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THE
TRIAL
 OF
WEEPING BILLY,
 FOR THE
Wilful Murder

OF
ANN WEBB.
 ALSO,

THE TRIALS OF
WILLIAM DUNCAN,
 For the Wilful Murder of W. Chivers, Esq.

John Maycock and John Pope,
 For the Wilful Murder of A. M. Pooley, at Horsleydown.

AND
JOHN AUGUSTUS,
 For the Wilful Murder of his Shipmate, Peter Williams.



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THE TRIAL OF *WILLIAM DUNCAN,*

For the WILFUL MURDER of
WILLIAM CHIVERS, Esq.

On the 24th January, 1807.

THE learned Counsel opened the case, by stating that the prisoner at the bar, was gardener to the deceased, and that he had been hired by him only ten days before. It appeared that he had preconcerted this murder, as he was heard to make repeated enquiries whether his master was gone into the garden, and on the day of the murder, he had repeated the enquiry, and was told his master was gone into the garden, he went into the garden, and soon returned saying, "I have knocked my master down." A servant ran into the garden, and saw Mr. Chivers lying on his back, dead. The counsel then proceeded to call witnesses to prove the murder.

Philip Groombridge, sworn.—I was servant to Mr. Chivers. The prisoner had been in his service 11 days, I saw him alive a quarter before twelve on Saturday, going down the gravel walks, 10 minutes after I saw the prisoner, who asked me if Mr. Chivers was gone into the garden? he followed and returned in 10 minutes, saying, "Oh! my dear Harry, my master is down." I said where? he then pointed down the garden, I saw Mr. C. lying on his back, dead; I saw two cuts, one through the lower jaw, the other through the center of the face; the blood was on both sides, and had run upon the gravel, I saw a spade about three feet from Mr. C. bloody and leaning against a yew tree; the blood was fresh, I saw also a stick lying two or three yards from him. Mr. Chivers was in his eighty-second year. I kneeled down, and attempted to raise him, but his head fell backwards; I then went further, on, and saw Duncan walking about on a foot path facing the house; I said to him, "you villain, you have murdered my master." I had seen Duncan working with the spade about an hour before. I alarmed the neighbourhood, and called a surgeon.

Mr. Buckland, surgeon, sworn.—I am a surgeon, and examined Mr. Chivers's, wounds; he was bleeding copiously, one wound was through to the lower jaw bone, the other about 8 inches long, through the center of the face. I have no doubt that the deceased came by his death in consequence of those wounds.

William Whitman, sworn.—I am a baker at Battersea, I went to Mr. Chivers's, where I saw the prisoner at the gate, standing still, I asked what was the matter? when I was told by some persons present, that the gardener had killed his master; I then asked which was the prisoner, and how he came to do this sad act: he asked, is he dead? Some person replied yes, then he said, I must die for it. He said Mr. Chivers told him he did not know his business, and that he had spoiled his vines, and told him to leave the premises directly, for he should not work there, any more; when he said to his master, you old rascal how came you to take me from my good place and bring me to yours? The deceased then shook a cane over him several times, when he stepped back a few paces and took a spade, I asked him how he did it, he replied that he thrust it at him, the second push struck him on the nose, and down he fell; I asked him also how he could do this, when he answered that he had it in his mind ever since Wednesday at four o'clock in the afternoon.

The Prisoner in defence, called several respectable witnesses to character, as being of a mild and humane disposition, particularly, an old lady in whose service he had lived a long time, He also said in his defence, that he never held malice against Mr. Chivers, that he had been digging and left his spade to give the green house a little air. When he told Mr. Chivers he had done digging, and asked him if he should not get to the pruning of the trees? Mr. Chivers replied, "no you spoil trees," and struck him several times with his cane, which he endeavoured to keep off with the spade which slipped and struck him, and he fell. He then went in, and told them what had happened and surrendered himself up.

The Learned Judge, in addressing the Jury, said that the question for their consideration was, whether the deceased had provoked the prisoner by menaces to commit the act, or whether he had acted from premeditated malice? In the former case the crime would be reduced to manslaughter. The body of the evidence, on the part of the prosecution, consisted in the declaration of the prisoner to witnesses, and he was entitled to equal credit for the declaration in his defence. The Jury would also weigh the character of the prisoner, which went to prove him a man of good disposition; and if they were of opinion that the deceased had shook his cane at the prisoner, they would deliver a verdict of manslaughter. The Jury consulted for about twenty minutes, and returned a verdict of Guilty. He was ordered to be executed on Monday Morning. The prisoner is a tall handsome young man.

THE
T R I A L

OF

John Maycock and John Pope.



THE Common Serjeant opened the prosecution by stating that it seldom came to the lot of persons of his profession, to lay before the court a case of more aggravated guilt than it now fell to his lot to do ; it carried with it a double weight of infamy, and a long, and evident proof of the guilt of the prisoners. The deceased, he said, was sixty-eight years of age, living in a retired manner, in Cross-street, Horsleydown. She was considered as a little affected in her intellects, and from her recluse and singular manner of living, she drew upon her the insults of the boys living in the neighbourhood ; to prevent this as much as possible, she kept the windows in the front of her house shut by day and night. She was visited by few persons, and kept no servant. Her sister some days before the murder, went to see her to take her some money which she had received for her. This money she paid all in two pound bank notes, which were new ones. Some time afterwards, she went, but could gain no admittance ; she then applied to a man of the name of *Garrett*, to force his way into the house, which he did by passing through the premises of the Barley Mow public house, the back of which communicated with the yard of *Mrs. Pooley's* premises. He there saw laying on the ground, a brick, and some pieces of bricks which had been forced from the wall near the bolt of the window, so that a person might open it by putting his hand through the hole. He then went in at the window, and entered the house, and found *Mrs. Pooley* laying upon her back dead, her pincushion, thimble, and pen-knife laying upon the ground near her. He afterwards went up stairs, saw the drawers had been rifled ; they then sent for a surgeon, who could not say what was the cause of her death, as she was in a very putrid state, having



been dead 11 days. The learned counsel then went into a very long detail of the plan formed by the prisoners of robbing *Mrs. Pooley*. They spoke to a man of the name of *Griffin*, to accompany them, saying, "We can help you to a good thing;" he asked whom they were to rob, Maycock replied, it was an old woman in a shut up house, who was worth hundreds. *Griffin* declined the proposal, which however they accomplished alone. The counsel said, he would not trespass upon the patience of the court, but would proceed to call the witnesses to establish the fact, and he had no doubt the jury would be under the necessity of finding the prisoners guilty.

Sarah Pooley sworn.—Said she was sister to the deceased, and lived at Pickle Herring Stairs... Her sister lived alone; her window-shutters used always to be shut; she saw her last on the 26th of July, when witness went to pay her some money...the sum was six two pound bank of England notes, and left her at five o'clock on that evening. She knew the Deceased was hoarding up money, and never was without it. Never saw her after that time... When she came again to the house witness knocked, but could not gain admittance; she then applied to a person of the name of Garrett to break open the house, which he did.

John Magnell Garrett sworn.—I was applied to on the 20th of August to break open the house of *Mrs. Pooley*. I went through the Barley Mow, and got into the yard of *Mrs. Pooley's* house; found the back door bolted, and saw some bricks lying near the door, which appeared to have been just taken out. I forced open the window, went in, and saw *Mrs. Pooley* in the wash-house, lying on her back, her left leg under her, and her right stretched out; her clothes were smooth, but her pockets were turned inside out; some few trifles, such as a pincushion, &c. were lying on her right side. I then went to the front door, and let in *Mr. Humphries* and my wife. The middle door was open, and the key-hole cut. We then went up stairs, and saw the drawers open, drawn out, and stripped of their contents; observed the bed much ruffled, and the boxes rifled.

Thomas Brickendon, Surgeon, sworn.—I examined the body of the deceased on the day the inquisition was taken; it was in a state of high putrefaction, which prevented me from judging the cause of her death. The scalp was separated from the skull, which proceeded from the putrid state of the body.

Thomas Griffin sworn.—I am a corn-porter—was in the

employ of Mr. Burgess—know Maycock, but not Pope—never saw the house of Mrs Pooley open till after the murder was committed. Maycock and me were going to work at Richmond two months before the murder of Mrs. Pooley. Maycock said to me, “I will put you in a good thing if you will go with me.” I asked him what it was. He said he knew an old lady, who was worth a good deal of money, and that he would do her out of it: she lived by herself that he and I, and a stout young fellow, who worked for Mr. Burgess, should be of the party. He said it was a shut up house, but did not say where it was. I declined being of the party myself, and told my brother of it a fortnight after....I saw Maycock on the Monday after the murder, at the Bunch of Grapes public house: he said to me, “I have plenty of money to spend, and shall not work any more to-day.” He looked quite different to what he used, and jumped about the tap room, got out of the window, and behaved in a strange and singular manner, as if under the influence of joy or horror; he was not drunk. He used to earn upon an average two pounds per week.

Joseph Cockburn sworn.—I am a cornlighterman—know Maycock and Pope—they worked for Mr. Burgess on the 9th of August as corn-porters. I paid the journeymen their wages by a draft upon Davies, who keeps the Barley Mow. I was there, and saw the prisoner Maycock come to work at about six o'clock on Monday morning, but could not say when he left off, but he went away, and I did not see him till he was apprehended. They sometimes earn 10s. per day, sometimes only 3s. just as the work happens to be brisk or slack....I have known Pope seven months, he was before a Warebargeman....He came to work on the 11th of August after the murder.

Samuel Clarke sworn.—I am foreman of the gang of corn-porters to which the prisoners belonged. I paid the gang their wages by a draft I received from Cockburn. Maycock was at the Barley Mow at about 7 or 8 o'clock on the evening before the murder. I knew Pope in the country. I did not see Maycock after Monday.

Richard Martins sworn.....I am a corn-porter....I belonged to Clarke's gang....worked for Mr. Burgess....I know Maycock and Pope....they both belonged to the gang, and were paid at the Barley Mow....we went away about seven o'clock on Saturday evening.

Thomas Davies sworn.—I advanced the money to the foreman to pay the gang, who were paid at my house that

evening. A person may get out of the back part of my house into the back yard of Mrs. Pooley's house. I remember a rumour of Mrs. Pooley's not having been seen; remember also Mr. Garrett coming through my house to get into the premises of Mrs. Pooley, but did not myself go with him.

Mr. Graham sworn..... I am a magistrate at Bow-street.... I examined the prisoner Pope, who afterwards signed the examination. I shewed him the proclamation, but did not hold out to him any prospect of pardon. He did not then confess, but I afterwards received a letter in the following terms.

“ I, John Pope, do humbly beg His Majesty's pardon—
The murder was committed by Maycock.

Witness, JOHN POPE.”

I received this letter of confession from Limberick, a police officer, who had it from the landlord of the Brown Bear public-house, in which Pope was confined. I did not say to him, while he was under examination, “ you had better confess.” I asked him if he wrote that letter; he said he did.

Mr. Gurney, Counsel for the Prisoner said, he should be able to prove that an offer was made to Pope, and that a pardon and a bounty of £100 was offered to him to become a witness against Maycock. He was asked if he had seen the proclamation, he said he had, and therefore as he acted under the influence of this reward or encouragement of mercy, he was entitled to the full benefit of the proclamation, and could no longer remain prisoner for that offence, as he had fully accomplished his promise to give all the evidence in his knowledge.

This was opposed by the Counsel for the Prosecution, who thought that no person could be entitled to that benefit who had been indicted and arraigned as a party in the murder.

The learned Judge was of a different opinion, and said that the prisoner was placed by his confession upon the same footing as other persons, and totally absolved from punishment.

The Jury acquitted him accordingly, and admitted him as evidence against Maycock.

John Gray, sworn— I keep a public house, Maycock and his Wife lodged in my house in August. Pope and Maycock were very intimate; they were seldom out of each others company. Maycock was absent the whole of the

Saturday on which the murder was committed, and returned on Sunday evening: Maycock's Wife came to enquire for her husband. When Maycock returned, I asked him where he had been? he said he had been on the water and had nothing to eat for near two days, I told him that his Wife had been to enquire for him, and that she was very uneasy that he did not come home. I understood by a question I put to him, that he had been in company with Pope, who came home in a quarter of an hour afterwards, and went up into Maycock's lodgings. Maycock said on the Monday, that if any person should enquire for him to say, that he was ill and was going into the country. I saw the same week a Taylor bring home some new clothes for Maycock.—Maycock when he returned called for a half pint of peppermint, and took it up stairs to his lodgings.

Daniel Chastern, sworn—I am a Taylor, and have known Maycock some time, I saw him on the 11th of Aug. at the Bell, Free School-street, Hoyseydown; where I measured him for a new suit of clothes, he asked me if I wanted any money before the clothes were done—I said it would be very acceptable, he then gave me a couple of two pound notes, and said, he wanted the clothes by Saturday following. I went to his lodging when they were done but he was not at home; I then took them on the Sunday morning to the Elephant and Castle, when I saw the prisoner; he said he was short of money, but that his brother had got some money, of his, and that he would pay him out of that—his brother paid me the balance of my bill, which was £5 9s. 6d. The prisoner went with me to a public house, he there asked if I could recommend him a person to make him some boots.

Peter Collins.....I am a corn-porter; I know the prisoner, Maycock; he agreed with me for a watch, for which he was to pay three guineas; this was before I heard of the death of Mrs. Pooley. I received a half guinea from him then, and his wife brought a two pound note, and left it with my landlady.

John Pope—I have known Maycock a year and a half. Remember the murder of Mrs. Pooley; he asked me to go with him three weeks before it was done; he said it was to rob an old woman, in a shut-up-house. On the 9th of August, he said, we must do it that night—he was then working for Mr. Burgess—I saw Maycock on that night at the Barley-Mow, I was there from 8 o'clock till 10, drinking with him; he then went into the yard of the Barley-Mow, and from thence to the house of Mrs. Pooley, we took out some bricks, near the fastening of the shutter, and entered the house.

From here we could not get any farther, as the door in the passage was strongly barred; I was alarmed, and went back twice; he persuaded me to return, which I did, we then waited in the cellar till 8 o'clock in the morning, when Maycock went to the top of the stairs, Mrs. Pooley then came down stairs and opened the door, when Maycock rushed out. At this time I heard Mrs. Pooley cry, Oh! When I came up Maycock was upon her, he held her down about a quarter of an hour till she was quite dead. His hand or arm was on her throat all the while. We then went up stairs, and sat sometime upon the bed; we found, in the place, about ninety pounds in cash, a bottle of brandy, which we drank, also piece of linen cloth which Maycock took. We stopped in the house till ten o'clock at night, we then left it and went to the ruins in Tooley-street. Maycock went home and sent his wife for the bundle of linen. I saw him afterwards on Tuesday. The money was equally divided.

The Prisoner, MAYCOCK, was now informed by the CHIEF BARON, that if he had any thing to say in his defence, he should now be heard.

The Prisoner :....“I am, my Lord, quite innocent of the charge.”

The CHIEF BARON said, that the principal witness stood in the situation of an accomplice, and it would be the duty of the Jury not to admit his evidence to have weight on their minds, farther than to the extent in which it was confirmed by the testimony of others. The witness admitted himself to be as iniquitous as the prisoner. His Lordship then went through the particulars of the evidence *seriatim*: and the Jury, after a short deliberation, found the prisoner *Guilty* of the murder of *Anna Maria Pooley*.

In pronouncing the awful sentence of the law, his Lordship said, the experience of no man furnished an instance of a murder so atrocious. Not the smallest apology could be made: it was cold, deliberate murder, for the purpose of plunder, accompanied with a degree of insensibility the most remarkable. He desired the prisoner not to deceive himself, as there was not the least chance of his obtaining mercy.

The prisoner continued unmoved during the whole proceedings, unless, perhaps, exhibiting an increase of audacity as they approach their determination; and when he retired from the Bar, on the moment the Learned Judge pronounced “The Lord have mercy on your soul” he said, in a manner sufficiently audible to be heard by several persons in Court—“I thank you for that—I'm done snug enough” The demeanor of Pope also exhibited no remorse.

No. 9.

THE TRIAL OF
JOHN AUGUSTUS,

A NEGRO,

For the WILFUL MURDER of
PETER WILLIAMS, his Shipmate.

Mr. LAWES for the prosecution stated, as follows:—
Gentlemen of the Jury—You will not have much difficulty in bringing the charge which is prepared against the Prisoner home to him; the facts attending this case are of a very plain and simple nature. The Prisoner at the bar was a cook on board of a merchant vessel laying in the Thames. It appears, by the evidence, that he, upon going down below, found some dirt in his hammock placed there by some person; he then began charging the deceased with having done it, and used very abusive language, saying, he would be revenged for it upon some one, if he was hanged for it. The deceased told him to hold his noise, and not make such a riot as he wanted to go to sleep, having a watch to keep that night. This he refused to do, and Williams got out of his hammock and went upon deck with the Prisoner; a noise was presently heard as of people fighting, a handspike was heard to fall by the witness Flecker, who went upon deck, and saw the Prisoner get hold of the deceased round the waist, pulling him along the railing at the side of the ship, till he came to a part which was broken, he then forced him violently overboard, saying, “There, go, you villain.”

John Maxwell, sworn.—This witness belongs to the ship called the Cornplanter, laying in the Thames, on the Surrey coast; he said the prisoner was cook on board. The deceased was in bed when the prisoner came down and abused him; the deceased told him to be quiet and let him go to sleep, when he damned him, and said, he would not for any body. The deceased got up, and they went upon deck. The witness told the carpenter to keep them from fighting.... Witness saw the deceased with the prisoner holding him round the waist. the deceased had hold of a rail, he dragged him along with much violence to the broken part of the rail, when he threw him overboard, between the two vessels; before I saw him thrown overboard, he appeared to be in a state of insensibility, as if he had received some severe blows. After the

prisoner had thrown him overboard, he went down below to hide himself, saying, they wanted to murder him.

Edward Flecker sworn—Said he was a sailor on board the Cornplanter. Saw the prisoner go down to the forecastle, and heard much quarrelling; went down and asked the prisoner what was the matter? he shewed him some dirt which was in his hammock, saying you know very well what is the matter. Prisoner damned Williams, and said he would be revenged if he was to be hanged for it; witness heard a handspike fall upon deck, he went up and saw the prisoner laying hold of the deceased, saw him throw him overboard at an opening in the railing. The prisoner then went down to call the second mate, saying there are some people who want to murder me. Witness saw the body of the deceased afterwards; it then appeared covered over with bruises.

Richard Marson, sworn—I am a fisherman, and being informed that a person had gone overboard from the Cornplanter, I searched for the body, and after some time found it; I took it to the Cherry Garden Stairs, and went on board the ship, and informed the crew that the body was found.

Witness called several persons who gave him a good character, and said he was of a mild disposition.

The Jury retired a quarter of an hour, and returned a verdict of **MANSLAUGHTER**.



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THE TRIAL OF
THOMAS GREENAWAY,

ALAIS

WILLIAM WHITE,

ALAIS

WEEPING BILLY.

Mr. MORRIS opened the prosecution with observing, that the prisoner at the bar stood charged on an indictment with the Wilful Murder of ELIZABETH WINTERFLOOD, otherwise ANN WEBB, in Higler's-lane, on the Morning of the 22d. of August, 1806, and was followed on the same side by Mr. GURNEY, who, in a humane speech, explained the nature of the evidence he had to offer in support of the case. The Jury would have no positive evidence come before them regarding the prisoner at the bar, for such is seldom the case in a charge of murder, where the assassin seeks darkness for the concealment of his diabolical purpose, and consequently offenders of this description were generally brought to justice by circumstances which were the province of Juries to weigh.

The Learned Counsel warned the Jury against entertaining any prejudice that might have arisen in their minds at the horrid deed with which the prisoner stood charged. It were laudable in a jury to confine themselves within two bounds, that of entertaining a virtuous emotion against the crime of murder, and entertaining a warmth too humane: if they suffered their minds to be influenced, that warmth became vicious and misplaced. The circumstances the learned counsel had to offer were the following: the prisoner had said he slept on the morning of the murder, where he should prove he had not slept, and that he was seen about the time the murder had been committed near the spot, and he then appeared confused. This latter circumstance would be proved by two witnesses. He had also denied his real name, and that he knew the deceased. The learned counsel concluded by recommending the jury to weigh well the facts he should adduce in evidence, and at the same time, to carry in their minds, that the life of the prisoner depended on their verdict.

The evidences for the prosecution were then called.

John Todman sworn—I was employed as watchman in

Higler's-lane; on the night of the murder I went on duty at ten o'clock.—Mr. Gibbs lives in Belvidere-row, I observed a cart, on that night, standing tilted up near the premises of Mr. Gibbs, his people were then loading a waggon which was about to go into the country. I saw a man standing near the waggon, looking at the men who were loading it. I spoke to him, asked him, what he wanted there? He made me no answer, but went up Higler's-lane towards Blackfriar's-road, I followed him and spoke to him again, but he made me no answer; I observed his person, but cannot say positively he is the man. I came back again, passed the premises of Mr. Gibbs, and saw a woman laying with her head towards Mr. Gibbs's door, and partly laying upon the step of it; her chin was sunk into her bosom, she lay fully extended, her cloaths were rolled up in such a manner as fully to expose the whole of her body, her legs were extended a full yard apart—Mr. Gibbs called me at the time—I thought she had been in liquor, and was then speaking to her, but she gave me no answer. When Mr. Gibbs came down we attempted to raise her up, but her head fell down, and we saw she was dead. I examined about the place, and found, in a cart, a woman's hair-comb, and a handkerchief, which had been cut through in four different places, there was a knot in it, and appeared as if it had been cut double. I delivered this handkerchief to my wife, who gave it to the constable and he took it to the Committee Room. In searching about. I found likewise a bonnet in the cart which was tilted up, and near it a piece of flesh; I gave all these to my wife, who kept them till they were taken to the Committee-Room, of the Parish of St. George's.

John Gibbs, sworn—I live in Higler's-lane, and am a dealer in Charcoal; I remember on the night of the 21st of August, one of my Waggons was sent off at half-past one o'clock. When it was gone I went to bed; but at about a quarter of an hour after three o'clock, I was disturbed by the barking of by dogs; I got out of bed, and looked out of window, and when the watchman was calling three o'clock, I went down and saw a woman laying upon her back, I did not at first look in her face, but saw her cloathes folded up; the watchman then attempted to pull her up, and I saw by his light her face was covered on one side with blood, which appeared to have run from her nose, we searched and found some traces of blood at about thirty yards distance, at the door of Mr. Toulman, and several drops leading to my door; there was a few drops and some moisture which came from her mouth upon the step of my door also.

Rees Price, Surgeon, sworn—He deposed that he is a surgeon living in Black-fryars-road, that he saw the deceased about half an hour after three o'clock in the morning of the 22nd of August, that she must have been dead for some considerable time as he could scarcely feel any warmth at all; that at his looking at the fleshy substance found under the cart, he perceived that it had the appearance of the *labia pudenda* of a female, and on examining the external *genitals* of the deceased, he found that the *labia pudenda* on the right side had been entirely cut away; and that this substance corresponded with the part from whence it had been taken; it had been removed with a cutting instrument, but both cut surfaces had evident marks of laceration, as tho' much force had been also used. He had examined the handkerchief found in the cart, it had been divided in several places with a cutting instrument, but one part of it had been tied in a hard knot in a small circle or noose, and that part of the circle opposite the knot had been cut asunder. From the smallness of this circle he conceived that it must have been drawn very tight to have reached round the throat of the deceased, which he was of opinion it had been, and was the occasion of her death. In confirmation of this opinion he observed, that there were black contused marks round her throat, but her face appeared very full and swelled, which immediately led him to be of opinion that the deceased had died of some cause where there had been an obstruction to the circulation of blood through the head, she had also bled from her nose and mouth, he found no other marks of violence about her; the deceased had been removed to St. George's Workhouse, where he went in the day time to further examine the body, and found Mr. Phillips the surgeon who attends there on the parish account, they opened the body of the deceased, but after the most minute examination, both by Mr. Phillips and himself, they could not discover any thing internally which could have occasioned her death, every part appearing perfectly healthy. To a question put by the judge, he said, that by weighing every circumstance of the case, it was sufficient to convince him in opinion, that the death of the deceased was occasioned by such pressure around her throat as to obstruct the breath and circulation of the blood, or in other words cause strangulation.

Francis Good, sworn. I saw the body of the deceased, Ann Webb, between the hours of seven and eight o'clock, and likewise saw some traces of blood from Mr. Toulman's door.

Mary Horner sworn. I live at No. 5, Belvedere-row, four doors from Mr. Gibb's. On Friday morning, between one

and two o'clock, I left my house to go to a neighbour's for some vinegar. As I went along Belvedere-row, on the right of my house, I saw a girl in the pathway, sitting with her left hand in her lap, and her right hanging down. When I had been on the errand for which I went, I returned, and found her sitting in the same posture, her head leaning upon her bosom. I then went towards my home, and saw a man, who seemed to me as if he was ascending from the ground; he was raising himself up by the railing; I was in the inside of the rail, and he was on the outside. I at first thought he was the watchman—I went in doors to my own house, but soon came out again, and said to him are you the watchman? he replied, "*no damn your eyes, I want a watchman*"! I turned round and looked him full in the face, the exclamation alarmed me, I shut my door, I had seen enough of him to be certain as to the identity of his person, my candle stood in such a manner that the light fell full upon his face, I am positive he is the man, I was much alarmed at him, his voice frightened me. I saw the body of the deceased afterwards, but only at a distance; she was dressed in a light dress, which appeared all of one colour. The prisoner was dressed in a dark coat: his hat, which was a shabby one, I observed was turned up a little. I saw him, I think, the latter end of October in the prison. I was in a room, and did not see his person, but directly I heard his voice, I knew him to be the man. It was the same voice I heard before on the night of the murder. After I came out of the room, and saw the features of his face, I was convinced he was the same, and I have no shadow of doubt that he is the man. In the prison, he had been placed to converse with Hopwood, on purpose to give me an opportunity of hearing his voice, which I immediately knew again.

Cross-examined.

Q: How far was he from the door of your house?

A: Only a little way. I saw him plainly; there was a full light in his face; but I do not remember whether it was a dark or a light night. My first alarm did not arise from seeing the prisoner, but from my husband's indisposition. The lamp in the street was not the cause of my seeing the prisoner. The deceased was sitting at Mr. Tucker's door, which is the third door from mine. The murder was much talked of, but I did not know that a reward was offered for the discovery of the offenders. I had seen the bills posted, and read them. I did not tell my suspicion till six or seven weeks afterwards, when I mentioned it to my husband, but he being a passionate man

paid little attention to it. I afterwards told my suspicions to Captain Howard. There were several bills stuck up against the King's Bench wall. I believe the reward offered was one hundred pounds. I never said it was a windy night when the murder was committed—the morning following the parlour windows were shut to by the wind.

Richard Clark sworn.—I am a carrier, and live in America-place, Borough. I supped at Newington, and after supper left my friends house at half past one o'clock on Friday morning—I came along Blackman-Street, in the Borough, and when I came to the end of Suffolk-Street, a man came out of that street into Blackman-Street; he had a bundle under his arm—I observed he seemed violently agitated and trembled very much—I looked at him attentively, he was standing against the premises of Mr. Smith, Broker, the corner of Suffolk-Street. It was a light morning—I looked at him all over—I passed very close to him—I went on home, and directly heard the clock strike two. He had on a dark lapelled coat, a flouched hat bent over his face, and I think he had pantaloons on. When I went to the house of correction in the December following for the purpose of recognizing the prisoner, I saw several prisoners together come out—I expected to see one person among them in chains, but none of them were in irons—I saw the prisoner and immediately knew him to be the man whom I had seen on the night of the murder; he was dressed different to what he was when I first saw him, but I had a full recollection of him, and pointed him out as the man—no person pointed him out to me, I fixed upon him myself; when I saw him in Blackman-Street, on the night of the murder, he was not staggering as a person in liquor, but trembled all over like a person excessive cold, though I had been spending the evening among friends, yet I was perfectly sober and collected.

Ann Brian sworn.—Lived in Mansfield-Street, at the time of the murder—I knew Ann Webb very well, she lodged with me for some time—I know the prisoner, he usually went by the name of White, he was very intimate with the deceased—I have seen him in her company very frequently—I remember his coming one Saturday evening to see her, and brought some other man with him; they stopped three or four hours, sent for some liquor, and while they were there I heard some very high words used on both sides, and many very improper expressions made use of. The deceased did not tell me the cause of these words—the prisoner went away—I saw her again on the evening of the murder at about 10 o'clock in my own house

—I did not see her afterwards; but I saw the body at the workhouse on the Saturday after the murder—I likewise saw a handkerchief which was soloied with blood, I knew it belonged to the deceased, it was cut through in several places—I am certain it belonged to her.

Emily Huntington sworn.—I knew the deceased, Ann Webb. I had known her eight or nine months—I lodged at the next door to the house in which she lived—I saw her at one o'clock on the Thursday night, a short time before she was murdered—she was leaning on the posts in the Borough Road, near the Obelisk; she shewed me some money she had in her hand, there were two half guineas and some silver—I asked her to come home, but she said she would not; I told her it was past one o'clock, and again requested her to come home, but she still persisted in her refusal. From the distance she then was from the place where she was found dead it would have taken her at least a quarter of an hour to walk to that place.

Barnard Isaacs sworn.—I am a dealer in old cloathes—I know the person of the prisoner; saw him about the 14th of September, when he came to me to buy a hat—I told him I could not sell him any as it was one of our holidays; he looked round the shop, and seeing some stockings hang up, he said he wanted to buy some; he took them and said, he would pay me for them some other time; at another time he saw one of my old hats hanging up; he said he was going to see a sister, and as his hat was so shabby he wanted me to sell him mine, but this I refused, he then said if I would not sell it, would I lend it to him; he took off his own hat and hung it upon a peg, and took mine, his hat was a shabby old greasey one, with a brokeu rim—I afterwards gave his hat to the police officers, and went with him to see if the prisoner was the person to whom it belonged, I saw him and am certain he was the man.

William Hopwood sworn.—I am a Bow-Street officer, I got the hat of Barnard Isaacs, and apprehended the prisenaar on the 28th day of September—I found in his pocket a razor, I asked him what was his name, he at first said his name was Green, but afterwards said it was White.

Cross examined.—I have nezer had any conversation with a soldier of the name of Wright, respecting the evidence he was to give; nor have I had any conversation with the witness Mrs. Horner, concerning the hat—I never said to the soldier, “you must stick to that or we shall be done—never said if you do not, we shall be thrown over the bridge.”

Mr. Stafford sworn.—Chief clerk of the police office Bow-Street. I know the neighbourhood of Higgler's-Lane, and

think the sign of the Duke of Clarence Head at the Obelisk, is about a quarter of a mile from the place where the body of the deceased was found—I remember the prisoner being brought to the office, and saw him make his mark to the written examination which was shewn him. I did not hear any inducement held out to the prisoner to confess; the examination was read to him before he signed it; he said in his first examination, that he slept at the White Horse, Kennington Wash-Way, and that Hawkins slept with him; on the second examination he said he did not sleep there, but on some shavings in the new buildings in Blackfriars-Road—he said he did not know the deceased, and did not keep company with her.

Mrs. Bakewell, sworn. I keep the sign of the White-Horse, at Kennington-Washway, the prisoner lodged with me for some time. I saw him on the Monday night; I let him in at twelve o'clock, do not know if he slept there on Tuesday night—on Wednesday we quarrelled about a duck, which he had thrown a deal board upon, and killed it.—I told him he should not sleep any longer in my house, and I locked him out; when the door is locked, I do not think that any person could go up stairs.—Hawkins slept in one of the beds; I locked the door to keep him from sleeping in my house on Wednesday and Thursday, but on the Friday, I did not lock it, because I did not think he would have attempted to come;—he did not work with us any longer than the Saturday.—If he had come to my house to sleep, no one could have let him in, for I kept the key in my pocket, and no person could have got it out to let him in.

Sarah Homewood, sworn.—I am servant to Mrs. Bakewell, and know the prisoner, and am certain he did not sleep in our house on the Wednesday, nor on the Thursday night. Hawkins used to sleep in the same room; the street door was locked by my mistress, who kept the key in her pocket. I saw the beds on Thursday and Friday morning, and I am certain that only one of the beds had been slept in; the bed which had been slept in, did not look as if two persons had been in it; but on Saturday they had both been slept in. The prisoner had been discharged on the Wednesday before, in consequence of his having killed a duck belonging to my mistress.

James Hawkins, sworn.—I am a carpenter, and in August, 1806, lodged at the White Horse, kept by Mrs. Bakewell. I remember her having words with the prisoner about a duck which he killed; it was in the week of Camberwell-fair, on the Wednesday in that week in which the murder was committed. I slept at the White-Horse alone, and I am certain the prisoner did not; I did not expect him to sleep there, as I heard Mrs

Bakewell order him out of her house. He did not sleep there on the next night, Thursday. I heard of the murder on Friday morning, and I am positive he did not sleep there on the night it was committed; he came to work on the Friday morning, at 8 o'clock, and slept there on the same night. I advised him to go gently up stairs, and, perhaps, Mrs. Bakewell would not observe him. He told me he had no money to pay for a lodging, and I assisted him that he might elude the notice of Mrs. Bakewell. On the Friday night we slept in different beds.—I never slept with him but once in my life, which was about a week before. I did not come down stairs, nor use any endeavours to get him in on the Wednesday nor Thursday night.—I supped in the tap-room of the White Horse on the Friday night, and went to bed about an hour after him, he was discharged on the Saturday afternoon from working there.

Joseph Wright. I am a private in the West-London Militia. I know the prisoner, he slept with me on the Sunday night before the murder. I was in his company a short time before the accident. I know he used to carry a razor in his pocket, with which he once shaved me. I saw him at the Circus, there was a mob, and among them there was a young woman, who said to him "it was you who murdered Ann Webb." I then said it was proper he should be taken into custody, he then endeavoured to strike the young woman who accused him of the murder, but the people interposed and prevented him; the mob soon after dispersed, and he went one way and she another; he was soon after taken into custody.

Sarah Frances Hawkes sworn.—I know the prisoner and have known him two years, he always went by the name of White. I likewise knew the deceased Ann Webb, I have often seen them in company with each other, they seemed perfectly acquainted, I saw him at the wine vaults near the Circus, I then had some conversation with the prisoner, about the murder of Ann Webb, he asked me to drink with him, but I refused, and told him if he had any thing to give away, he should give it to those he liked best. I told him he had very much ill treated Webb, I knew him by the name of Green or Greenaway, I gave information of my suspicion concerning his being the person who committed the murder, in about two months after.

Q. Did you not know of an hundred pounds reward for this affair?

A. I lived near the spot, but did not know that there was a reward for the murderer. I saw the bills stuck up, but I cannot read.

Ann Overal, sworn.—I know the prisoner, and have known

him about eight or nine months, I have heard him say he knew Ann Webb as well as he knew me, this was about a fortnight after the murder, I always knew him by the name of Green, while we were acquainted, I once took his coat away, to a pawn-broker's, and they found a razor in his pocket.

Q. Why did you take the coat to the pawn-broker's?

I took away his coat, because he had slept with me the night before, without any money in his pocket.

Sarah Dawson sworn.—I have known the prisoner some time; but not long, I knew he cohabited with the deceased, Ann Webb. I heard of the murder on the Friday morning. I was at the Circus on the day before, and saw the prisoner sitting upon the rails at a wine vaults; near that place, giving the woman liquor to drink. I saw him about a month after with a young woman; we went to get something to drink. A little time after I met him again, I then said to him, "Mr. Green, you do not look well;" he answered me, "No, I have been ill, and my mind has been much troubled since I saw you last." I asked him if he had been robbing or murdering any body? he answered "no; do you think I would be guilty of such a thing? God forbid," he seemed angry at my question, but asked me to have something to drink.

Here closed the evidence for the prosecution.

The case for the prosecution being ended, Testic, an officer to the sheriff of Middlesex, stated, that he had, during the trial, overheard Hopwood the patrol instructing the witness for the prosecution in a particular way, and whispering to Mary Horner what to say; and he had heard this witness relate how she had been handled by a bothering counsel, but they could get nothing out of her; Hopwood told her not to mind, and to take care how she came on the next time she went in again, observing that unless he took care what he was about, they should be all done. Another officer named Hindson, stated also that he had seen this patrol Hopwood instructing this Mary Horner in case she should be called to the court again, when she was heard to say, they should get nothing out of her. These officers both stated they felt it their duty to come forward with this testimony, as belonging to the court.

The prisoner then being called on for his defence, protested his innocence, and some witnesses gave him a good character.

The Learned Judge summed up the evidence in a clear and comprehensive manner, and charged the Jury to pay particular regard in the following particulars: He observed, that this was a case which required the greatest attention, for a midnight Murder cannot be expected to have eye witnesses; this seldom

or ever occurs, but there is a long chain of circumstantial and corroborative evidence to prove the fact, and bring it home to the prisoner. With respect to the identity of his person, Mrs. Horner's evidence is of the most importance, as she says, she is positive that the prisoner at the bar is the person she saw on the night of the murder: yet, though her evidence appears thus material, it must be taken with great caution, as she has been discovered in improper conversation with some of the witnesses, and it appears by her conduct, that she is a person of a sanguine temper. Most of the female witnesses are persons of indifferent characters. You will also observe the manner in which the clothes of the deceased were turned up, which proves that the murder must have been done deliberately, and must have taken some time, in order to expose her in the manner described to you by several of the witnesses. With respect to Mrs. Horner, she has been guilty of several inadvertencies during her examination, which inadvertencies render her testimony doubtful: and, as I before observed, she seems to be of a very sanguine temper, and to take more interest in the trial than an ordinary witness perhaps should do. It will be also for you to consider whether Mrs. Horner, being in such an alarmed state of mind, when she saw the person standing near her house, and seeing him only by the light of a candle, might not be mistaken as to the person she saw, being the prisoner at the bar, and the same person that Mr. Clark saw. You will observe, that the person Mr. Clark saw, was seen about a quarter before two o'clock, and Mrs. Horner saw him about half an hour after one o'clock, so that he had about a quarter of an hour to walk to the place where Mr. Clark saw him; the circumstances against the prisoner arises principally from the contradiction in the account he gave of himself at his examination before Mr. Graham. In his first examination, he said that he slept at his lodgings, at the White horse public-house on Thursday night; and in the second examination, he said that he slept on some shavings, in some new buildings, in Blackfriar's-road. On Thursday night, he said he slept with Hawkins; but Hawkins says no person slept with him, there were two beds in the room.

The servant of Mr. Bakewell says there was only one bed used that night. It is worthy remark, that Mrs. Horner, notwithstanding what she had seen, did not say any thing about the matter, to any person, for several weeks after, and then only to Mr. Hopwood. With respect to the prisoner, you must consider the false account he gave of himself, and of his denying that he went by the name of White. That he did

not know Ann Webb, and then with respect to the razor, this is a remarkable circumstance, he has been known to carry such a thing about him and to use it. It will on the other hand be considered that several persons have come forward to prove that he is of a very mild temper, more so than men generally are; and one says, that he never saw him in a passion in his life. When you consider these things, and that he could have no evident cause to commit such an act, you will give the prisoner all the benefit of them. It is certainly very necessary that he should prove that he slept in his lodging on the morning in which the murder was committed, but he has not proved where he was at that time; therefore, gentlemen, taking all these circumstances together, you will decide whether the prisoner is guilty or whether he is not. If you cannot get over the difficulty of Mrs. Horner's evidence, and his being absent from his lodgings on the night of the murder, if you have any reasonable doubt in your own minds, you will certainly acquit the prisoner.

The jury deliberated for some time, and delivered a verdict of NOT GUILTY.

The prisoner, on being taken from the dock, thanked the judge and jury, and observed that he was an injured man.

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