and he then expressed himself astonished that a man could be fool enough to be made a public spectacle of, and that he never would give a chance of such happening to him. He had at other times threatened suicide in case of conviction, and on his return to the Castle, after condemnation, *Mr Orridge* took off his neck-handkerchief, to prevent suicide, when the prisoner was very obstreperous and appeared more like a madman than otherwise. At this time he had no desire to converse with the clergyman, but in a day or two after he was impressed with religious awe, and he spent his time after in fervent devotion. His wife (who is a most respectable woman, and to whom he confessed

he had not behaved well) was the greatest trouble upon his mind, and the parting for ever on the Thursday preceding the execution was a most heart-rending scene. The trouble and afflictions of the prisoner were very considerably alleviated, when in the presence of the clergyman; and the writer of this promised to lend his feeble aid to assuage the suffering of the miserable afflicted woman, by what pecuniary assistance he could collect. A charitable hand has commenced that, by which the promise of subscription has been set on foot, and any small donation will be thankfully received where the books are to be had. The reader will pardon this digression when he is informed that to the weight of the widow's afflictions are added pecuniary difficulties by small loans of her friends, which were expended in procuring the prisoner legal advice and other necessaries. The prisoner previous to receiving the sacrament, tied a yard of black ribbon round his neck and wrist, which at his dying request was conveyed to his wife. About 20 minutes was spent in prayer, and after the drop had fallen the prisoner died, after one momentary convulsive struggle. He had received every indulgence from Mr. Orridge, whose humanity, in sending him his meals from his own table after con-

demnation, and in other respects, reflects on him great credit. The prisoner was impressed with the enchanting idea that he should ascend to heaven from the drop. After hanging the usual time, the body was deposited in a decent coffin, provided by his wife, and it was interred in St. Giles's church-yard, Cambridge, on Monday.

Dawson represents that about 20 horses were physiced at Newmarket, at different times, but for the information of sporting men, neither *Wizard* nor *Clinker* were ever physiced.

In his last moments, when impressed with a sense of religion, he denied ever having any intention of *killing*, and he attributed the whole affair to Bishop, by whom he had been seduced, into the nefarious practices.

The prisoner slept from eight in the evening until two in the morning of execution, and he ate as usual a very hearty breakfast.

Upwards of ten thousand persons were assembled at the execution, and there was not a lad *waist* high, belonging to the stables at Newmarket, but what attended.

The writer is desirous to contradict the unfounded statement in a letter at the end of the first edition of this book, where a gentleman was stated to have been talking to a witness, which had been got out of the way, on the Steyne, at Brighton, previous to the last trial, and in which also other names were mentioned. The letter was not written to be published, and it was founded in error. The writer received it in the bustle of getting out the book, and begs the gentleman alluded to will accept this as an apology, and to assure him there was no intention to offend him or any other person.

FINIS.

A few copies of the first trial of DAWSON, which is required to complete the whole, as also the interesting trial of the two Misses Westons at the Old Bailey, may be had with the present one, price Two Shillings.

There can be no doubt of Dawson being guilty of physicing, but it does not appear that he did it with intent to kill, nor can it be inferred that he was actuated upon by Malice either against the Owner or the animals; but was merely induced to the act for the sake of gambling, & for the sake of gain either for himself or others; and it is evident that Dawson was a poor man, and not in Credit to lay considerable Bets, or to be

of others

was not likely to
to betray them after conviction
tend to injure himself they were

Under all the Circumstances
the Condemnation to Death was I think
Transportation

should have been

the Law makes no distinction between
Involuntary killing a Horse, and
Maliciously killing a man—

R. Walther—