

1851 Cornwall Quarter Sessions and Assizes

Table of Contents

1. Epiphany Sessions.....	1
2. Lent Assizes.....	10
3. Easter Sessions	61
4. Midsummer Sessions.....	71
5. Summer Assizes	85
6. Michaelmas Sessions	139

Royal Cornwall Gazette 3 January 1851

1. Epiphany Sessions

These Sessions were opened at Bodmin, on Tuesday the 31st December, before the following magistrates:

J. KING LETHBRIDGE, Esq., chairman.

Sir W. L. S. Trelawny, Bart.	F.J. Hext, Esq.
The Hon. G. M. Fortescue	W. Braddon, Esq.
Sir J.S. Graves Sawle, Bart.	E. Stephens, Esq.
Sir Colman Rashleigh, Bart.	D. Peter Hoblyn, Esq.
W.H. Pole Carew, Esq., M.P.	H. Thomson, Esq.
Gordon W.F. Gregor, Esq.	E. Coode, jun., Esq.
C.B. Graves Sawle, Esq.	C.J.W. Ellis, Esq.
N. Kendall, Esq.	W.P. Kempe, Esq.
J. Gwatkin, Esq.	Rev. R.G. Grylls
W. Hext, Esq.	Rev. W. Molesworth
E. Archer, Esq.	Rev. Vyell F. Vyvyan
C.G. Prideaux Brune, Esq.	Rev. R. Buller
J.T.H. Peter, Esq.	Rev. A. Tatham
	Rev. C.E. Hosken

Francis Glanville, Esq., of Catchfrench, qualified this morning.

The following gentlemen were sworn on the Grand Jury:—

Messrs. J.B. Smith, St. Stephens in Branwell, foreman; J. Barron, Bodmin; J. Brabyn, St. Kew; W. Clogg, St. Martins; W. Cock, Luxulyan; W. Cook, St. Martins; W. Dawe, Morval; G.L. Hawken, St. Teath; N. Higgs, Lanlivery; J. Hill, St. Martins; T. Jane, Lanhydrock; J. Lakeman, Egloshayle; W.H. Littleton, Lanlivery; J. Michell, St. Gorran; G. Morcom, St. Austell; R. Oliver, Morval; J. Pearce, Tywardreath; J. Rundell, Luxulyan; W. Rundell, Tywardreath; A. Stephens, St. Mewan; J. Trevale, Luxulyan; J. Trevenen, St. Sampson's; W.H. Trounce, St. Ewe.

Five other special jurors answered to their names.

After the usual preliminary business had been disposed of, the CHAIRMAN delivered his

CHARGE TO THE GRAND JURY [—not transcribed]

The Grand Jury then retired to their Room.

VISITING JUSTICES REPORT.—The Visiting Justices reported that every department of the gaol was in its usual good order. Nothing had occurred since the last Report to require remark, except some correspondence with the Lords of the Treasury and the Secretary of State regarding the maintenance of a smuggler, John Gosling. The County had been put to considerable expense by such

cases, and the Visiting Justices suggested the propriety of requesting the County members to put themselves in communication with the Treasury on the subject.

The Rev. R. G. GRILLS stated, that from communications lately received from Sir George Grey, there was no doubt that the County would be called on to make considerable additions to the gaol. It had been his intention to move at this Sessions for a portion of the money granted a few sessions since, for the purpose of purchasing some ground on the western side of the Gaol, which was considered eligible for the purpose; and it had been understood that the ground might be had on fair and liberal terms. But, yesterday, he heard that the proprietor of the land would not consent to the sale, for less consideration than 75 years' purchase. This being so large a sum, he did not feel justified in making the motion he had intended to submit. He thought they should wait until the measure now under consideration of Government should be settled. It might be worth while, however, to mention a suggestion which had been made to him—that, supposing in the bill to be introduced in the ensuing session, there should be a clause compelling the County to buy land, whether they might not request their County members to move the insertion of a clause, similar to that in the Railway Act, to compel any proprietor of land to sell, for a proper remuneration, any ground that might be requisite and available; or, to go to a jury. Otherwise, the County might be charged in the same exorbitant way as was attempted now. He would only add that the Visiting Justices would be happy to comply with, or fulfil, as far as was in their power, any instructions they might receive from the Bench.

[CORONER'S BILLS – not transcribed]

BRIDGES.—Mr. MOORMAN, Surveyor for the Western Division, reported that no particular report was necessary. He had £5 1s. 11d. in hand, and required an order for one levy to be paid at the next Quarter Sessions.

—Mr. SAWLE stated that the end of Lostwithiel bridge was in a very bad state.—Mr. KENDALL stated that the borough of Lostwithiel had macadamized their roads in a very creditable way; but the pavement of the bridge was in a very bad state, and not at all according with the newly macadamised road. He believed the contractor for the repair of the bridge could not be compelled to macadamize the roadway, under his present contract; and the question was whether the County would allow Mr. Moorman to make such an agreement for the necessary work as he might think proper. The cost, he believed, would not exceed £3.—After some communication with the Chairman and other magistrates, Mr. Kendall told Mr. Moorman that he thought the matter might be managed without further troubling the Court.

Mr. PEASE, surveyor for the Eastern Division, reported that the magistrates of the Hundred of East had ordered some improvement of Lerrin Bridge.—At Looe Bridge, some repairs of girders were necessary; but the amount of necessary repair could not be ascertained without breaking up some of the road so as to lay open the ends of the girders. The expense might be £5, or it might be £15. Mr. Pease thought that the magistrates of the district should now be empowered to order the necessary repairs; because, when the bridge was laid open, it would be absolutely necessary that the work should be done without delay.—For Dunmeer Bridge, there was a sum of £7 12s. 1d. due to Mr. Edward Allen, for the cost of some hedging and the temporary use of his land while the bridge was being rebuilt.—Mr. Pease gave notice that he should require one levy.

On the motion of Sir C. RASHLEIGH, seconded by Mr. SAWLE, it was resolved to authorise Mr. Pease to inspect Looe Bridge, and the magistrates of the district to expend a sum not exceeding £20 in its repairs.

GOVERNOR'S REPORT.—The Governor reported that nothing had happened in the prison since the last Quarter Sessions to require any special remark. The prisoners had been well conducted and healthy. The usual certificate was attached, that the rules of the prison had been as far as practicable complied with. The buildings of the prison, with the exception of some of the roofs, were generally in good repair.

[GAOL EXPENSES.—not transcribed]

—The Chairman next read a comparative statement of prisoners for trial at the sessions in January, 1850, and at the present sessions:—

	Jan., 1850.	31st Dec. 1850.
Felons in custody	21	20
“ on bail	4	6
In custody for breaches of the peace	1	1
Misdemeanants in custody	1	0
Prisoners charged with assault	<u>1</u>	<u>0</u>
	27	27

[WEIGHTS AND MEASURES - not transcribed]

—Tenders were produced from candidates for the conveyance of prisoners from Launceston to the county gaol.—A committee of magistrates retired to inspect the tenders, &c.—On their return into court, Sir COLMAN RASHLEIGH moved, and Mr. ELLIS seconded, the appointment of John Higgs, to convey prisoners from Launceston. Sir C. Rashleigh stated that Mr. Higgs's tender was not the lowest; but the committee thought that as he was a constable, he was the most eligible person.—The motion was agreed to *nem. con.*

—The following bills presented by the Clerk of the Peace, were allowed:—

For repairing (*sic*) and distributing lists of voters, 127*l.* 19*s.*; for printing the lists 46*l.* 14*s.*, being between 7 and £8 less than at the corresponding period last year.—There was also allowed the Clerk of the Peace's bill for cravings, amounting to 55*l.*

TRIALS OF PRISONERS.

HUGH HOLINSHEAD, 42, pleaded GUILTY of stealing, on the 27th of December, 1850, at Tywardreath, a coat, neckerchief, bag, and knife, the property of Richard Netherton.
 (Sentence: *three months hard labour*)

THOMAS ROWSE, a young sailor, charged with having, on the 6th of December, at the parish of St. Austell, stolen two jars and about 4 gallons of brandy, the property of John Inch, innkeeper.—Mr. Shilson conducted the prosecution. Mr. Stokes the defence.—The prosecutor, whose house is at Charlestown, left it in the evening of the day named, to go to St. Austell; he left two two-gallon jars of brandy in the bar, nearly full. Whilst he was absent, his daughter discovered that the two jars were missing. Suspicion fell on the prisoner, and a constable was called, who, with prosecutor's apprentice, John Hore, went to prisoner's residence at Porth Pean, about 10 o'clock at night. They knocked at the door, and in reply to questions from the prisoner inside, they said they wanted something to drink. The constable and Hore stepped back, and the prisoner came out with the two jars in his hand, and went out into the garden. Seeing the constable, he asked what was up. The constable told him he must take him to Inch's; and did so. Hore stated that at the time when the prisoner brought out the two jars from his house, in the presence of the constable and him, he appeared to be tipsy.—For the defence, it was urged that there was no proof of the prisoner's having been seen near the prosecutor's house near the time when the jars were missed; and that the circumstances in which the property was found on him disproved any notion of felonious possession so that he might be called on to account for his possession. The prisoner received an excellent character from several respectable witnesses. —The jury found a verdict of GUILTY.

(Sentence: *two months hard labour*)

WILLIAM JONES, 14, charged with having stolen, on the 6th of December, a fustian jacket, the property of John Green, cordwainer, of Ladock. The prosecutor had placed his jacket on a wagon by the road side, about 2 o'clock in the day; and shortly afterwards saw the prisoner go by. Missing his jacket soon afterwards, the prosecutor rode on and overtook the prisoner who was then wearing the jacket. The prosecutor then called Meneer, the St. Enoder constable, and gave the prisoner in custody.—GUILTY.

(Sentence: *six weeks hard labour*)

WILLIAM HARRIS, charged with stealing, on the 26th of October, at St. Columb Major, a fowl, the property of William Olver, innkeeper.—The prisoner was ACQUITTED; and a second indictment, for stealing at the same time, another fowl, the property of prosecutor's son, was not pressed.

RICHARD HOCKING, 20, pleaded GUILTY, on two several indictments, of stealing, on the 3rd of November, at Restronguet Creek, from a vessel called the "Primrose," 11 sovereigns, the property of Thos. Harris; and a worsted frock, the property of John Gosling.

(Sentence: *six months hard labour for 1st offence, two months hard labour for 2nd offence*)

JAMES GILL, 18, pleaded GUILTY of stealing on the 9th of September, at the parish of Wendron, a shirt, the property of Walter Pascoe.

(Sentence: *three months hard labour*)

JOHN OLIVER, 20, pleaded GUILTY of stealing on the 24th of November, at the parish of St. Austell, a silver watch, the property of Robert Tredrea Long.

(Sentence: *three months hard labour*)

ELIZABETH ROBERTS, pleaded GUILTY of stealing, on the 28th of November, at Liskeard, a silver tea spoon and four tumblers, the property of Nehemiah Henwood.

(Sentence: *two months hard labour*)

JOHN WILLIAMS, 18, pleaded GUILTY of stealing, on the 16th of November, at Gwennap, a hand-saw, the property of Joseph Pascoe.

(Sentence: *two months hard labour*)

THOMAS BROWNE, 23, WILLIAM ROBINSON, 30, and JAMES HILL, 36, were charged with having stolen, on the 1st of December, at Pelynt, a ewe sheep, the property of John Roskilly. A second count charged them with killing, with intent to steal.—Mr. Childs conducted the prosecution; the prisoners were undefended.—John Cock, hind of Mr. Roskilly, a farmer, lived at his farmhouse at Trendaway, in the parish of Pelynt. On the morning of the 1st of December, he missed from a field, one out of 40 sheep which he had seen there the day before. He proceeded to search for the missing sheep, and found the belly, skin, head, and two legs wrapped in a frock in a corner of the field. The sheep had not been slaughtered or skinned in a butcher-like manner. He carried the skin, neck, and two legs home to his masters; and, about an hour afterwards, observed tracks of three men's shoes—seven nails in one, eight nails in another, and a diamond of nails in the third. Nicholas Lane and Mr. Hooper, a neighbouring farmer, assisted him in tracing those tracks, which they did for a distance of three or four miles to a place called Nandudalle, in Duloe; and there they found the three prisoners standing by a hedge. There were no footmarks traceable beyond that spot. The separate footmarks near each of the three men resembled those which the witness had traced on from the prosecutor's fields. Witness left the three men in charge of Lane and Hooper, and went for a constable. There was a fire near where the three men were standing by the hedge, and some of the ribs of the sheep had been cooked there. Witness went for the constable Truscott, and then went to his master's house; and afterwards Truscott produced at the Axe Inn, in Pelynt, in the presence of the prisoners, portions of the sheep which he had brought from the field, and witness fetched from his master's the skin and other portions which he had left for a while in his master's charge; and these were found to match with the parts brought in from the field.—*Thomas Hooper* confirmed the evidence of the search; and *William Truscott* stated the circumstances of the comparison of parts of the sheep at the Axe Inn, and also gave evidence that he compared the shoe-tracks with the shoes taken from the prisoner's feet and found them to correspond exactly.—*Thomas Northcott*, a laborer of Pelynt, proved that he saw the prisoners together, about half a mile from Trendaway, about 5 o'clock in the evening of the 30th of November.—Verdict, *All Guilty*.

(Sentence: *each twelve months' hard labour*)

JAMES CONDAR, 20, and JOSHUA WILLIS, 18, charged with stealing on the 12th of December, at Stratton, from the person of John Lyle, one silk handkerchief, the property of the said John Lyle.—The prosecutor was at Stratton Fair, on the day named, and had a silk handkerchief in the left breast-pocket of his coat. While he was standing in the fair, about 3 o'clock in the afternoon, Robert Jones, a farmer, saw Condar take a silk handkerchief from Lyle's pocket, and hand it, in an underhand

manner, to the other prisoner. Mr. Jones have immediate information to Mr. Lyle; and the two followed the prisoners, who had moved slowly off, and give them in custody to Goddard the police officer.—*Samuel Goddard* stated that on his examining the prisoners, on their being given in custody, he found no handkerchief upon them; but on the following morning, his attention was drawn to a corner of the kitchen near to where Willis had stood, and there he saw a handkerchief. Shortly after finding the handkerchief, he took the prisoners some breakfast, and carried part of it in the handkerchief. Condar saw him, and observed to the other prisoner “he has got it.” Verdict, *Both guilty of stealing from the person.*

(Sentence: each *six months hard labour*)

The bill against RICHARD STEPHENS, charged with having, on the 20th of November, at Treffry’s, in the parish of Linkinhorne, stolen six sovereigns, the property of Lyneham Randall, was ignored by the grand jury.

WEDNESDAY, JANUARY 1, 1851.

Before J. K. LETHBRIDGE, Esq.

WILLIAM HILL, 19, was charged with stealing a powder flask, the property of George Bishop. Mr. STOKES conducted the prosecution; the prisoner was undefended. Prosecutor is a barge-man living at St. Kew. On the 5th of December, he had a powder flask, which was then on a little shelf in his barge, which was lying at Tregorden quay, on the river Camel, in the parish of Egloshayle. Prosecutor went to his barge on the 9th of December, and found that his flask had been taken away. On the 10th he saw a man called Broad, and also the prisoner. Prisoner had a gun, which he gave over to Broad, who fired it. Prosecutor saw prisoner reload the gun, for which purpose he took a flask from his pocket, which prisoner recognised to be his. On going up and asking prisoner, he denied at first that he had any flask, and said he kept his powder in paper; but at last he produced one without a top. The prosecutor identified it. It appeared, however, that there had been some compromise of the matter between prosecutor and prisoner, on condition that the latter would give back the top of the flask and some shot. It came out also that a boy called Kent had the top of the flask, and that he had since absconded, thus raising suspicion of his connexion with the affair. Verdict, NOT GUILTY.

JOHN FLINN, junr., 19, was indicted for assaulting and putting in bodily fear James Harris, a miner, and stealing from his person 1 shilling. Mr. HOCKIN for the prosecution, and Mr. STOKES, for the prisoner. Prosecutor stated that he was a miner living at Zelah, in St. Allen. He was at Truro on Saturday, the 19th of October, and about twelve o’clock at night went into a field behind the Ship Inn to relieve himself. Prisoner and four or five others came into the field. Prisoner came up to him and said, “Holloa, I have caught you now.” Prosecutor asked “what do you mean?” Prisoner then swore, and said he would have money to have something to drink; he said if he did not have money he would kill prosecutor, and he then seized him by the collar. The other men were standing around. Prosecutor said he gave him a shilling through fear, and the prisoner and the others ran away. He followed and told what had happened to Serjeant Hare, of the Truro police, who apprehended prisoner, and found in his pocket a shilling and a penny; the policeman said, that prisoner ran away when he saw him coming.—Mr. STOKES cross-examined the prosecutor, and elicited that he had been drinking at the Seven Stars Inn for some hours; he could not say how much he drank there, or at what time he left. He was afterwards drinking at the New Inn, but could not say how many pints he had there, or at what time he left. From further cross-examination, it appeared that prosecutor was followed into the field by some females; he said that after he had given Flinn the shilling, the men and women ran away together; he also said he was not drunk at the time. Mr. STOKES submitted that the prosecutor’s evidence could not be believed, because he had given a different account now from what he gave to Serjeant Hare at the time, with regard to his going into the field for an improper purpose. Then the man having drunk so much, how could it be supposed he could identify the person who committed the offence? He said the prisoner was dressed the same then as he was now, and yet he could not tell how any of the others were dressed. But even if the prisoner obtained the money from prosecutor, the latter gave it to him to get rid of him and the others because he was ashamed of being caught in the field by them with an improper purpose. The

Chairman carefully summed up, and the jury after a short deliberation acquitted the prisoner. The Chairman, addressing Flinn, said—you are now discharged, but the Court is aware that you are a very bad fellow. I find no fault with the verdict; but if it had gone otherwise, two prior convictions would have been proved against you. Let this induce you to abandon those companions who have led you thus far, when you have had so very narrow an escape from severe punishment.

THOMAS WELLINGTON and NANCY WELLINGTON were charged with stealing two gates, three poles, a tea kettle, and door, the property of John Gribble, of Perranarworthal. Mr. HOCKIN for the prosecution, and Mr. STOKES defended the prisoners. Prosecutor stated that he has a farm at Perranarworthal, and another in Perranzabuloe, and that on the 14th November, he missed some oak poles and gates; he had missed a tea-kettle in March last, two chains in the summer, and a door in the Spring. The case, however, against the prisoners was confined to the gates and poles; though the tea-kettle and door were also found in a house in prisoner's occupation. There was evidence given by *Edward Michell*, constable, that the poles and gates were found in an outhouse belonging to prisoner, though there was no proof that he had placed there anything belonging to the prosecutor; there was, however, evidence given by a man called *Tamblyn*, that he saw the female prisoner carry the gates into the outhouse; he also saw the poles standing up in the corner of the outhouse; she told witness she was going to cover in a pigs' house with the poles. Mr. Stokes addressed the jury, and called *John James* and *Thomas Michell*, van-owner, who gave the male prisoner good character.—The CHAIRMAN told the jury they must consider whether the wife had acted under the influence or constraint of the husband, for then he would be liable to answer for the felony, if it were proved. Otherwise they must consider whether she had acted independently of her husband. The jury ACQUITTED the male prisoner, but found Nancy Wellington GUILTY.

(Sentence: *two months hard labour*)

MARY BREWER, 28, was indicted for stealing a sovereign, half-sovereign, 3 half-crowns, 2 shillings, and 1 six pence, the property of Joseph Smith, of Egloskerry. Prisoner is a gipsy, and the robbery was committed on the 5th Oct. by one of the usual "gipsy tricks." Smith was induced to place money in the female gipsy's (*sic*) hands, with the promise that the money should be doubled, and, as might be expected, he was fleeced of his money. The prisoner was taken and committed for trial, but was afterwards admitted to bail. Abraham Brewer, who was the chief of the gipsy gang then in the neighbourhood, was bound over in £40 as surety for the prisoner's appearance at the sessions; the other sureties were Joseph Short, of Launceston, who became bound in £20; and John Peak, draper, of Launceston, who also entered into his recognizance for £20. The £40, however, it appeared had been handed over to Mr. Peak and Mr. Short, so that they ran no risk of losing the money in the event of the prisoner not appearing. The officer of the court now called in the usual manner three times on the sureties to bring forth the body of Mary Brewer, or to forfeit their recognizances. The prisoner not being forthcoming, the recognizances were forfeited.

SAMUEL JENKIN pleaded GUILTY of stealing, in the parish of North-hill, three granite posts, the property of Mr. Francis Rodd.

(Sentence: *three months hard labour*)

JOHN SPURR, 17, pleaded GUILTY of stealing, on the 24th Dec., at Truro, a pair of women's boots, the property of Chas. Courtier. MARY ANN MAY, 21, was also charged with stealing the boots, and a second count charged her with receiving the same, knowing them to have been stolen. Prosecutor said he is a shoe-maker at Truro, and attends the market there. John Spurr had been working for him for the last 18 months. On the 24th December, prosecutor was assorting some shoes for the Redruth market, and discovered that a pair of women's cloth boots and three or four pairs of shoes were missing, which he had seen on the Saturday previous. *F.C. James* stated that on the 23rd of December, John Spurr came to his shop and offered to pledge a pair of women's boots; he said they were a pair he had made for a young person, but they had misfitted. Witness refused to take them in pledge, and he then took them away with him. On the following morning, the female prisoner came and offered to pledge a pair of women's boots, which appeared to witness to be the same boots as Spurr had brought to him the evening before. She said the shoes belonged to a young man, but she

refused to tell his name.—*George Paine*, police inspector, stated that Spurr said to his master, as they were coming away from appearing before the magistrate, “for God’s sake, master, forgive me.” The jury, however, did not consider the evidence conclusive against the female prisoner. Verdict, NOT GUILTY.

(Sentence (John Spurr): *six months hard labour*)

Both prisoners, SPURR and MARY ANN MAY, were next indicted for stealing two pairs of boots, about the 13th of December, the property of Charles Courtier, and the female prisoner was also charged with receiving the same, knowing them to have been stolen. In this case the boots were offered by May in pledge to Mrs. Behenna, but the court considered that the evidence was inconclusive against the prisoners, and they were both ACQUITTED.

ELIZA NORTHEY, 16, and MARY ANN COOMBE, 29, were charge (*sic*) with stealing, on the 29th day of Nov., some wood, the property of William Downing. Mr. DARKE conducted the prosecution. The wood was stolen from a linhay in an orchard near Launceston. Verdict, both GUILTY. A prior conviction for felony was also proved against each of the prisoners.

(Sentence: (Northey) *eight months' hard labour*; (Coombe) *six months hard labour*)

COUNTY BUSINESS.

LUNATIC ASYLUM.—The CHAIRMAN said he had received by that morning's post, a letter signed R. W. S. Lutwidge, Secretary, dated from the office of the Commissioners in Lunacy, 30th of December, 1850, and addressed to the Chairman of the Quarter Sessions of the County of Cornwall. The letter was as follows:—"Sir,—The commissioners in Lunacy have had under their consideration certain observations made by the visitors of the Cornwall Asylum upon the minute entered in the books of that asylum by the last visiting commissioners, together with a report made by those commissioners in reply to the observations of the visitors. Having regard to all the circumstances, the Board deem it the proper course to transmit to you, as Chairman of the Quarter Sessions, for the information of the general body of Justices of the County of Cornwall, copies of the whole of the documents & correspondence." The CHAIRMAN then read over the various documents & correspondence alluded to in the above letter containing the allegations by the two lunacy commissioners, Mr. Campbell, and Mr. Turner, (who visited the Asylum on the 16th of September) of evils in the administration of that institution; and the reply of the visiting committee. Mr. KENDALL, on behalf of the visiting committee, now addressed the Court in answer to the allegations of the visiting commissioners, taking them *seriatim*, and stating that they were unfounded in fact, being either based on error or defective information. We shall publish next week the whole of the correspondence, and Mr. KENDALL's speech.—After consulting with the magistrates present (exclusive of the visiting committee of the asylum, who retired from the court), the CHAIRMAN said it was unfortunate that the letter from the Commissioners had been mis-sent to Truro, and therefore had not reached him until the second day of the sessions, when there were very few magistrates present besides the members of the visiting committee. The court could not therefore reply to the Commissioners' letter at any length these sessions, but must defer notice of it until the next sessions; when if required, the matter would be taken into further consideration.

TRIALS RESUMED.

JOSIAH WASLEY and JOHN HENRY THOMAS, were indicted for stealing a gun, the property of William Floyd. Prosecutor is a blacksmith, in Kenwyn, and had the gun at his shop to repair on the 3d of October. It was stolen from his shop in the night, and on the 7th of October, the two prisoners, being together near Blackwater, offered the gun for sale to William Dennis, a miner. It appeared, however, that Thomas had nothing to do with receiving the money for the gun. Thomas was ACQUITTED, but Wasley was found GUILTY.

(Sentence (Wasley): *one fortnight's imprisonment and once privately whipped*)

JOHN MORRISH, 46, was committed on the 19th of November, for want of sureties in a breach of the peace towards Maria Morrish, his wife, of the parish of St. Columb Major. The wife said she did not wish to appear against her husband, but was desirous to have him discharged on his promising

to conduct himself differently towards her. The CHAIRMAN cautioned the prisoner with regard to his future conduct; he promised to conduct himself better in future, and was then discharged.

The Grand Jury were discharged by the Chairman this day about one o'clock, with the thanks of the county for their services.

APPEALS.

KENWYN, appellant, Mr. SHILSTON; St. CLEMENT, respondent, Mr. HOCKIN. An order made from St. Clement on Kenwyn parish, Mr. Hockin stated, had been referred to Mr. Collins, and it was now confirmed by consent, with common costs.

St. TEATH, appellant; Mr. Darke and Mr. Hawker. BODMIN, respondent; Mr. Shilson and Mr. Preston Wallis. An appeal against an order by Thomas Mudge and John Ward, Esquires, for the removal of Betsy Tremain, widow of Robert Tremain, and her four children, from the borough of Bodmin to the parish of St. Teath.—Mr. DARKE stated that the appellants admitted a birth settlement of the pauper's late husband in St. Teath, but proposed to set up a subsequent settlement in Bodmin borough, by the renting of a tenement called Blowinghouse, from Michaelmas 1843 to Michaelmas 1845, at a rental of 10*l.* and upwards, and by being assessed to, and having paid, poor rates during that time. The tenement had been rented of a Mr. John Jory, formerly of Bodmin, but now in America. In consequence of his absence, and of the death of Tremain, the agreement could not be produced, nor any but secondary evidence offered concerning it.—The pauper, *Betsy Tremain*, was examined at considerable length, and also a *Mr. William Adams*, formerly of Bodmin, now of St. Neot's, who had been a referee touching some differences between Robert Tremain and his landlord. There followed a long examination of rate-books of the borough of Bodmin, and of a collector of rates, *Mr. N. Ladner*, concerning them.—In the course of this examination, on an objection taken by Mr. Shilson, the Court held that Mr. Darke could not ask whether the collector collected any particular rate, without producing that rate.—At the conclusion of the appellant's case, Mr. Shilson contended that it had wholly failed to prove any settlement by renting; and that the fourth ground of appeal, on which Mr. Darke relied for the purpose, would not allow him to establish a settlement by payment of rates.—The COURT held, with Mr. Shilson, that the fourth ground did not extend to settlement by payment of taxes.—That ground was as follows:—“That the said Robert Tremain, the deceased husband of the said Betsy Tremain, in or about the year 1843, took and rented of one John Jory, a tenement, situate at Blowing House, in the said parish of Bodmin, consisting of a separable and distinct dwelling house and land, at a yearly rent of £10 and upwards, and continued to rent and occupy the same tenement for one year and upwards, from about Michaelmas 1843, to about Michaelmas 1845, and paid rent for the said tenement during the time he so rented and occupied the same, to the amount of 10*l.* and upwards; and during the whole of the time the said Robert Tremain so rented and occupied the said tenement as aforesaid, he resided and slept in the said parish of Bodmin and was assessed to the poor-rate of the said parish of Bodmin in respect of the said tenement and paid the same for one year and upwards.” Mr. SHILSON then addressed the Bench enforcing as reasons for a decision in favour of respondents.—1st that there was not an occupation by the pauper's husband, of a separable and distinct tenement in the respondent parish;—2nd that there was no proof that Robert Tremain had been rated, or had paid rates;—and 3rdly, that there was no actual proof of his payment of rent.—The COURT *confirmed the order* of removal; with common costs and 2*l.* 5*s.* 0*d.* maintenance.

SECOND COURT, Wednesday, January 1st.

(*Before* SIR COLMAN RASHLEIGH, Bart.)

JOSEPH PERRYMAN, the *younger*, aged 33, was charged with having, on the 8th of October, broken and entered the shop of John Collett, of Probus, and stolen therefrom one pair of boots, the property of the said John Collett. The prosecutor stated that he was a shoe-maker living at Tresillian, in Probus. His shop was under the same roof as his dwelling-house. Early in the morning of the 9th of October, he found that his shop door had been broken open, and four pair of shoes and one pair of boots stolen. He had since seen the boots in the possession of Mr. James, a pawn-broker.—*George Frederick James*, stated that he was an assistant with his father, a pawn-broker of Truro. On

Wednesday morning the 9th of October, prisoner brought a pair of men's boots and pawned them for three shillings. He said they were his own property. Witness had had the boots ever since in his possession, and now produced them.—*John Collett* recalled, identified the boots, by his own work on them, and by a particular way of putting in the tongue-piece.—GUILTY. Two previous convictions were proved against the prisoner. Both took place at the Michaelmas Sessions 1845. He was then convicted of breaking into the house of Thomas Trenerry, butcher, of Bucks Head, near Truro, and stealing a sheep, lamb and other property; and also, under the name of Joseph Williams, otherwise Joseph Perryman, for stealing a cow and heifer, the property of William Northey, farmer of Creed. — On the first conviction, he was sentenced to One Month's Imprisonment; and on the second, to Ten Years Transportation.—A gentleman of the jury inquired of the Chairman, under what circumstances the prisoner had returned before the expiration of his term of Transportation; but the Chairman could not give information on the subject.

(Sentence: *transported for twenty years*)

Mr. HOCKIN, who had conducted the prosecution for stealing boots, now stated that the prisoner was also indicted for stealing five bushels of wheat, the property of John Plummer, in the parish of Kenwyn; but, it would be occupying time uselessly to prosecute that indictment after what had just taken place; and therefore he should offer no evidence on it.—The CHAIRMAN directed a verdict of acquittal.

THOMAS MAHOLE, 45, charged with stealing, on the 9th of December, two lbs. of brass, the property of William Langdon, of Launceston; there was another count charging felonious receiving of the brass. Mr. DARKE conducted the prosecution; Mr. MORGAN the defence. The prosecutor keeps a Foundry at St. Stephens by Launceston, and on the morning of Tuesday, Dec. 10, he missed some brass which he had seen on his premises the previous morning. He set on foot enquiries, and his foreman brought back some pieces, which witness gave in charge to the policeman and identified in court. He had had many dealings with the prisoner, never heard anything against his honesty, and should have no objection to deal with him again. *William Prockter*, ironmonger, of Launceston bought the brass produced, of the prisoner, with some old metal, on the morning of December 9th, and gave it next day to prosecutor's foreman. The value of the pieces produced was less than sixpence. He gave the prisoner a good character for honesty, and should have no objection to deal with him again. *Benjamin Sambell*, police officer, detailed all the circumstances connected with the prisoner's apprehension. Two boys, named Martin and Bickle, sold some old brass to prisoner on the evening of the day in question, but not the pieces of brass in court. Martin had been occupied at work with his employer all that day.—The defence was, that the pieces of brass were sold by these boys on Saturday night, and that Mr. Langdon must have been mistaken in thinking he saw them on the Monday. *John Dodge*, laborer, in the employ of the prisoner, but who had been discharged from jail three months ago, where he had been committed for breaking into a house and stealing money, and *Maria Hicks*, sister of prisoner's wife, gave evidence to implicate the boys; and *Thomas Brown*, dealer in marine stores, and *William Edgcumbe*, carriage builder of Launceston, bore testimony to prisoner's character. Mr. DARKE replied; and the case went to the jury, who retired for consultation.—After being absent from court about an hour and a half, they returned, and delivered a verdict:—*Guilty of Stealing.*

(Sentence: *six months hard labour*)

RICHARD PEARCE, 32, charged with stealing on the 20th of October, a six feet pole of sycamore, the property of William Wilton, of South Petherwyn.—Verdict, GUILTY.

(Sentence: *one month hard labour*)

SAMUEL TREVENA, 15, charged with stealing, on the 22nd of November, from the person of Hugh Brown, four shillings, four sixpences, one fourpenny piece, and one penny, the property of the said Hugh Brown.—*Hugh Brown*, examined by Mr. Darke, said he lived in the parish of Stithians. On Friday, the 22nd of November, which was West Wheal Buller pay day, he received a sovereign and a shilling, and afterwards changed the sovereign at the Dunstanville Arms, Redruth. In change, he received a half-sovereign and some silver. He wrapped up the half-sovereign in his bal-bill, and put it

in his trousers pocket; and put the silver in his right waistcoat pocket. He remained at the Dunstanville Arms, and drank too much beer; and his recollection was not very perfect, of what happened afterwards. When he came to himself, he found that he was in an outhouse, with a policeman, about a quarter of mile out of the town. The policeman told him that he had been robbed. Witness then searched his pockets, and found the half-sovereign right, but all the silver gone. He ought to have had about five shillings. He then gave his half-sovereign to the policeman to take care of for him; and the policeman also took care of him for the night.—*John Harris*, a servant of Mr. John Hayes, at Redruth, was at the De Dunstanville Arms about half-past 8 in the evening of the 22nd November; and saw the prosecutor leave the house very much intoxicated, unable to help himself. The prisoner led him out from the door, and about 30 yards off he fell to the ground. Witness and a man called Rickard, and two or three others, went forth to help him up, and Trevena took him again and walked him away. Witness and Rickard followed, as far as the Buller's Arms. Trevena could not get Brown on further; and witness and Rickard assisted to put him into an outhouse a little above that inn. Witness, Rickard, and Trevena then came away. As they came down the lane, prisoner stopped behind, and witness hollowed to him; and after a little while, he came running after them, towards the Buller's Arms. Witness and Rickard went away towards their homes in Buller's Row, but still watched Trevena; they could see by a gas-light that he did not proceed to his own home, but went back to the outhouse where Brown had been placed. Witness and Rickard followed him on the watch, and found that he had rolled back the stone which they had placed to secure the door from cattle, and was inside the house. Witness and Rickard watched by the door, in order to catch him coming out. When he came out, witness saw money in his hand, and immediately closed his hand upon it and held it fast, and said "Hallo, young man, what have you been about?" Prisoner tried to let the money drop, but witness would not let him. Prisoner then said "Oh, forgive me, Harris; 'tis the first time, and I want a pair of shoes and a cap." He then threw out the money into witness's hand —4 shilling 4 sixpences, a fourpenny, and a penny piece. They then brought him down into the street, and delivered him to the custody of policeman Tregoning.—*John Rickard* confirmed the evidence of last witness.—*Charles Tregoning*, policeman of Redruth, remembered the prisoner being given into his custody by the two last witnesses, and the money also, which he now produced. He then went to the outhouse and saw the prosecutor there, and took care of him for the night. He was then intoxicated, but was coming a little more to himself. It was after 11 o'clock at night when the prisoner was given into his charge.—The jury took the trouble to consider the case for a long while, and returned a verdict of GUILTY.—The CHAIRMAN ordered that the prosecutor's expenses should not be allowed him; if he had kept sober, most probably he would not have been robbed.

(Sentence: *four months hard labour*)

The jury were then discharged.

THURSDAY, January 2.

At the opening of the Court this morning, the CHAIRMAN passed the sentences of the prisoners. During the delivery of the sentences, the Chairman observed that a considerable number of prisoners were not Cornishmen.

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Royal Cornwall Gazette 28 March and 4 April 1851

2. Lent Assizes

These Assizes commenced on Tuesday last, when the Judges —the Right. Hon Sir Frederick Pollock, Chief Baron of the Court of Exchequer, and the Honourable Sir Samuel Martin, one of the Barons of the Court of Exchequer, arrived at Bodmin from Plymouth, where they had slept the previous night.....

The Business of this Court was commenced at 12 o'clock, before Lord Chief Baron Pollock. The following magistrates were sworn on the Grand Jury:—

Hon G.M. Fortescue	John Michael Williams, Esq.
Sir Colman Rashleigh, Bart.	C.G.P. Brune, Esq.
Sir J.S.G. Sawle, Bart.	John Tremayne, Esq.
John Hearle Tremayne, Esq.	R.G. Polwhele, Esq.
C.B.G. Sawle, Esq.	John Gwatkin, Esq.
G.W.F. Gregor, Esq.	Stephen Davey, Esq.
Edward Collins, Esq.	Edward Coode, jun., Esq.
C.H.T. Hawkins, Esq.	J.B. Messenger, Esq.
Nicholas Kendall, Esq.	John Batten, Esq.
Francis Rodd, Esq.	William Peel, Esq.
Michael Williams, Esq.	D.P. Hoblyn, Esq.
J. Davies Gilbert, Esq.	

The following magistrates also answered to their names: Sir W.L.S. Trelawny, Bart., Edward Stephens, Esq., W. Hext, Esq., F.J. Hext, Esq., W.P. Kempe, Esq., D.P. Hoblyn, Esq., J.P. Magor, Esq., W. Morshead, Esq., J.T.H. Peter, Esq., W. Braddon, Esq., W. Peel, Esq.

The following mayors answered to their names: The mayors of Bodmin, Camelford, St. Ives, Launceston, East Looe, West Looe, Lostwithiel, Marazion, and Penryn.

The county coroners, Mr. Joseph Hamley, Mr. William Hichens, and Mr. J. Carlyon, also answered to their names.

The Royal proclamation against vice, profaneness, and immorality was then read; after which the learned Judge proceeded to deliver the following charge.

[CHARGE TO THE GRAND JURY – not transcribed]

TRIALS OF PRISONERS.

CHRISTIAN LOWRY, 21, was charged with stealing, on the 4th of January, a table-cloth, two-bed gowns, three pillow cases, two sheets, and other articles, the property of James Sanders, of the Ship Inn, Truro. Mr. COLLIER conducted the prosecution. From the evidence of Mrs. Sanders, it appeared that the accused had lived with her some time as a servant, and that after she left her house, she occasionally came and worked as charwoman. Mrs. Sanders missed some articles in January last, and went to prisoner's lodgings (where she lived with her husband,) and charged her with taking them. About a week after, having received further information, she again went and charged prisoner with taking the things, and she delivered her two bed-gowns and a pillow case. *Sergeant Hare*, of the Truro police, also gave evidence, of his having searched prisoner's lodgings. The learned Judge, however, directed an acquittal, observing, that if anything wrong had been done, the prisoner seemed to have been much less a party to it than her husband; for, according to Mrs. Sanders's evidence, prisoner wished to give up the things when Mrs. Sanders called at her husband's lodgings, whilst the husband seemed to desire concealment. She appeared to have been actuated by a feeling of honesty in the matter. The goods being found at her husband's lodgings were in his possession, not her's; and she must be held also as acting under his authority. Verdict, NOT GUILTY. Another indictment against the prisoner for stealing a yard of doeskin and two yards of ribbon, from James Hodge, was not pressed against her.

WILLIAM VANSTONE, 27, and FRANCIS GLOYN, were charged with stealing, at Launcells, on the 11th of January, a quantity of horse-hair, the property of Thomas Shephard.—NOT GUILTY.

JAMES WADE, 20, was charged with stealing a quantity of rope, the property of William Hocken and others. From the evidence of Mr. Hocken (who is a retired Custom House officer), it appeared that the rope was stolen from the schooner "Touch-Me-Not," of which prosecutor is part owner, and which on the 1st of January, was lying in the Fowey river, moored between the quay and the broad slip. Prisoner sold the rope to a dealer in articles of that description, and had also confessed his guilt when before the committing magistrate. Verdict, GUILTY, Sentence, *six weeks hard labour*.

FOWL STEALING —JOHN COKER, SAMUEL HOSKIN, AND BARTLETT SEARS, OTHERWISE PASCOE, were charged with stealing, at Truthan, in the parish of St. Erme, on the night of the 15th of February, two tame fowls, the property of Mr. Edward Collins. Mr. STOCK conducted the prosecution, and Mr. MAYNARD defended the prisoners Coker and Hoskin; Sears being undefended. At the desire of Mr. Maynard, the witnesses on both sides were ordered to leave the Court until called on. Mr. STOCK stated that the prosecutor was a magistrate of the county, and then detailed the circumstances of the case, after which he called the following witnesses—*John Michell* of Kenwyn parish, was in Truro on Saturday evening, the 15th of February; saw Coker and Bartlett Sears there, walking in the street together, between five and six o'clock. *Cross-examined*—Prisoner Hoskin lives with his brother, and Coker with his father; both the brother and father are highly respectable men.—*William Brewer*, labourer, St. Erme, was going on Saturday the 15th of February, to Truro; met two men about three-quarters of a mile from Truro, going towards St. Erme; they had a greyhound and bull-dog. James Knight was with me and said "good night, gentlemen." One of them, I thought it was Bartlett Sears, replied "good night." Had heard him speak before. Noticed the greyhound; had seen it since at Truthan, on the 20th of February, lying dead in Mr. Collins's stable. *Cross-examined*—Did not know the other man who was with Sears; it was then about a quarter to eight in the evening; never saw the dogs before. —*James Knight*, labourer, St. Erme, was in company with last witness on the night in question. Noticed both the dogs the men had with them; had seen one of the dogs before; saw them both dead afterwards in Mr. Collins's stable.—*Edward Wilton Budge*, of St. Erme, occasionally works for Mr. Collins; was at Richards's beer-house, at Highway, on Saturday evening, 15th of February; saw Samuel Hoskin there; he had on a lightish coloured coat, and dark small clothes, (gave other particulars about his dress). He had a double-barrelled gun, and said he had been to Penair rabbit shooting. Richards's beer-shop is a little more than a mile from Truthan. Coker also came into the beer-house; he had on dark clothes; Hoskin and Coker drank together and went away together, Hoskin taking his gun with him; they left about ten or fifteen minutes before nine. *Cross-examined*. —Witness was sober at the beer-house, nearly as he was now, perhaps not exactly. (Laughter). *John Budge*, son of last witness, works for Mr. Collins. On Saturday the 15th of February, was at Richards's beer-house; saw Coker and Hosken leave; about ten minutes after I left to go to Truthan, went to the gamekeeper's house there; went out watching for poachers at different places on the grounds. About twelve o'clock was in a field called Barn Close, about three or four hundred yards from Mr. Collins's farm-yard. While we were in Barn Close my father gave an alarm, and we went to Wall-park, myself, Samuel Williams, Daniel Colman, the game-keeper, Richard Keast, and Philip Gill. These men were watching for poachers. When we got to the gate in Milldowns saw fowls coming out of the cart-house, in Wall-park, and flying over the hedge. The fowls were kept in the cart-house. Saw two men in Wall-park coming from the yard. It was a clear moonlight; I was twenty or twenty-four feet from the men; knew them to be John Coker and Bartlett Sears; saw the men turn, went after them, and then said to Keast, "there go Coker and Sears." Did not see anything in their hands. They ran away, a grey-hound followed close after them. I fired at the dog, and he fell. After that I heard a noise in the cart-house; went back and looked around; saw a man in the cart-house, standing in the corner behind a post. He took a double-barrelled gun out of the cart, and pointed it at me; he did not speak. I pointed my gun and told him, if he did not stand I would blow his brains out. My gun was not loaded at the time. He then ran away; and I said at the time to Keast, "there's Samuel Hoskin;" he was dressed as he was in the beer-shop. I believe it was Samuel Hoskin; but would not swear to a man at night unless I had him in my hand; have no doubt it was Hoskin. *Cross-examined*—Had neither Coker nor Hoskin in my hand that night.—*Samuel Williams*, hind to Mr. Collins, was out watching for poachers, with Budge and others on the night in question; went to the farm-yard in Barn Close; heard Budge threaten to blow a man's brains; and saw a man with light clothes run from the cart house and go by the hedge; was about fifteen yards from the man, and thought it was Hoskin. (Witness described the man's clothes.) Had known Hoskin before; as he ran away he fell down. Next morning (Sunday) went with Mr. Collins's gamekeeper, Daniel Colman; first traced footsteps about a hundred yards from Richards's "kidleywink." Went from Richards's house

to a field opposite; saw marks of footsteps there, at the first hedge, of the footmarks of two men; could not trace the steps across, it being a green field, but found them again, going over a hedge into a muddy lane; there were there marks of three persons with two dogs; one of the dogs had larger feet than the other. After crossing some fields found the same marks again; this was going in the direction of Truthan; tracked them to the farm-yard, they came down abreast with the dogs; the shoes of one of the parties had been lately half-tapped; for the last quarter of a mile saw the tracks all the way to the farm-yard. *Cross-examined*—Would not swear positively it was Hoskin that ran out of the cart-house; Coker lives with his father, who is a very respectable man.—*Samuel Keast*, works for Mr. Collins; was out watching with the others for poachers on the night in question; was near the gate in Wall-park and saw the fowls fly over the hedge into Mill-downs. (Corroborated other parts of the previous testimony). Witness was about fourteen or fifteen feet from the man who presented the gun; could not swear to him; thought at the time it was Samuel Hoskin. Saw Philip Gill pick up a hen outside the cart-house; the neck of the hen was twisted; it was Mr. Collins's property; whose fowls roost in the cart-house. Saw a bull-dog near the farm-yard gate with a fowl in his mouth. Gill caught the dog; we took it to the hind's house, and hung the dog on the Sunday evening. The dead greyhound and the bull-dog were afterwards put in the stable at Truthan.—*Philip Gill*, another of the watchers for poachers, saw a man running from the cart-house with a gun, having on a light shooting jacket and a cap. Witness picked up a fowl close to the cart-house, immediately after the man ran from the house.—*William Woolcock*, policeman at Truro, apprehended Sears on Wednesday, the 19th Feb., at Truro. After knocking some time at the door of the house where prisoner was sleeping, he came down and opened it; he was not then dressed. He said, "Come inside, it is all right;" and he then said he did not intend to go away. I had not said any thing to him before that. I was at Truthan and saw the dead greyhound in the stable; knew it immediately to be Bartlett Sears' dog; had seen it several times before; had seen it several times with Sears; he had had it two or three months. He told me some time before that he had bought this greyhound. This concluded the case for the prosecution.—Mr. MAYNARD then addressed the jury for the prisoners Coker and Hoskin. He contended that the evidence did not even make out a case of strong suspicion against the prisoners. Not one of the witnesses pretended to speak with any degree of certainty with regard to Coker; and with respect to Hoskin, the witnesses, with the single exception of John Budge, only speak as a matter of suspicion. John Budge speaks with more certainty, but he had no more right to be certain than any other person; for they saw the parties under circumstances in which it would be impossible to swear to their identity. Budge said he would not swear to any man at night, unless he had him in his hands, and what did that mean but that unless he had this man in his hands (which he had not), he could not swear to him. With regard to the footsteps of which evidence had been given, they proved nothing. He would now call the respectable men to whom some of the witnesses had referred, to prove an *alibi* in the case of Coker and Hoskin. He then called *Hubert Coker*, father to the prisoner Coker, who had lived at Lanner Mill 23 years, and had been constable for 7 years. He is my only son, takes part in my business; I entrust him with money, and never found any thing against him with regard to dishonesty. Sent him to Truro on the 15th February, to collect rent; he returned to my house about half-past 9, and after taking tea went to bed; heard him after that talking to his mother. I went to bed about half-past 12; he had not then come down, his shoes were at the bottom of the stairs. Richard's beer-house, where he was seen, is between my house and Truro. *Cross-examined* by Mr. STOCK.—My son sleeps in a room with a slight partition about half-way up, adjoining the room occupied by his mother, and I heard them talking. Do not know that my son was fond of going out at night; might be fond of his gun like other young men; never knew him to go out by night with it.—*George Thomas*, miller in the employ of last witness. Saw young Coker come back from Truro about half-past nine on Saturday night the 15th of February. Truro is about four miles from Coker's Mill. When I came in the last time that night, about half-past eleven, saw young Coker's shoes at the bottom of the stairs. Old Mr. Coker and myself were not examined before the magistrates. I sleep with John Coker, the prisoner, and spoke to him when I went to bed about half-past eleven.—*Richard Hoskin*, farmer, St. Allen, brother of prisoner Hoskin, said his brother had returned from

America about three or four months, and had been living with witness. My brother went to see his aunt that day, (15th of February), and took his gun with him; returned home about ten o'clock, ate some supper and went to bed. Sleeps in the same room with me; the beds are touching; did not hear him go out that night. He told me he had been at Richards's beer-house. *Cross-examined*—Live about a mile from Coker's Mill, about five miles from Truro, about three-quarters of a mile from Truthan, going the nearest way. Generally wake at twelve or one at night; did so that night; do not sleep very well; heard my brother cough when I was awake about twelve or one o'clock that night.—*Philippa Hoskin* deposed that her brother went to bed about ten o'clock on Saturday night, the 15th of February; she carried some changes of linen into his room at twenty minutes to twelve; then saw her brother in bed; heard him coughing after she went to bed; did not observe whether he had a gun when he came in or not.—The prisoner Sears, on being called on for his defence, said his dog strayed away on Saturday the 15th of February; how he got to Truthan he did not know.—Mr. STOCK, in reply, made no observations on the case of Coker, but still contended that the evidence was weighty as against Hoskin, and threw doubts on the credibility of the witnesses who had deposed to the *alibi*, who might be mistaken, he said, with regard to the day. He would make no remark on the case of Sears, because he was undefended.—In summing up, the learned Judge said it could scarcely be supposed that the respectable witnesses who had been called, hitherto of stainless character, would now had perjured themselves to prove an *alibi*. He did not consider that Sears' words to Woolcock when he went to apprehend him, showed his guilt, but were capable of another explanation. The evidence against Sears (except with regard to the dog) was not even so strong as against the others; and the question arose, what reliance the jury could place on evidence which (if they believed the proof of *alibi*) had been so completely mistaken with regard to the other two men.—The jury after a short deliberation, ACQUITTED all the prisoners.

NO BILLS.—The Grand Jury ignored the bill against JOHN LOWRY, charged with stealing at Truro, a sleeve-board and pair of scissors, the property of James Hodge. Also against WILLIAM HILL, charged with housebreaking at St. Kew. Also against GERTRUDE WELLINGTON, charged with having murdered, at Luxullian, her male illegitimate child.

The Grand Jury returned a true bill against JOHN MOON, for poaching on the lands of Mr. Gregor, in Ruanlanihorne; also on a count for shooting at, in order to resist apprehension.

The Court rose at seven o'clock.

NISI PRIUS.

The Nisi Prius Court was opened at 12 o'clock, before Mr. Baron Martin. It will be seen by the subjoined Cause List, that the business was light, there being but seven Causes entered, of which two were for special Juries.

CAUSE LIST.

<i>Plaintiff's</i>				<i>Defendant's</i>	
<i>Atty.</i>	<i>Plaintiff.</i>		<i>Defendant.</i>	<i>Action.</i>	<i>Atty.</i>
Roscorla	Doe Dem. Richards	v.	Ford.	Eject.	Pascoe
Coode, Sons & Shilson	Doe Dem. Grenville,	v.	Hicks.	Eject.	Woodruffe.
Paynter Co.	Andrew & another	v.	Brewer.	Debt	Coode & Co.
Passingham	Kempe	v.	Kempe.	Debt.	Kempe.
Millet	Bodilly	v.	Thomas.	Prom.	Hodge & Hockin
Tilly	Regins	v.	Garland.	Indt.	Smith & Roberts
Wallis	Parkyn	v.	Wyld, M.P.	Debt	Pike

The last case on the list—*Parkyn v. Wyld*—was one in which Mr. Parkyn, draper, &c., of Bodmin, brought an action against Mr. Wyld, M.P., to recover the sum of £105 for flags and ribbons supplied for the use of the Honourable member's party at his election in 1847. After the cause had been entered, it was settled out of court—the defendant, as we understand, paying the debt and costs.

DOE DEM. RICHARDS v. FORD.—This was an undefended action of ejectment, in which verdict passed accordingly.—The plaintiff, we understand, resides at Penzance, and the defendant at St. Just in Penwith.

ANDREW AND ANOTHER v. BREWER.—This was also an undefended action.—Mr. Montague Smith appeared for the plaintiff.—The action was brought on a deed, dated 19th Sept., 1835, in which Thomas Rowe Brewer, the father of the defendant, covenanted for himself, his executors and administrators, to pay to the plaintiffs—Henry Prynne Andrew and Thomas Whitford—the sum of £400 with interest at the rate of 5 per cent.—The only witness examined was *Frederick Johns*, attesting witness of the deed referred to,—the amount of interest claimed being £45 3s. The JUDGE directed a verdict for plaintiff for £445 3s., and ordered execution in a week.

KEMPE v. KEMPE.—Mr. Collier for plaintiff.—An undefended action in which William Peter Kempe was plaintiff; and William Coryton Kempe was defendant. The action was brought on a promissory note whereby the defendant promised to pay the plaintiff £100 on demand, with interest at 5 per cent. The note was dated the 23rd of November, 1849.—The defendant's hand-writing in the signature to the note was proved by *Mr. John Carlyon*, solicitor. There being no demand for interest, the JUDGE directed a verdict for plaintiff, for £100 debt, and one shilling damages. His lordship ordered execution in a week.

DOE DEM. GRENVILLE v. HICKS.—Mr. Crowder and Mr. Karslake for plaintiff; Mr. Slade for defendant.—This was an action of ejectment brought on the demise of the Honourable Anne Baroness Grenville, against the defendant, George Hicks, to recover possession of a farm in the parish of Lanteglos by Fowey, called Triggabrown and Warren. Mr. Karslake having opened the pleadings, Mr. Crowder stated that the defendant had been a yearly tenant of the farm for some years, at a rent, at first of 200*l.* a-year, which was subsequently reduced to 160*l.*, from which 15 per cent was afterwards taken off. Still the rent was not paid, and, at length, it was found necessary to give notice to quit. That notice was given on the 23rd of March, 1850; and, expired at Michaelmas last. After receiving notice, the defendant was anxious to continue on the farm; and, on his application to Mr. Pease, Lady Grenville's steward, to that effect, that gentleman informed him by letter that it was not wished to turn him out immediately, provided some terms could be arranged; and he (Mr. Pease) appointed a meeting at Boconnoc, in order to have an interview with Mr. Fortescue, who had for many years managed Lady Grenville's estate. From that time, many attempts at arrangement were made, but without effect, and, at length, it became necessary that the notice to quit should be enforced. The only defence he (Mr. Crowder) anticipated, was, that the notice had been waived in consequence of the negotiations (*sic*) that took place between the parties subsequent to its service. In point of fact, however, there had been no waiver, although there had been various attempts to prevent its being carried into effect; but the defendant would not comply with terms that were absolutely necessary for the proper cultivation of the farm.—The witnesses examined were *Mr. John Bowen*, formerly steward to Lady Grenville for many years; *William Pond*, woodranger at Boconnoc, who, on the 23rd of March, 1850, received from Mr. Fortescue a notice, in the hand-writing of Mr. Pease, which he served the same day on the defendant;—and *Mr. William Pease*, the present steward of Lady Grenville, who had succeeded Mr. Bowen in that office in March, 1850. Besides giving evidence on the subject of the notice and the subsequent negotiations, Mr. Pease stated, that with respect to Lady Grenville's property, he always communicated with Mr. Fortescue, who lived at Boconnoc, and, also gave evidence of an interview which, a few days after service of the notice, the defendant had with Mr. Fortescue at Boconnoc, on the subject of his tenancy. On the subject of the negotiations between the parties, Mr. Pease stated, that after the notice referred to had been served, Hicks was very desirous of remaining in the farm, and if matters could have been arranged, there would have been no objection to his doing so. Negotiations went on for some time, Mr. Bishop, solicitor, acting on behalf of Hicks. On the 27th March, he (witness) wrote a letter to Hicks informing him that if any satisfactory arrangement could be come to, the notice to quit need not be acted upon, and requesting him to meet Mr. Fortescue on the following Saturday at Boconnoc, and see if any arrangement could be made. He attended at Boconnoc on tent

(sic) day, and there was a long interview.—On the 5th of September, 1850, he (Mr. Pease) wrote to the defendant, informing him that he had that morning seen Mr. Fortescue with reference to what had passed between him (Mr. Pease) and defendant the previous evening, and begged to inform him that the decision Mr. Fortescue had come to was, that the notice to quit must be acted on, unless he (Hicks) could manage to pay the rent at once without selling off the stock, and would enter into necessary covenants for proper management of the estate, and also informing him that notice for letting the estate would be published the following week.—Mr. Pease went on to state that notices for letting were published the following week. After that, Hicks, and his attorney Mr. Bishop, came to him, and were desirous of holding on for one year. Witness saw Mr. Fortescue on the subject, and communicated what had been said, and it was agreed that Hicks might remain on certain conditions. In consequence of that, witness saw Mr. Hicks and Mr. Bishop, and told Mr. Bishop he would write out the conditions in a day or two, and let him have them. Witness did so on the 24th September, and, after two other letters, witness received a letter from Mr. Bishop, concluding the matter by stating that no agreement could be come to; and no agreement was come to. —*Cross-examined.* Did not communicate directly with Lady Grenville on the subject. After the service of the notice to quit, and the letter which suggested payment of rent, the defendant paid a portion of the rent, but not all. He paid 150/.; but there was 230/ due at the previous Michaelmas, after allowing him 15 per cent. It was afterwards agreed that if he would pay £150 by the end of May, all the remainder should be forgiven him. He did not pay by that time. He paid part in September or October; but he had not paid in respect of any rent that became due after Michaelmas, 1850. A distraint was levied on the 31st October last.—At the conclusion of the evidence, Mr. SLADE objected to the notice, on the ground that Mr. Fortescue was not shown to have had any authority to send it. The JUDGE was of opinion that there was evidence for the jury that Mr. Fortescue had sufficient authority.—*Mr. Bowen*, re-called, stated that Mr. Fortescue was nephew of the late Lord Grenville and of Lady Grenville. He (Mr. Bowen) was steward of the property for many years, and during that time, Mr. Fortescue was the person with whom he communicated with reference to the property. Mr. Fortescue had a power of attorney from Lady Grenville for the management of the property. The notice to quit was then admitted and read. Mr. SLADE addressed the jury for the defendant, still urging that it would be for them to consider whether it was satisfactorily proved, in the absence of power of attorney, that Mr. Fortescue was authorized to give the notice in question. If they were not satisfied on that point, their verdict, he submitted, must be for the defendant. The learned JUDGE summed up, and concluded by directing the Jury that the real question would be, whether Mr. Fortescue had, or had not, authority to give the notice in the case. If they were of opinion that Mr. Fortescue had such authority, then the notice was valid, and the verdict would be for the plaintiff.—The Jury returned a Verdict for Plaintiff. The JUDGE ordered immediate execution; Mr. Crowder having stated that the defendant had 112 acres—more than half the farm, and including all the meadow land—in tillage.

This concluded the *Nisi Prius* business of the day; the two remaining cases—BODILLY v. THOMAS and REGINA v. GARLAND special jury case—being fixed for Thursday.

THOMAS CANN, 20, JOHN MANSELL the younger, 17, SAMUEL JONES, 18 AND ISAAC PIKE, 16, charged with stealing on the 6th of January last, two carpet bags and a straw frail, the property of Joseph Edwards, bazaar-keeper, in Truro. It appeared that in the evening of the 6th January, the prosecutor's son, a lad 13 years old, saw the four prisoners loitering about the shop door and window. There were some carpet bags and other articles hanging outside the shop. In the same evening, the four prisoners went to the Police Station, and asked of Policeman Fitzsimons if they could have a night's lodging there. He told them they could not, and directed them to go to the parish overseer. On his questioning them, Cann said he came from Redruth, where he had bought a carpet-bag which he had under his arm. Mansell also had a carpet bag, which he said he bought at St. Austell. Jones had a frail in his hand. Fitzsimmons took the four lads before the Inspector, and told him what had taken place, and afterwards determined to lock them up. Before doing so, Pike said that he had stolen the first carpet bag from Joseph Edwards. Fitzsimmons went to Edwards' and

found that he had missed some carpet bags. The jury found all the prisoners GUILTY.—Against Cann there was a previous conviction and he had been 10 times summarily convicted.—Cann was sentenced to *seven years transportation*; and the other three prisoners to *three months imprisonment* each.

ARSON.—THOMAS SYMONS, 40, and JAMES GREEN, 23, charged with having, on the 6th November, 1850, at the parish of Poughill, feloniously set fire to two stacks of hay, the property of Mr. Edward Shearm, solicitor, of Stratton.—Mr. Slade conducted the prosecution. The prisoners were undefended.—*William Doble*, a clerk at Mr. Shearm's, stated—Mr. Shearm has a field called the Furze Park, on a farm in Poughill. On the 6th of November, there were two stacks of hay there, belonging to Mr. Shearm. In the afternoon of the day, about four o'clock, I was going to Poundstock, and met the two prisoners going towards Stratton; when I met them, each of them had a stick. In the evening, between 9 and 10 o'clock, I was again in the field, and saw both stacks burning.—*Samuel Goddard*—I am an innkeeper at Stratton. On the 6th of November, about 9 o'clock in the evening, I was in the Furze Park, and saw the two stacks burning. I was at the time police officer. I received information which induced me to seek for the two prisoners; and I afterwards, in the same evening, saw them in custody of the constable, Drew. I began to search them, and asked Symons to let me see if he had any matches about him. He said the match-box had fallen out of his pocket as he fell over the gate where the haystacks were on fire. Symons, at that time, had in his hand a stick which I now produce. I then locked up the prisoners and went to the field, and found another stick hanging at one of the gates. The next morning I showed that stick to the prisoners, and Green looked at it and said it was his. The ricks were about 10 or 12 feet from the gate. They were on fire all round.—*John Hawkridge*, servant of Mr. Shearm, proved finding, on the evening of the fire, while the ricks were burning, a box of lucifer matches, about 60 or 70 paces from the ricks, on the road leading to Stratton.—*William Pound*, innkeeper of Stratton:—I was going along the road from Furze Park, about 7 or 8 o'clock in the evening of the 6th November, and saw the two prisoners standing by the side of the road. I returned into Stratton, and in about a ¼ of an hour, I heard of the fire.—*John Drew*, constable of Stratton:—About 9 o'clock on the 6th of November, the two prisoners came to my house and asked to speak to me; they then called me outside the house and said "we have done it." I said, "done what?" They said, "set fire to two stacks of hay." I said, "I hope not." They said "we have." I then took them in custody. I asked them where the stacks were; and they said, about half a mile out of Stratton on the Kilkhampton road. Mr. Shearm's Furze Park is on the Kilkhampton road.—Both prisoners were found *guilty*.—In reply to questions from the JUDGE, Symons said: I went to Mr. Shearm's and begged for bread; Mr. Shearm refused to give me any, and threatened to send me to prison if I did not make off; I then said, he should not send to prison for nothing.—The other prisoner made no statement.—It appeared that both prisoners had been several times summarily convicted, on charges of vagrancy, &c.—The learned JUDGE, after expressing himself very strongly, on the enormity of the crime and on the malicious motive avowed by Symons, sentenced both prisoners to *transportation for life*.

MARY GUY, 12, was convicted of stealing on the 13th of December, at St. Breock, a pair of cloth boots, the property of John Varcoe, shoemaker, of Bodmin.—The robbery was committed as the prosecutor's wife was returning in the evening from Wadebridge market, with a stock of boots and shoes on a cart.—GUILTY.—*One week's imprisonment*.

ELIZABETH BOASE, 33, was charged with stealing, in December last, at St. Buryan, a gown, the property of Mr. John Mann, farmer. She was also charged with feloniously receiving the same, from her daughter Jane Boase. From the evidence it appeared that the daughter found a dog running about with the frock, and she took it up, put it in a basket and carried it home.—The learned JUDGE told the Jury it would be monstrous to say that that was a stealing; and if there was no stealing, of course there could be no felonious receiving. It would be their duty therefore, to acquit.—Verdict, NOT GUILTY.

JOSIAH WILLIAMS, 14, charged with stealing, on the 7th of January, at the parish of Kea, two sovereigns and two half-sovereigns, the property of William Rule.—Mr. Rogers conducted the

prosecution.—The prosecutor stated that he was a maltster and flour dealer, keeping a shop in Chacewater. On the 7th January, he received 2 sovereigns and 2 half-sovereigns, which he wrapped in a piece of brown paper and put into the till, about 12 o'clock. He left his shop for a few minutes, and on his return, saw the prisoner standing just behind the counter, with the till half out, and his hand over the till, and the paper and money in his hand. On the prosecutor's appearing, the prisoner dropped the money into the till. Witness had, on leaving the shop previously, closed the till.—*William Barber*, stated that he knew the prisoner, and saw him go into Mr. Rule's shop between 12 and 1 o'clock on the 7th of January, just after Mr. Rule had come out of the shop.—The JUDGE in summing up, directed the jury that the removal of the property proved by the prosecutor was legally sufficient to constitute larceny.—The jury found a verdict of GUILTY.—The JUDGE, as appears to be his usual practice inquired particularly concerning the circumstances and character of the convicted; and on receiving from Mr. Payne, Inspector of Police at Truro, a bad account of his practices, sentenced him to *six months' imprisonment*.

ELIZABETH JANE COCK, 19, charged with stealing, at Truro, a gross and half of tobacco pipes, the property of her master Henry Bastian; and MARY ANN MAY, 21, was charged with feloniously receiving the same.—The prosecutor, a pipe-maker of Calenick-street, Truro, missed some pipes on the 9th of January, and sent for the prisoner May, a companion of his servant, and in Elizabeth Cock's presence charged her with selling some pipes of his to Mrs. Wellington at the Coach and Horses, and asked how she came by them. At first she said she was in the habit of leaving her door open and did not know how they came into her house; but afterwards she said Elizabeth Jane Cock brought them to her, and told her where to sell them and what price to charge for them. Cock then began to cry and begged prosecutor to forgive her; and the two girls began to abuse and blame each other.—*Elizabeth Wellington*, wife of the landlord of the Coach and Horses, proved that Mary Ann May had often brought her pipes for sale, and that she brought her two gross in the Christmas week, which she bought at the proper price. The two girls had both brought her pipes, as if from Mr. Bastian.—The prosecutor, recalled, stated that he had not sent any pipes to Wellington's in December, or January last.—BOTH GUILTY.—*Three months imprisonment each*.

EDMUND GILL, 36, a respectable looking young man, on bail, pleaded GUILTY of stealing, at Carnanton, part of a hand of a stable clock, parts of copper flues, two lead window weights, and other articles, the property of Humphry Wilyams, Esq.—The JUDGE passed the lenient sentence of a *Fortnight's Imprisonment*; stating that the prosecutor had recommended the prisoner to the merciful consideration of the court, on account of his good character.

HENRY BURROWS, 21 and WILLIAM THOMAS, 20, charged with having, on the 1st of March, broken and entered the mill of William Pascoe, of the parish of Bodmin, and stolen therefrom a quantity of flour, the property of the said William Pascoe. Mr. Hughes conducted the prosecution; Mr. Slade the defence.—It appeared that on the night of the 28th of February, the mill was broken open, and a bag and a quantity of flour stolen. On the discovery of the burglary and robbery, at about ½ past 6 on the morning of the 1st of March, two sets of shoe-tracks were traced from the window which had been broken into, through a garden and fields to the turnpike road. These marks were traced by *James Worden*, a servant of the prosecutor, and by the prosecutor himself, *William Pascoe*, who stated that afterwards in the same day, he went with *Philip Sibly*, the owner of the mills, to the house of the prisoner Thomas, and asked to be allowed to search the house. Thomas refused for an hour to allow them to do so. At length they threatened to get a warrant, and then he said they might go in. On entering, he (Pascoe) heard footsteps up stairs, and, on going up, saw Burrows in the bed-chamber; where was also a bag, and a quantity of flour of the same kind as he had missed from his mill, which was about a quarter of a mile from Thomas' house.—This evidence was corroborated by *Mr. Sibly*, the owner of the mill and also a constable, who afforded no small amusement to the Court and Bar by his singularly energetic and also vehement manner of giving his testimony.—*Mrs. Knight*, a customer at the mill, stated that on the 27th of February, she gave the bag in question to Matthews, a loading boy in prosecutor's employ; and *Matthews* proved that he received the bag from Mrs. Knight, and took it to the mill on the 27th February.—*James Worden* identified the bag,

and stated that he saw it at the mill in the evening of the 28th February.—Mr. SLADE addressed the jury for the defence, and examined several witnesses in favour of Thomas' character.—The jury found Thomas GUILTY, and Burrows NOT GUILTY.

HENRY BURROWS was then indicted for stealing, on the 1st day of February, at the parish of Lanivet, two fowls, the property of Samuel Solomon, farmer.—At the close of the evidence for the prosecution, the JUDGE said the prisoner ought not to be called on for a defence, considering the length of time—about five weeks—during which the fowls had been missing before they were found on the prisoner's premises, and then they were found in his garden, without any circumstances of concealment. No jury could properly convict on such evidence.—The Jury, however, hesitated to adopt the learned Judge's view of the case; and his lordship told them that if they had the slightest doubt, it was their duty as regarded the prisoner, to hear his counsel.—One of the jurors said, "well we should like to hear him."—Mr. SLADE apparently not well pleased at such a compliment bestowed on him at a late hour in the day, then rose and told the jury they must be more fond of a speech than he could have imagined. He then, while admitting the power entrusted by the English law to jurors, reprov'd his 12 hearers for hesitating to defer, in such a case as the present, to the opinion of an able and impartial judge, and then addressed them on the facts of the case, warning them, in the conclusion, that they could convict only on satisfactory evidence, and not on mere suspicion.—The jury eventually found a verdict of NOT GUILTY.

The Court then rose.

CROWN COURT, Thursday, March 27.

JAMES HENRY HARRIS, 17, pleaded GUILTY, after two former convictions of stealing, on the 6th of March, at the parish of Kenwyn, one yard of duck, the property of Richard Hawkey, miller.

(Sentence: *nine months hard labour*)

DAVID ANDERSON, 21, charged with having, on the night of Tuesday, the 15th of January, 1850, at the parish of Crowan, feloniously broken and entered the shop of Thomas Symons, draper, and stolen therefrom several pieces of orleans and coburg cloth, a quantity of knives and forks, some tobacco, and other articles, the property of the said Thomas Symons. Mr. COLERIDGE conducted the prosecution; Mr. SLADE the defence. The fact of the housebreaking and robbery being proved by the prosecutor's son, the witnesses, *Mary Nicholls*, and *John Julyan*, deposed that a man whom they believed to be the prisoner, and who was pockmarked (as was the prisoner) was selling orleans and cobourg cloth, knives and forks at Treviskey, on the 17th of January, 1850; but these witnesses were not positive that the prisoner was the man. Another witness however, *John Gary*, swore positively that the prisoner was the man. *Elizabeth Tippet* proved letting three men, of whom the prisoner was one, into a lodging-house at Camborne, on the night when the robbery took place.—In the course of the trial, and in summing up, the learned JUDGE remarked strongly on the absence of any evidence concerning the prisoner's apprehension, (which took place lately in Wales), and any observations made by him at the time. His lordship also deprecated any attempt to substitute the opinion of a jury on a description of the person and dress of the man who sold the cloth and knives, for the opinion of witnesses who had distinctly stated that after their means of observation at the time the articles were sold, they could not positively identify the prisoner.—The prisoner received a good character from a Mrs. Ford, keeper of a temperance hotel at St. Just in Penwith.—The jury found a verdict of ACQUITTAL.

GEORGE COCK was charged with stealing, on the 1st of August, a quantity of cordage, the property of her Majesty the Queen. Mr. CROWDER stated that this was a prosecution instituted by the Admiralty, and after stating the case he called evidence, from which it appeared that the rope in question was part of the cordage of her Majesty's ship "Octavia," which in August last was lying in ordinary in Hamoaze, the prisoner being "ship-keeper" at the time. Verdict, GUILTY. Sentence *Nine Months' Hard Labour*.

NISI PRIUS COURT.
THURSDAY, MARCH 27.
(*Before Mr. Baron Martin.*)

BODILLY v. THOMAS. – (Special Jury.) For the plaintiff, Mr. COLLIER and Mr. PAULL; attorney, Mr. J.N.R. Millett: for the defendant, Mr. CROWDER: attorney, Mr. Hockin. This was an action for breach of promise of marriage, and the damages were laid at 1,000*l.* Mr. PAULL opened the pleadings, and Mr. COLLIER stated the case. The plaintiff was Miss Elizabeth Bodilly, of Penzance, and she brought this action against Mr. Thomas, of Truro, for a breach of promise of marriage made to her by him. He had no intention of working on their feelings, but would plainly lay before them the history of an engagement of about nine years' duration, which had been commenced at the earnest entreaty of the defendant and assented to by her,—which she had all along been ready to keep, but which the defendant had violated. The statement of facts which he should lay before them, and the evidence on the part of plaintiff, would show that she had suffered at the hands of defendant the most cruel injury which a man could inflict on a woman. The defendant, Mr. Thomas, is the son of Mr. Thomas, who now lives on his property at a place called Bridge Cottage, Truro. He was formerly the editor of the *West Briton*, but he does not seem to have intended his son for a literary life; he placed him with Mr. Pentreath, a grocer at Penzance, to learn that business. Whilst there he became acquainted with Miss Elizabeth Bodilly. They were then about the same age. Miss Bodilly was at that time a young, blooming girl, and had never experienced the trials of life. Mr. Thomas met her at a pic-nic party, handed her over stiles, carried her parasol, and paid other little attentions which are so attractive to ladies at pic-nics. After this he continued to visit at Miss Bodilly's father's, and was received as the suitor of Miss Bodilly. After a time she became somewhat indisposed to receive his attentions, because she understood that his father was averse to the match and unquestionably his father had always been so from the first. He (Mr. Collier) was not aware, however, that Mr. Thomas, senior, had any reason whatever to object, except from the want of fortune on the part of Miss Bodilly. The jury would hear from the evidence that defendant represented his father to the Bodilly family as an impracticable man, who was determined to oppose his views; that it was of no use to consult his father; that he would marry her with or without his father's consent; that he should have money at his father's death; that he would insure his life, and was ready to take Miss Bodilly "for better for worse". He put it to her that the only way of effecting his wishes was to marry unknown to his father. Miss Bodilly's father, however, was averse to his daughter entering a family where the father of the young man was not willing. But the young man represented to him also that his father was impracticable, and Mr. Bodilly was induced to give his consent to the union. A letter was afterwards received from Mr. Thomas's father declaring his objection to the match and Mr. Bodilly was induced by young Mr. Thomas to write a letter to the old gentleman, to lead him to think the match was off. That letter, be believed, was sent in June, 1842. As far as he could judge, Mr. Bodilly seemed to be one of those easy-going, kind-hearted men who could not refuse anything to a favourite daughter, and he had not the heart to tear them asunder. It would have been far better if he had done so; their wounds might have bled for a time, but they would have healed. Now, whatever might be said of the conduct of old Mr. Bodilly in assenting to the match, and assenting to write the letter to Mr. Thomas's father, it did not lie with Mr. Thomas, the defendant, to set up that in justification of his own conduct; it did not lie with him to say to Mr. Bodilly, "you acceded to my entreaties, but you ought to have spurned them." However, be this as it may, Mr. Bodilly assented to the match, and letters subsequently passed between the parties. The engagement took place, he believed, in the year 1840, and he would now proceed to give the past history of the transaction from defendant's own letters. He had nearly three hundred letters in all, but had made selections from the mass and would now read extracts from them. Extracts from between thirty and forty letters were read, and the following is a portion of them: -

"July 14, 1841.

"My dearest Eliza.—With what feelings of delight and pleasure do I for the first time in all my life time sit down for the purpose of putting pen to paper to address a young lady! The sensation can better be imagined than described, and therefore I feel rather confused; but I feel more resigned when I think that all

imperfections will be overlooked and pardoned by one who I have every reason to believe is nearest and dearest to me. With these impressions I proceed. If you feel yourself bettered by your excursion I would advise you to stay as long as possible, though it is very lonesome for me.

“I remain yours, and ever shall, affectionately,
“Miss Eliza Bodilly. “JOSEPH THOMAS.”
“June 17, 1842

“My own dearest Eliza, - It is with feelings of the tenderest affection I take up my pen for the purpose of addressing you. Oh! my dear girl, how I find you wanting! I did not think that I should find the separation so great. I hope that you will not give way to thinking, but cheer up, and look forward to the time when we shall meet again. It will be with us as the old saying is,—‘Dearer parting, fonder meeting.’ How I shall be thinking of you next Sunday; to think that last Sunday we were in each other’s arms, but this Sunday we must be content by thinking of each other. Never mind, my love, I hope the time will soon come when we may rest in each other’s arms, no one daring to say nay.

“Believe me to be, my darling child,
Your’s most devoutly and affectionately,
“Miss E. Bodilly.” “J. THOMAS”
July 25, 1842

“My ever darling child,—The only one in this world whom I have any affectionate regard for, and therefore, my dear, dear girl, relying on the affection you have for me. I do pray and beseech that you will not make yourself uneasy about your idea of our last farewell. You know my love that we are bound, both by the ties of affection; and I hope before long, my darling, lovely child, by the ties of law, and then, and not until then, shall I be easy, when we can fly into each other’s arms fearing no one, and calling ourselves man and wife. Do not be afraid, my dear, I shan’t take any situation where I find the work(?) will be too hard for me. I’ve more regard for you, my love, than to do that. Again, my darling, I beseech you, don’t make yourself uneasy, but put aside melancholy thoughts. I take as much exercise(?) as possible.

“Believe me to be, my darling Eliza,
“Yours most faithfully and affectionately,
“Miss E. Bodilly.” “J. THOMAS”
“July 31, 1842.

“My Darling of my Heart,—When your dear letter was put into my hand this morning I fairly jumped for joy. It was like giving a lady who had fainted a strong bottle of smelling salts; and when I saw that dear seal ‘We part to meet again,’ I kissed it over and over again. Ah, thinks I, she has at last given over the idea that we are not to meet again, especially so when I tell you, my darling love, that I have at length, after very great exertion, obtained a situation, &c.

“I am, my darling love,
“Yours most faithfully and affectionately,
“Miss E. Bodilly.” “JOE THOMAS.”
September 4, 1842.

“My own Darling Eliza,—How often do I wish I could but see her, and impress upon her lips the sweet boon of beauty (a kiss). I am sorry to find, my love, that you still continue your old habit of stopping up late. I’m positive that it greatly injures your health; but I believe that you will never do otherwise until you, my love, and I are one, which God grand may be as soon as possible.

“My dear girl, believe me to be your ever most dear and affectionate,
“J. T.”
October 21, 1842.

“My dearest Eliza,—
“ ‘Could I fly, like an owl, by the light of the moon,
“ ‘I would reach my dear Eliza to-night:
“ ‘Her dear dropping head on my bosom should soon
“ ‘Be at rest; but I can’t—I must write.’

“These lines, my love, are just the sentiments of my feelings.
“I’ve got the sponge from Butler; I shall reserve it for my dear dear wife. I am just going to bed, my love, so a good kiss and good night.

From your most faithful and affectionate,
“Miss E. Bodilly.” “J. THOMAS.”

“February 15, 1845.

“My darling Eliza, - Last Monday afternoon I felt uncommonly low spirited. I rose from my chair, put on my hat, and went into Mrs. Rouse’s to see if a little chat would enliven my spirits, where I very soon found a cure in your dear letter—a medicine, my love, which I have always found a pleasure in taking, and when swallowed down, the effects I immediately perceive by lightness of heart and buoyancy of spirits. I hardly know what to make of father, he has never asked me what my future views are, or what I intend doing; yet, he seems to be tolerably friendly. It strikes me that there is something or other brewing. There is one thing, my love, I want to ask you as a favour, and that is this—not to sit up so late at night. This will oblige one whose heart and soul are bound up with the desire of making you his while life shall last, and afterwards. “Ever faithful and affectionate,
“Miss E. Bodilly.”

“J. THOMAS.”

“Feb. 22, 1843.

“My dearest Eliza,—I have only one wish, my love, and that is to live to make you happy.

“My heart with love is beating,

Its soft emotions prove,

To thee its vows repeating

Who taught it first to love.

The sun shall lose its motion

The heavens their fix’d decree,

And cease to roll the ocean,

Ere I prove false to thee.”

“You need not be surprised, my love, at my father’s conduct, for ever since I have known him he has always been of that secret disposition, keeping everything to himself.

“Believe me, my love, to be ever yours faithfully and affectionately to the last,

“Miss E. Bodilly,

“J. THOMAS”

“3rd April, 1843.

“My precious Life, - I’m sure, my dear, no two persons ever loved each other with more sincere and devout affection than we do. Would to God that I could do as my heart dictates, we would not be long asunder.

“True love is like a Gordian knot,

Which angel hands have tied,

By heavenly skill its texture wrought,

Who shall its folds divide?

In vain Death’s all-triumphant sword

May strive that knot to sever;

The union of the twisted cord

In heaven shall last for ever.”

“I feel as if I could go to the other side of Jerusalem so as to get away from home. I can’t go out of the house without being watched. Some persons have spread the report that I go to Mrs. Rouse’s after Susan, and that I stop there for hours. Father has heard of it, and there has been the devil to pay. He won’t believe a word I say on the subject. Your dear faithful and affectionate,

J. THOMAS

August 27, 1843

“My dear Eliza—I duly received yours of the 21st, and felt very much concerned at the news that it brought. When I had read to that part which says that you had been ill of the English cholera, such a sudden fear came over me that I could not read any more, and for some time was obliged to close the letter. At length, resuming courage, I went into the upper part of our warehouse and with trembling hands I opened it again, dreading to finish reading it; but to my great joy, my love, it informed me that you were nearly well. I hope and sincerely trust, in Almighty God, that you still continue to get better. I have been thinking, my love, that suppose during the violent attack it had pleased the Almighty to have called you to himself, what should I have done and what would become of me? It is a question, my love, that I can only satisfy myself by answering in this manner, that if it should please the Almighty that you should die first, he would immediately take me afterwards, so that we might both embrace each other in those celestial regions where pain or sorrow is not known; and may God grant, my love, that when he does call us we may be ready to receive the welcome sound of ‘Come ye blessed of my father and inherit the kingdom prepared for you from the foundation of the world.’

“Your dear and affectionate husband,

“J. THOMAS.”

My dear Eliza,—

May 22, 1845

This morning I employed myself looking over some of your dear letters, and dear I found them to me. In my pocket book I found a piece of poetry which I recollect you thrusting into my hand one Sunday afternoon, and almost instantly hurried out of the room. The circumstance was this (I dare say you recollect, my love). After we had shut shop, as usual, I came home for my Saturday night's kiss, but you would not give it me at first, you were offended about something. When I came to see you on Sunday afternoon, you put these lines into my hands:—

“She is thine. The word is spoken.
Hand to hand and heart to heart.
Though all other ties be broken,
Time these bonds can never part.
Thou hast taken her in gladness
From the altar's holy shrine;
Oh remember, in her sadness,
She is thine, and only thine.”

“And may I be thine is the sincerest wish of your faithful,

“THOMAS”

Many other letters penned in a similar strain were read, and the learned Counsel went on to make other statements, the purport of which will be found in the evidence. It appeared that in the beginning of 1845, she addressed her letters intended for him, to Mrs. Rouse, of Truro, for the purpose of concealment from his father, it being remarked on this matter by the learned Counsel, “that a young man can prevail on a young girl to do anything.” They sent their likenesses to each other; but things did not continue to run smoothly, and on the 2nd of August he wrote that he must deny himself the pleasure of seeing her then because of his father's suspicions of their correspondence. After this she sent him a cigar case, and at Christmas, 1845, they had a meeting at Truro, where she remained for a fortnight at lodgings at an inn. After her return the correspondence continued, until the defendant, it appeared, found it useless to contend any longer against the opposition of his father. On February 23rd, 1846, he wrote as follows: -

“February 23rd, 1846.

“My dear Lizzey,—You say, my dear, that when you were here at times, you fancied that the fear I was under of its being discovered that you were in Truro, overcame the pleasure I had of being in your company. Really, Lizzey, the jealousy you have of my affection for you is sufficient of itself to cause unpleasantness between us. You say that the man that you shall marry must have sufficient love for you to overcome all obstacles, otherwise you don't intend to get married, —a very strong hint, Lizzey, but I shall not make any reply to it; you know my circumstances and situation as well as I do myself, and I should think you knew my heart.

“Write soon to your

“Dear THOMAS.”

In July, 1846, she received the following letter: -

“Dear Lizzey,—I am duly in receipt of yours of the 14th instant, but am really at a loss how to make a reply. If I were to give you a detailed account of what has transpired between myself and father, I should, I know, pain you, which I have no wish to do, I assure you. It is quite plain to me that situated as I am at present with respect to my affairs, my father having so much hold upon my property in a variety of ways, that it would be madness for us to think of being united while circumstances so exist; every year has wrought a great change, and another year may bring a still greater one.”

“Yours,

“J. THOMAS.”

“Miss E. Bodilly.”

The following was the last letter read, and in which defendant again speaks of his father's decided opposition to the match:—

“January 24th, 1847.

“Dear Elizabeth,—I have made I suppose a dozen attempts during the last four months to reply to your two last letters, but Christmas being my busy time, business has so poured in upon me at such a rate, that I have been obliged to defer it week after week. I have unfortunately mislaid your two last letters, and have searched high and low, but without success. I have some recollection of your stating on one of them that you intended writing further on the subject of our connexion (*sic*), and asking my opinion as to the propriety of your doing

so. I certainly should advise you not to do so; in the first place you would be exposing yourself to criticism(?), and in the next place you would be again stirring up angry feeling between myself and father, without accomplishing the object(?) sought for. I do not see, as I have told you before, the probability at present of our ever being united. Things have taken such an opposite turn to what I anticipated a few years ago, that it would now be the greatest folly on earth, and certain misery for the both of us, to be united whist my father is so opposed to it in every way. You know as well as I do, that I am entirely dependent on him, and it would therefore be ridiculous for me to (fly in his?) face; therefore, dear Lizzey, for your future happiness, as well as my own, I think we had better drop the correspondence.

“I am, Lizzy, your unhappy

“Miss E. Bodilly.”

“J. THOMAS.”

The learned Counsel went on to contend that the pleas on the record had been fully made out by the letters, and would be further supported by the witnesses he should call. It was very clear, he averred, that defendant had proposed to marry, and that she has always been ready and willing to marry him; he had, however broken his promise, and had since married another lady. The only question that could arise, then, would be as to the amount of damages. Her health had been affected by the defendant’s conduct towards her, by the injury done to her feelings. It could not be said that she had shown any impropriety of conduct; and it did not lie with defendant to reproach(?) her for endeavouring to thrust herself on his company(?), for it was in response to his own entreaties that she had acted as she had done. As to defendant’s ability to pay damages, the learned counsel stated that defendant had had 3000*l.* fortune with his present wife, and was now in a totally different situation from what he was when this engagement with plaintiff was contracted; and that he was now carrying on an extensive grocery business. It seemed to have been a most unjustifiable breach of a marriage contract, and he had no doubt the jury would do justice towards the plaintiff.

The following witnesses were then called:—

Miss Mary Bodilly, examined by Mr. Paull—I am sister of plaintiff. In 1840, I and my sister and brother resided with my father, who is a glazier at Penzance. My sister is now twenty-eight years old, to the best of my knowledge. Defendant was introduced to me by my brother. In the autumn of 1840, I and my sister went to a water party; defendant was there also; we returned by land. Defendant walked home with my sister, and paid her considerable attention. He subsequently became a frequent visitor at my father’s house; made numerous presents to my sister; became in fact her suitor. He was then an apprentice with Mr. Pentreath, grocer, at Penzance; was a little older than my sister. He spoke of his father who lived in Truro, and who was at that time Editor of the West Briton. He said his father was opposed to his marriage, but he would marry my sister in spite of his father or any other person. She was reluctant, knowing these objections. Defendant still represented that his father would object, but said he would marry her in spite of him or any other person, and thereupon he was accepted as my sister’s future husband. He said he had a fortune of his own, independently of his father; I think he said a thousand pounds. During 1841, he remained as a constant visitor and an accepted lover. In 1842 I saw a letter from defendant’s father to my father; he was absent at the time, and my sister opened the letter. In my father’s absence she was in the habit very frequently of opening letters addressed to him. On reading the letter she sent for defendant. When he came he read it himself. He then dictated a letter to his father, and my father wrote it to oblige him. He then put the letter that had been received in the fire, and took the letter he had dictated to the post-office. I did not know the contents of that letter. At this time he spoke of his father’s objections to the marriage continually, but said he would marry my sister in spite of his father or any other person. In the year 1842 my mother died. Defendant attended the funeral as one of the chief mourners. In the early part of 1842, defendant gave me a bible. I then saw him write my name; I have frequently seen him write. (Mr. Crowder here signified that he should not dispute the hand-writing of the letter.) Witness continued—I believe that in the spring of 1842, defendant left Penzance, and returned in the course of a month or two. In July, 1842, he said he would marry her, and told me he had sent for the license. He said he could not get the license because he had not resided a fortnight in the place where he wanted to marry her. He told me also he had sent to the Registrar’s office, but for the same reason he could not be married. I saw them read the marriage

service together. He said he could not wait the necessary time because he had a situation in view. He said on his return he would marry her in spite of any one. I have seen a great portion of the letters which passed between my sister and the defendant. He visited Penzance from time to time, and stayed at my father's house; he made her many presents. I remember the letter of the 21st of May, 1843, in which there was a miniature. My sister went to Truro in the end of 1845. I knew where she was going; it was to stay with Mrs. Rutter, who keeps an inn there; I went with her to the coach-office when she left. Letters continually passed between them; in 1846 I remember a letter from defendant was received by my sister; the correspondence at that time was not so frequent as it had been. On the receipt of that letter my sister's health was much affected; she had spasms in the side. This was in the early part of 1846. My sister had previously enjoyed good health; she had an alarming illness after that. During her illness I opened letters addressed to her; I destroyed a great portion of them; she was ill at the time, and I did not wish her to see them. I also remember the receipt of an anonymous letter addressed to plaintiff. I destroyed that anonymous letter; I think it was in defendant's handwriting; I believe it described his wildness; cannot exactly say whether it was received in 1846 or 1847. It was written as if a young lady wrote to my sister, and had directed it to the post office. The purport of it was, that she pitied Miss Bodilly if she should have him. I was the confidante of my sister all this time. I have no doubt that during all this period she was always ready and willing to marry him. *Cross-examined by Mr. Crowder.*—About this anonymous letter, did it look like a young lady's handwriting?—No, it looked like the defendant's. Don't you know of his having received anonymous letters from your sister?—I don't know anything about that. Has your sister told you that defendant has received anonymous letters from her?—I don't know anything about that. Did you put in the fire all the letters that came when your sister was ill?—Those that were not very comfortable? Did you tell her of them?—I told her when she became well. How many did you put in the fire? I can't say. Can you say anything between one and a hundred?—I can't say. But you are on your oath, are you aware of that?—(No answer). It was only one anonymous letter, cannot you say how many were not anonymous,—was it more than two?—I can't say exactly. No doubt you are well affected towards your sister, now can't you count two,—can't you tell the jury was it one more than the anonymous letter that was received?—Yes, it was. Why then you might as well have told us without all this trouble. (Laughter). You were aware from the first that Mr. Thomas's father was averse to the marriage, your father knew that, and the whole family?—Yes, but he said he would marry her, he said he did not mind his father. I understand you were present when a letter came from defendant's father in 1842, did you all see that?—I don't know anything about reading it myself. Was the general purport of the letter that your father sent in answer to that letter, as far as you recollect, that an end should be (*sic*) put by your sister to the addresses of the defendant?—I don't know anything about it. Did not defendant's father express great disapprobation at what was going on, and say that he should prohibit it?—I am not bound to answer any more. Why do you think you are not bound to answer any more?—Because I think I have said quite sufficient. The JUDGE—But you must answer the questions. Mr. COLLIER—Oh, answer all questions. *Witness*—I can't answer any more about that question if you are here all the day. Mr. CROWDER—On then I won't trouble you if you don't wish to have it. (Laughter). What made you say defendant told your sister he had £1000,—did he ever say he had a single farthing except what he could get from his father?—*Witness*— I heard him say he had a thousand pounds independent of his father. At what period of this courtship, was that?—I can't say. About the beginning, the middle, or the end of the courtship?—I cannot say. You saw a great many of his letters?—Yes. Then did you not know from the letters that he was entirely dependent on his father?—He said he should marry her in spite of his father. Mr. CROWDER—I suppose you think you are benefitting your sister by not answering my questions. The JUDGE—You must answer the questions. Mr. CROWDER—Don't you know he had not the means to marry? *Witness*—He could not come into his fortune till the death of his father, and so he was going as a traveller. But it depended on his father, did it not?—His father could not keep it from him, so he told my sister. *Witness* further stated that after the letter received from defendant's father in 1842, her father (Mr. Bodilly) directed her sister's letters to the defendant by her request;

he did this in his ordinary handwriting; sometimes she directed her own letters. In 1844 my sister was unwell, but was not seriously ill till 1846; my sister was absent about a week at Mrs. Rutter's at Truro; I did not visit her when there. On *Re-Examination* the witness said she was too ill to attend at the former Assizes. She also explained that the letter that came in 1842 from defendant's father to Mr. Bodilly was burnt; that defendant wrote an answer to it, and Mr. Bodilly copied the answer and she believed defendant posted it. Her sister was ill twelve months.

Louisa Hoskin—Was unable to attend the last Assizes from illness. Have known Miss Bodilly for a long time; knew of the engagement between Mr. Thomas and Miss Bodilly. I live at Redruth; know Mr. Thomas, the defendant; saw him when he had a house and shop in Truro; the house was then unfurnished. I went to the premises with him; he desired me to walk up-stairs; asked my sister's address in London; and on my giving it to him he took a letter out of his pocket and wrote it down; he said the letter was Elizabeth's. I remarked they were nice rooms; he said one was intended for Elizabeth and himself and the adjoining one for the boys. (Mr. CROWDER—Aye, aye, the shop-boys of course.) This was about July, 1845. Mr. COLLIER—you have known Miss Bodilly, has she suffered a great deal from this match being broken off?—*Witness*. Yes, I have received letters to that effect. I am afraid she is a great deal altered now?—Yes. Has defendant ever said anything to you about his having asked her to do anything?—He said he had written to her to discontinue all further correspondence, but that she would not take the hint; defendant has a respectable shop in Truro.

Mr. George Daniel—Lives in Truro, not far from the defendant; he keeps a grocer's shop in St. Nicholas Street; it is a "tidy" shop; thinks he has got his share of business; believed he was one of the principal grocers in the town; knows the lady he has married; she stands very well for fortune. *Cross-examined* by Mr. CROWDER—did not know that she had £500, and that the whole was settled on herself; knew nothing about the amount.

The letters of defendant were then put in and portions of them read by the officer of the court. One, however, written in February, 1847, was withdrawn, as the copy of it made by plaintiff's father, could not be sufficiently proved to be receivable as evidence. Mr. Crowder, however, admitted that from this date the correspondence had been broken off between the parties.

Mr. CROWDER then addressed the jury in behalf of the defendant. He hoped they would not be at all led away by the statements which his learned friend made at the opening of the case, with the view of influencing their judgments. His learned friend must have very well known that there was no intention on the part of defendant to dispute the fact of his having been engaged to Miss Bodilly, which fact appeared from some of the first letters that were put in, and which Miss Mary Bodilly, who answered his questions so reluctantly when giving her evidence, and who now looked so indignantly at him, could herself have proved in a few words. It would have been idle and ridiculous on the part of the defendant, to have denied that for nearly 7 years, as shown by the correspondence, he had been engaged to the plaintiff. But that did not seem to serve his learned friend's turn, so in his opening address he put on two years from his own imagination, and made it nine long years that defendant had been inducing plaintiff to believe that he would make her his wife. Then his learned friend had exaggerated the fortune of defendant's present wife, at least five-sixths. He said she had a fortune of 3,000*l.*, whereas it was no more than 500*l.*, and all settled on herself, not a farthing of it could be touched. He did not think these exaggerations exactly fair on the part of those who had instructed his learned friend. Then again defendant was stated to have said that he had 1,000*l.* coming to him independently of his father, whereas in one of his letters he states he shall have 800*l.* at his father's death, and whatever he would have then was entirely dependent on his father. Why also had other personal remarks been made, except for the purpose of exciting prejudice against defendant and his father. (Mr. COLLIER said he did not wish to cast the slightest reflection on the father.) Mr. CROWDER went on to state that it was perfectly clear to him, from the course taken in the trial that day, that the object of this action was to annoy as much as possible the whole of defendant's family. It was known to the Bodillys that defendant's father set his face against the match from the beginning, and it was a pity that his express advice and orders had not been followed, and that old Mr. Bodilly, the father of this young woman, had not acted more in

accordance with parental duty. When he knew that the courtship had begun, that the parties were not then of age, and that defendant's father was so much averse to it, he might at once have checked it in the bud, and thus have prevented the consequences of its continuance. It seemed the match was broken off in 1846, or the beginning of 1847; but the plaintiff had lain by during the whole of 1848 and 1849, up to the time of defendant's marriage with his present wife; and the declaration in this action was filed in December, 1849. That this young man had broken his engagement, there was no doubt, and an action might have been brought in 1847; but no, they thought it better to wait until he was married, and then bring the action to annoy defendant's whole family. For the same purpose a great number of letters had been put in, and it was said that they had three hundred letters. But it must be considered that every one of those had an answer, and that these must be in defendant's hands. He had not, however, been instructed to amuse the Court by exposing their absurdities; plaintiff, therefore, had had the advantage in that respect, in not having her letters exposed, with all the nonsense that is generally to be found in love letters. But on the other side there seemed to be no feeling of the kind; two or three of the letters would have proved the case as well as so many, and the rest were only read with the view of annoying and creating prejudice. It was quite clear throughout, that defendant had acted with the most perfect sincerity towards the plaintiff; the engagement existed, and had been broken, and the only question to determine was as to the amount of damages. It was evident that young persons might enter very rashly into an engagement of this kind. It had been stated that in 1842 they sent for a license, and intended to be married; but was it not much more fortunate for the plaintiff that she was not then married? The father of the defendant had been constant in his determination, nothing could move him; he told his son "you shall not have a shilling from me if you marry the plaintiff." Yet, knowing this, amongst the family of the Bodillys, as early as 1842, including old Bodilly, there was arranged and concocted a plan by which defendant's father should believe that the whole affair was broken off, and it was agreed that its continuance should be concealed from defendant's father by every possible means; and that the old Bodilly should direct his daughter's letters in his own handwriting for that purpose, that defendant's father might have no suspicion if he saw them brought in. If then the plaintiff be entitled to receive any compensation, it will be important to consider, estimating the damages, in what way the courtship was taken up, under what circumstances—and whether plaintiff ought or ought not to have continued it till it was ultimately broken off by the defendant. It is clear that if they had been married in 1842, he must have become a bankrupt, have passed through the court, and she would have been miserable and wretched. It would have been a most rash act, for they could not live on love, they must have something besides; and this was also a circumstance to be considered when contemplating the breach of this engagement. And there was not a tittle of evidence to show that he had any further means of supporting a married life, from 1842 up to the time of his marriage, that had come to him in the way of fortune. There was no charge of his attempting to deceive the plaintiff; this was also a circumstance to be recollected; and on the other hand he was not instructed to cast any imputation on the plaintiff. It was true she came to see him and lodged some time at an Inn at Truro, which might not be a very prudent thing for a female, but still there was no charge to be made of impropriety on either side. The sister, however, who gave evidence, knew that the plaintiff was going there alone, and ought not such a proceeding have been checked? He next adverted to some of the letters that had been read, and to the manner in which plaintiff's sister gave her evidence on cross-examination. In addition to this the sister said how ill the plaintiff had been, she had had the spasms in her side, and no doubt she was greatly vexed because she was not married. But this illness of spasms was in 1847, and she had become tranquil enough when the action was filed in the end of 1849. It was only on defendant's marriage with a respectable lady that the revenge came out, and the action was brought, with the view in all probability of obtaining money. The jury should consider the circumstances under which this promise was broken; and they must see that the engagement was broken off under circumstance which prudence suggested, and that of prudence ought also to have suggested the non-commencement of the contract. He trusted that the conduct of the plaintiff and her family, as exhibited in this case, would

not be pandered to by any one of the jury. It was entirely for them to consider as men of the world, as men in the situation of fathers or brothers, and considering also the condition in life of the parties, what amount they would award in the case.

The learned JUDGE summed up, observing that the plaintiff's case had been established, and that the only question was as to the amount of damages. He read two or three of defendant's letters, and remarked on the evidence. He did not see that this young woman was chargeable with any misconduct; she met defendant at Truro and remained at Rutter's house for some time, which was an imprudent step; but there was nothing charged against her; she would not write to defendant's father to deceive him, and she would not consent to a clandestine marriage. She was entitled to receive at their hands damages for the injury done to her feelings. A young woman has to look forward to her being married as one of the great objects of a woman's life, and she has a right to look for damages for the advantages she may have lost by a breach of marriage promise. They had now to consider what would be a fair and reasonable amount of damages to be awarded. He did not think that in a case of this kind damages should be awarded which would be ruinous to a defendant. They should have no desire to punish a defendant, to make him pay in the way of punishment, or to drive him to ruin; they should endeavour to do justice to the plaintiff, and at the same time to do no ruinous injury to the defendant.—The jury retired, and in about half an hour returned a verdict for the plaintiff, damages £130.

MANUFACTURE OF ARSENIC.—QUEEN v. GARLAND.—(Special Jury.) Mr. CARPENTER ROWE and Mr. KARSLAKE for the prosecution; attorney, Mr. TILLY. Mr. CROWDER and Mr. MONTAGUE SMITH for the defendant; attornies, Messrs. SMITH and ROBERTS. In this case the defendant, Mr. Thomas Garland, was indicted as managing partner in a firm engaged in the manufacture of arsenic at Perranarworthal, for creating and continuing a public nuisance. Mr. ROWE, who opened the case, stated that it was one of considerable interest and importance to the inhabitants of that neighborhood; and involved also a general question of great importance to the public—that being whether any man, whatever his position, had a right on his own property to carry on a trade which was detrimental to the health, well-being, or comfort of his neighbors. Perranarworthal is situated between Truro and Falmouth; it is an agricultural parish, and he was told that the population was considerably above the population of many other agricultural parishes in this county. About the year 1815 a Dr. Edwards, who was a skilful chemist, established some arsenic works in the parish; but at that time the manufacture was of small extent, and being carried on under the auspices of this chemist, who was well acquainted with the practice, little or no complaint was caused in the neighborhood. It was not until 1830, after the death of that gentleman, when the works came into the hands of other parties, that any complaint was made. After that, the works were discontinued; but about seven years ago, Mr. Garland went on with the business; and about three years since, the works were considerably enlarged. Mr. Garland then added to these works three chimneys, so that there are now seven chimneys, with the necessary furnaces. Mr. Garland might be a man of some literary reputation, but he was not an accomplished chemist. At the time of the enlargement of the factory, the mode of construction was not very skilful, and the result had been that these premises were now emitting forth in considerable quantities a very deleterious and deadly drug, the white arsenic of commerce. If a matter like this affects a man who lives next door to it, he has his remedy by civil action, but if it affects the public, it becomes a matter for the cognisance of the criminal law of this country. He stated that he should prove this to be a public nuisance, destructive of the vegetation and the cattle in the neighbourhood; and he averred that Mr. Thomas, the prosecutor, had not been in any way actuated by sinister views in instituting this prosecution. If he had been a litigious man, and wished to put money in his pocket, he might have brought three or four civil actions in a court of law; instead of which he had preferred this indictment at the quarter sessions on public grounds, and it was known that in such an action the costs of the prosecution would fall on him. The indictment, however, had been moved by *certiorari*, to the Court above, and now came down to be tried on a writ of *nisi prius*. After some further remarks he called the *Rev. Francis Wright*, who stated that he had been vicar of the parish of Perranarworthal for about four years, but had not

resided in the parish more than fifteen months. The extent of the parish was about 1,700 acres, with about one person to each acre. The arsenic works in question were situated near Mellingye Creek, in a valley which runs to the village of Perranwell. (Plans of the locality produced). There are several houses in the immediate neighbourhood of the works, and public roads, and there is a church path passing near the works. There is a road above Mellingye Creek which was the old road from Truro to Falmouth. Last autumn, and during part of the winter, I went several times to visit Captain Richards, who was then very ill, and has since died; he lived in a house close to the works. The vicarage is on the south, about half a mile from the works. Before going down I always observed which way the wind was blowing. The chimneys were at times throwing out a great deal of smoke. When I observed the wind, I have on occasions made a circuit of double the distance of the way I might have gone if I had not wished to avoid the smoke. I have never personally experienced any effect of the smoke, because I have always avoided it. Have seen the smoke lying along the valley. The bushes looked blackened, with a deposit of white on them.

Mr. CROWDER objected to this part of the question being gone into. The nuisance alleged in the indictment was a nuisance "arising from burning and melting crude arsenic for the making of arsenic, whereby noisome and unwholesome smells arose, so that the air thereby was greatly corrupted and infected." Whether trees were blackened or cattle affected (as stated by Mr. Rowe in opening the case) was not material to this question, it being whether "noisome and unwholesome smells" had arisen, so as to corrupt the air and create a nuisance. A distinct kind of nuisance had been alleged, and to that the proof must be confined, without entering into other details.

Mr. M. SMITH followed on the same side.

The COURT thought the evidence admissible. The jury must be of opinion, in order to convict, that there have been smells which affect the sense of smelling; but it is also alleged that there are "noisome and unwholesome" smells; and he thought the prosecutor was entitled to show the character of the vapour from its effects on animals and vegetables.

Mr. CROWDER requested his lordship to make a note of objection.

Rev. F. Wright's examination resumed—The trees and bushes were blackened, with a deposit of white on them. I also observed the herbage; it was unhealthy looking, chiefly so in the neighbourhood of the works, in the valley; I should say decidedly, that the land in the neighbourhood of the works is injured. In the beginning of this month I saw some cattle of Mr. Carlyon's dead; saw the contents of the stomach and in consequence of the opinion I formed, communicated with Mr. Garland at Mr. Carlyon's request. Mr. Garland's answer was that he would take the case into consideration.—On cross-examination, witness stated that Mr. Carlyon's cow had strayed into a field close by the works; it might for aught he knew have eaten arsenic on the premises. Along the leat the bushes looked burnt, and as if powdered over. He was also asked questions with regard to the distances of cottages and the features of the locality.

Richard Thomas, civil engineer residing at Falmouth; copied the map produced; had lived in this parish a great many years, but had been obliged to leave. There were ten or twelve cottages in the neighbourhood of the works, and the valley is allotted into closes for agricultural purposes. The land is very variable; a great deal has been inclosed (*sic*) within the last twenty or thirty years; other farms there were more ancient; his father's estate had been inclosed since the time of James the Second. (He then gave evidence of roads in the neighbourhood of the works, which would not be intelligible without the plans.) He remembered Dr. Edwards establishing the arsenic works not long after his (witness's) father went to reside at Mellingye; believed that was about thirty-five years ago. Dr. Edwards was a physician at Falmouth, and reputed a skilful man. My father made no complaint respecting the works. I was then in the habit of going to Mellingye, and know of no complaint except that he and his neighbours lost their bees, and they had not been able to keep any since there; but they did not make a row about that. After Dr. Edwards's death, the works were carried on by a firm, of whom Mr. Paul Williams was one. During the time the works were so conducted, I made complaint to Mr. Paul Williams. I lost a cow, and had another very ill, and called in a farrier. After that the works were discontinued; then the present defendant took them, about six and a half or

seven years ago. Before he entered on the manufacture, I saw him at Falmouth and told him I had made complaints to Mr. Paul Williams by letter, and that if he would ask him, he might see my letter. Mr. Garland said if he came there, he would take care that the works should be carried on without any annoyance. After Mr. Garland entered on occupation, I did not experience much annoyance at first; but about three years ago the works were enlarged. There were now seven large chimneys, and two very high stacks. Since that enlargement, I have found a very great difference as to the quantities of smoke coming from the chimneys; they emit immense quantities, night and day, all the year round except Sundays. When there is a light wind, the smoke spreads out a great deal in the valley, and has the appearance of a fog; it gives a shocking bad smell. My own residence at Mellingye is 200 yards from the works; when the wind is south, the smoke from the chimneys comes directly over the house, and spreads over the place. It comes into the house and obliges the windows and doors to be shut. I have sometimes been going out at the front door, and been driven back by the nasty stench, and obliged to go out at the back-door. When the smoke is lying in this way in the valley it comes up over the public roads, just as the wind drifts it. The smell is perceptible in the roads; should not know it from cottager's smoke if it were not for the vileness of the smell. I know the smell of arsenic when it is under the fire; I have gone by burning houses when they have been roasting the tin. Have never smelt anything like this arsenic stench; it is a garlic smell. The nearest part of my land is about 50 yards from these works. In 1849, I had cattle grazing in one of my fields; a heifer and cow died. After that, I sent the rest of my stock to Truro and sold it, with the exception of a cow, which became ill and afterwards died; I did not like to risk depasturing stock in those fields. In January, 1850, a mare grazing on my estate died. I wrote to Mr. Garland on the subject, and also when the cow died. I let my farm all run to hay, which was saved and ricked. In August, 1850, had a horse and pony die which were put on the farm occasionally. Both were examined by a farrier; the cow by Mr. Webber. I told Mr. Garland that my horse had died, and he offered ten guineas as a compensation. I said I wished to consider of it. I did not mean to take the ten guineas. I lost another horse last Christmas. The working is going on now. The effect is injurious on the trees and vegetables. We do not plant any vegetables now except potatoes, they growing under ground. The fruit trees are most affected; the blossom is prevented by the smoke from coming to maturity. I pointed out my haystack to Dr. Jago and Dr. Vigurs, of Falmouth.

The Court then rose.

FRIDAY, March 28.

(*Before* Mr. BARON MARTIN.)

QUEEN v. GARLAND.—This case was resumed this morning, with the *cross-examination* of Mr. Richard Thomas, by Mr. Crowder.—He remembered his father building the house at Mellingye; there were no arsenic works there at the time. Witness went to live there about 20 years ago, and continued to live there till within the last year and half. Occasionally the arsenic works had been discontinued for a time, both by Mr. Williams and by Mr. Garland. Had considered the place to be a public nuisance ever since arsenic had been made there—long before he lost his cow. Burning coal or sulphur was annoying, but he should not take the trouble to complain about that; it would not kill his cattle. The first time he went before the magistrates was in October last, but he had threatened as long ago as Mr. Williams's time, after he had lost some cattle. Had been going about, far and wide, to get witnesses to prove his case. There were 12 or 15 people living close by the factory with their families, all employed at the arsenic works; had not brought up any of these people; had brought up two or three from the neighbourhood, who were not employed at the works; could not afford to bring up the whole parish.—(The witness was then cross-examined on the localities marked in the plan, and on some other points on which evidence was afterwards given more directly by other witnesses.) He then said, with reference to the smell of the arsenic smoke that he had used the words "abominable stench," and that was the proper word for it. Had smelt it every where about there, and avoided it as much as possible. At his own house he had been obliged to go out and afterwards shut the windows down to keep the arsenic smoke out. The arsenic smoke was destroying trees all over his property. The grass continued to grow, but he had no doubt it was

poisoned notwithstanding. Believed that all the people about there were suffering in the same way as he had; it depended on the way the wind blew; the prevalent winds were between S. and W.—*Re-examined*. Witness's father and himself had laid out about £3500 on the place; the greater part was laid out by his father, before the arsenic works were built. The nearest point of the old Truro and Perranwell Road to the factory was 300 yards distance. The distance from the factory down to the new turnpike road near Basset Wharf was 700 yards. There was besides the roads, a public footpath near the factory. *By Mr. Crowder*. Had himself laid out about £800 on the house about 16 years ago. Himself as well as other people had landed ore weed at the bottom of the road, at Tarn Dean.

Sarah Simmons, servant to Mr. Thomas, lived on the same side of the old road from Falmouth to Truro, as Mr. Thomas's house, at Mellingey, and went to his house every day to take care of it. When there, had felt very much the effect of the smoke from the arsenic works. Had generally a very bad cough from the smoke blowing into the house; could not say what the smell was like; never smelt anything like it; it was very bad indeed. Could smell it when at the cottage where she lived, as well as at Mr. Thomas's house. When the smoke was coming in the way of Mr. Thomas's house, was obliged to close the doors and windows immediately. Had been obliged to move clothes when put out to dry to some land of Mr. Thomas's on the other side of the turnpike, in consequence of the arsenic smoke blowing on them. The clothes kept the smell of arsenic all day. The smell as far as her own house was very bad indeed. Had sometimes been obliged to take in the clothes at Mr. Thomas's altogether. In going to Devoran market, had smelt the smoke on the new turnpike road, at the distance of nearly $\frac{3}{4}$ of a mile from the works. The way to Devoran was along another valley. Had seen the smoke from the Bissoe valley come over the hill and into that other valley. The smoke was visible when she smelt it. It was a white smoke. The smell which she had smelt along the road to Devoran was the same as she had smelt at Mr. Harris's and at her own house when the wind was blowing from the works.

Henry Richards, who lives at Devoran, formerly worked for Mr. Thomas for six or seven years. Left his service about fourteen months ago. Remembered some three years ago some alteration being made in the arsenic factory; four or five new chimneys were built and a new calciner was built. Since that time there had been five times as much smoke as formerly. When with Mr. Thomas, it was his business to work out on the farm. When the wind blew that way there came up from the factory a smoke that would choke a man. Had been forced to put up his hand to his mouth; and had gone away and left the "stinking old trade." (Laughter). Wished he had never seen it. Used to go out of the way of the smoke to higher ground. Had been employed at Mr. Thomas's in transplanting trees. Some of them grew and some went dead. Mr. Thomas took up scores of trees and planted them and they died away. Remembered a heifer dying on the farm about 16 months ago; soon after that a cow died there. These animals were feeding down the hill. When working at Mr. Thomas's, witness lived at some distance, away west, the other side of the chapel. In coming from his own house to Mr. Thomas's he came on the parish road and then into the old Truro Turnpike road; and in going that way had smelt the smoke very bad, and seen it too, when the wind was blowing that way. Had smelt it very bad on the road leading from Mr. Thomas's to Tarn Dean. That was a public road. Had met strangers on that road, who had asked what the smell was. Had smelt the smoke at a distance of a mile and a half on the road by Basset Wharf towards Devoran, when the wind was blowing that way. When there was very little wind, the smoke would drop within about a quarter of a mile of the factory. It was stinking stuff – very different from coal smoke.—*Cross-examined*—It was when Mr. Thomas went to Falmouth that he ordered witness to sell off his stock; witness sold three of the bullocks at a fair, and drove back the remainder, a bull and a cow, to Mr. Thomas's estate at Mellingey and left them there. When Mr. Thomas went to Falmouth, he had a mare which was also kept on the estate near the arsenic works. Did not particularly notice the smoke when he perceived it $1\frac{1}{2}$ mile off. Could not see much of it then, but could smell it tight (*sic*) enough. Had seen it a mile and a half off when the wind was blowing strong.

Richard Curgenvén Vigurs:—I have been in practice at Falmouth as physician, nearly 10 years. I know the arsenic factory, and was there on the 13th inst. There was then a large quantity of vapour.

The arsenic of commerce is manufactured there, from the crude arsenic procured from the chimneys of tin-burning-houses. When brought to the factories, it is a heavy powdery substance. It is then placed into furnaces and exposed to heat and air, by which it becomes sublimed, and is passed through extensive chambered flues at the end of which is a stack. In passing through these flues, the arsenic is deposited in the chambers, in the form of very minute white crystals. These crystals are collected and placed in refining kettles from which the arsenic is taken out in the form of glassy lumps. Some of the arsenic goes to the market in that form, but the greater proportion of it is ground to the state in which it is sold by druggists. When I visited this factory it was at work; and I observed a considerable quantity of white smoke passing out of two tall chimneys which I presume were at the end of the flues. I walked across the stream of smoke, and perceived that it had an arsenical, or as it is commonly called, a garlicky smell. It was extremely disagreeable, and it affected my throat with dryness and unpleasant feeling. If the process of manufacturing arsenic be properly and skilfully conducted, there are thrown off only sulphurous acid, carbonic acid, and a product of fuel. But, when unskilfully conducted, a large proportion of arsenic also escapes in the form of a white smoke, such as I have described. The cause of that is that the chambers are not sufficiently extensive, or that the work is going on too fast. I observed that the trees in the neighbourhood of the factory, and particularly on the eastern side, below the works were damaged; the outer twigs, particularly on the factory side, had perished. The specific gravity of white arsenic is between 3 and 4. Arsenic smoke is heavier than coal smoke. I scraped a tree, not far from the factory, on the west, just at the bottom of Mr. Thomas's land, and, by usual tests, I afterwards at my home ascertained that the scraping contained about one-fifth or one sixth of arsenic. That was an approximate quantity; I did not make a quantitative analysis.—I went into the factory on that day and saw two men in the changing-house, one of whom had a sponge in his nostrils, and the other was smoking a pipe. I did not go over the factory.—On the 20th inst., I went to the factory with Dr. Jago, a physician in practice at Falmouth. We then went through the factory. (Dr. Vigurs here gave evidence of analyses made by himself and Dr. Jago of the scrapings of several trees at different parts of the neighbourhood, indicated to the jury by letters referring to plans. The general effect of the evidence was that in nearly all the instances they detected arsenic in quantities varying from faint to very marked traces, according, apparently, to the distances from the works, and the positions, whether east or west, in relation thereto. They also took some hay from the interior of a rick, from the side not exposed to the factory, and detected arsenic therein). When I took these scrapings, it had rained very heavily the day before and there had been wet weather for a week; there had been a very heavy shower for an hour just before we took the scrapings. The effect of that wet was to lessen, by washing, the quantity deposited on the trees. On the previous occasion when I was there, it was also very wet. The smoke does not kill the *grass*. This is to be accounted for by the arsenic being deposited in a solid form, probably in crystals, so that it cannot be absorbed by the grass; and when washed into the earth, it meets with and combines with lime which makes it insoluble. The effect of arsenic on animal life, is to destroy it, howsoever taken into the body; if taken in large quantities it will destroy life rapidly; if taken in minute portions, slowly. If a man inhaled for a considerable time the white vapour I have spoken of, it would eventually materially injure his health. Arsenic, when taken in slowly, may cause disease either of the stomach, intestines or lungs; or it may cause disease of the brain or nerves; and it may kill without leaving any appreciable mark in the stomach; but when taken in large quantities it irritates the stomach.—*Cross-examined*. Arsenic is as valuable a medicine as any we have; it is generally the case that the rankest poisons, animal or vegetable, furnish the most valuable medicines. I did not detect any *visible* particles on the trees; if the weather had been dry, I might have done so with a microscope. The arsenic I detected was in a solution of the scrapings. I had once seen the arsenic works at Bissoe; I never examined the manufacture before this occasion, but I went through the chambers of the defendant's factory about 4 years ago, as a matter of study. All that is deposited in the chambers is arsenic for sale; and every particle that escapes the chambers is so much lost to the manufacturer. It is the interest of the manufacturer to prevent such escape, provided it does not involve too heavy an expenditure to enlarge the

chambers; but it might be necessary to expend 100/. to save a penny worth of arsenic. In the stream of vapour that I passed through, close to the factory, I did not perceive much heat; the vapour had come down from a great height, from the top of the stacks. Arsenic is perhaps 50 or 60 times as heavy as air, and, consequently, its tendency is to deposit itself as close as possible to the stacks; but a good breeze might take it half a mile off. At the point near Perran Well, I found no traces of arsenic in the scraping; the wind had not been blowing from the eastward for a long time; but we detected it nearly as far as that in the direction of the wind. I went to the factory at the request of Mr. Thomas, to know what was likely to be the effect of the works on the health of the people and cattle in the neighbourhood. It might have been desirable to make a quantitative analysis; but I detected the presence of arsenic and satisfied myself with that fact. The wind had been prevailing for a considerable time from S.W. to W.; on the windward side of the factory we had comparatively slight traces of arsenic; but on the leeward side, the traces were much stronger in every instance. The prevalent wind throughout the year is from S.W. to W.—The tests I applied were three liquid tests. I did not re-produce the metallic arsenic, but I might have done so if I had pleased; I placed some of the solution on charcoal before a blow-pipe, and perceived the odour of metallic arsenic. The white arsenic of commerce has no smell; it is a combination of the metallic arsenic and oxygen; but arsenic in the metallic form yields an odour like garlic. The white arsenic of commerce – arsenious acid – also possesses no odour in a state of vapour. Before the occasion of my visiting this factory, I had never seen any crude arsenic. I did not take any of that crude arsenic to analyze. There is always some smell from the burning of coal or coke, and from the manufactures connected with mining. I have no proof of an appreciable quantity of arsenic flying a mile and a half; but I cannot say it is impossible.—The tests I tried were ammoniated nitrate of silver; sulphuret of copper and ammonia; and sulphuretted hydrogen; I had not the apparatus for trying Marsh’s metallic test, nor had I the time to get it.—Neither in Mr. Thomas’s fields nor in any part of the district, did I find any herbage in the slightest degree affected.—To do injury to man or beast, it is not necessary that the particles of arsenic should be taken into the stomach. Experiments have been tried, but it has not been found that the *skin* will absorb it; but if arsenic were placed on a *wound*, either in man or beast, it would be absorbed, and, if in sufficient quantity, would cause death. It would also be absorbed by the nose. I went into the factory, and remained about 5 minutes on each visit, and saw the men there; but I did not go into any of the cottages.—When I tested with burning charcoal, I did not get the metallic arsenic; but I *smelt* it, and that was as good evidence as sight; for the smell told me that metallic arsenic was burning.—*Re-examined.*—I smelt the vapour into which I put my head in the factory. I attribute that smell partly to the burning of the impurities of the crude arsenic, and partly to the vapour of arsenic; I presume there may have been a small proportion of metallic arsenic sublimated with the smoke. The arsenic of commerce is metallic arsenic *plus* oxygen.—The re-production of the metal is considered a very good test; but when I find the three liquid tests all detecting the presence of arsenic, I am satisfied as a scientific man; I don’t know of any other metal to which those three tests might be applied with the same result. It is much more difficult to detect arsenic in the stomach of an animal, because of its mixture with salts and animal matters.

At this stage of the proceedings, the JUDGE strongly advised an amicable settlement; and suggested that, as he had known done with reference to alkali works in the North, persons should be appointed to examine the premises from time to time, in order to ensure their being properly conducted. No Court would direct a manufacture of this sort to be put an end to until every possible means had been tried for carrying it on.—After some discussion, during which Mr. Rowe pressed for a verdict and the costs, the suggestion of his lordship proved unsuccessful, and consequently, the examination of witnesses was proceeded with.

Thomas Tregaskis, examined by Mr. Rowe.—Was a merchant, carrying on business at Basset Wharf, in the parish of Perran-ar-worthal; and frequently sent timber and other merchandize up to the valley in question. Generally sent them by a private road which he had made from Basset Wharf to Tarn Dean, and thence by a public road leading to the old Truro road. Had four tenants occupying premises of his by that road from Tarn Dean. Frequently had occasion to traverse the road himself;

on such occasions had frequently smelt a disagreeable smell; at such times had seen that the stacks of the arsenic works were throwing out smoke; could perceive the smoke coming in a direction towards him; it was when the wind blew in that direction. At Basset Wharf, some smell was perceptible; in foggy weather, the valley was filled with white smoke and an unpleasant smell. In coming on the Carnon Causeway, on the turnpike road, there was a strong smell occasionally, when the wind was setting strong towards Devoran. For a short time, he lived on the hill on the Devoran side; in the mornings could smell the smoke all the way from his house down to the wharf; at those periods the Bissoe valley was filled with smoke from arsenic works; but whether it came from one more than the others he could not say; probably they all contributed. The first of the works up the Bissoe valley was Todd's—about a mile up. Recollected the enlargement of Mr. Garland's works three or four years ago; since those three stacks had been erected, could not say that Mr. Garland's stacks had contributed to the smoke a great deal, because the Bissoe works had also been enlarged and consequently must pour down a vast amount of smoke into the valley. Should think the smoke from the Bissoe works could not affect Mr. Thomas's estate. On that part where the Bissoe smoke does not come, there was no question that more smoke was thrown out than there was three years ago. Last year, witness had cattle grazing in his fields—a horse, a cow, and a pony. The horse died; he was well before put into that field. The cow was ill at the same time as the horse, and witness found it necessary to keep her in house ever since, except for a short time when he put her away to Mr. Cragoe's; she had pined and got thin. The pony was affected slightly, and witness got a farmer in Feock parish to take him for a short time. Concerning the horse that died, witness added that they could not suspect the presence of arsenic so far down from the works; but the horse became very stupid, and very poor, and his hair came off in spots until witness was ashamed to keep him any longer and sold him for 20 shilling; the horse took away a load of coals from his place, but died before he reached Redruth. Since this happened, witness had not grazed cattle in any of these fields.—*Cross-examined by Mr. Crowder.*—Had altogether 7 tenants; four of them were in one building; the Tarn Dean property had been his for about 4 years. The horse spoken of died in October last year; the pony was now kept in a stable on Basset Wharf. The Bissoe valley and the Mellingye Creek join at Tarn Dean Point. Todd's arsenic works up the Bissoe Valley were tolerably extensive, but smaller than Mr. Garland's; they were about three quarters of a mile from Tarn Dean Point. There were other arsenic works besides Todd's up the Bissoe valley, and also large tin burning works which threw out a good deal of smoke. At the Tin burning works, he presumed the arsenic emitted was in a metallic state. Todd's Arsenic Works and the Tin Burning Works had sometimes used the same stack; but he believed they now had separate stacks. The next works up the valley were Conn's arsenic works—about 1½ mile further up. In the direction from Tarn Dean to Perranwell, there were no works but Mr. Garland's. There were extensive iron works at Perran Wharf Foundry; a great deal of fuel was burnt there, and large quantities of smoke issued from the furnaces. There was a large population at Perran Wharf.—Should not like to put any horses to keep in his field; had not grazed any cattle there since the horse died; was now breaking up the ground for tillage.—The old turnpike road down to Tarn Dean was hilly; since witness had been at the expense of making a good road from his place to Tarn Dean, the arsenic carts went to Mr. Garland's works on that bit of new road. All witness's tenants came that way; but no other person had a right there. Fish carts and other carts would go that way to sell to the cottages. The old Truro turnpike was now become parish road; it had just been given up by the Truro Trust. Witness had been living at his place 4 years, and had made no complaint of any public nuisance.—*Re-examined.* Had spoken to Mr. Garland privately about this nuisance at the time he lost his cattle. Was on friendly terms with Mr. Garland and supplied his works with timber, deals, and slate. Ever since witness had made his road, no person had been stopped there; it had been used without let or hindrance. The public had a right to come as far as Tarn Dean and unload articles; and occasionally ore-weed or other manure was landed there and carried on over his road. The land between Bissoe Valley and Mellingye Creek was very high.

Henry Evans, a small farmer, living in the neighbourhood, stated that in the last hay season he cut, for Mr. Thomas, four fields of grass near Mr. Garland's arsenic works, and stacked it. While cutting it he felt an annoyance from the arsenic smoke from the factory. There was a great deal of smoke from the chimneys. Was there four or five days. The dust and smoke falling from the stacks caused a roughness and bad taste in his mouth; and it also fell on the hay. Went with Mr. Vigurs and Dr. Jago, and showed them the hay stack which he had stacked from Mr. Thomas's fields. The smoke had been more of late years than it used to be; it began to get worse perhaps 4 or 5 years ago. The lands about the valley were not stocked particularly full; there were cattle in some of them. The trees in the neighbourhood were some dying and some dead. Had smelt a bad smell when on the roads about the Mellingye Valley, and on such occasions had seen the smoke coming towards him. Had seen other persons of the neighbourhood going about these roads and had never been turned back or told they were private roads.

John Nicholl, a carpenter, occupying a leasehold tenement at the top of the old road, stated that since the enlargement of Mr. Garland's works the smell had become a great deal worse than before. Could perceive the smoke up where he lived. The smell was very plain on the old Truro Road and on the road leading down to Tarn Dean; it was very bad and gave him the head-ache very bad.—The witness spoke of a cow of his which died after being put to graze for three or four days in the autumn of last year, in a field which he referred to on the plan, and said that at his house the smell was so bad that if he kept bullocks he should be obliged to keep them in house.

John Kendall, a small farmer living in the valley near the old Carnon Bridge; rented some fields just above Tarn Dean on the N.W., and just below the old Falmouth and Truro road. Had seen and smelt the smoke from the chimneys of defendant's arsenic works; it was a rather offensive smell; had smelt it when he had been on the roads about Tarn Dean. Did not notice that the smoke injured him at his house. Had smelt it when going on the old Truro and Falmouth road, but did not take much notice of it there; had smelt it more when about Tarn Dean.

James Collins, mason, occupied a cottage and about two acres of ground, near the arsenic works just by the road leading down to Tarn Dean. On the road by his house had many times perceived the smell from the factory; it was a very disagreeable smell. When the wind was light, the smell hung about; when the wind was blowing his way, he was obliged to shut his door and windows; that was not very often. Had smelt the smoke on the old Truro road; it affected his health when he was in it.

William Carlyon, farmer, living at Perran Church Town, occupied some land just south of the factory. In going about the parish, had felt the effect of the smoke, but could not say he had been annoyed much by it; it was a disagreeable smell, but could not say it was very disagreeable. He lived at Perran about 6 months.

Mary Thomas, (wife of Maurice Thomas who is absent from England) stated that she carried on a farm of about 26 acres adjoining Mr. Richard Thomas's. Had lived there about 14 years, and during that time had had pretty much stock on the farm. No damage occurred to any of her stock during the time that Mr. Paul Williams had the factory; but since Mr. Garland had occupied the works, her cattle had been taken ill. Four cows feeding in the field nearest to Mr. Thomas's were taken ill, and all died. Mr. Garland made compensation to her for them, after they had been examined by Mr. Crowle, the farrier. From that time, she had not been able to stock that field; and the two adjoining fields had never been stocked by her consent. On other parts of the estate where she allowed cattle to be grazed, she was obliged to take particular care which way the wind blew, and to move the cattle accordingly; should think there were 10 acres where this precaution was obliged to be taken. The farm was a valuable one; had laid out £4,000 in purchasing and improving it. The cattle which had been affected, and did not die, became very poor; good feeding had no effect upon them if they were fed near Mr. Thomas's place. About 1½ year ago, two horses died on her farm; another was still living, but she believed he was in a dying state. Some of the fences of her farm had been let down by her hind, and consequently, there was a thoroughfare for the horses into the fields near Mr. Thomas's estate. Witness lived between Perranwell and Mr. Richard Thomas's. When walking out on the farm, could perceive the smell and the smoke; it was a very disagreeable smell;

sometimes the valley was full of it, when the wind was that way. With regard to vegetables grown near the factory, she always took care to wash them very well herself before dressing them.

Jonathan Webber, had been a farrier about 30 years, and during the last 20 years had had pretty much experience with respect to horses poisoned, about the factories. In August or September last, saw a horse belonging to Mr. Thomas. The horse was in a most dreadful state, trembling every inch of him, and froth working out of his mouth and nose. The smell of that froth was very little different from that which came from the arsenic works. That horse died, and in witness's judgment, from arsenic. Afterwards opened the stomach of Mr. Thomas's pony, which died a month after the horse; found in the stomach a "condensed smoke" from the arsenic—a bluish powder mixed with grass. The internal coat of the stomach was rotten, and had several holes which he could put his fingers through. He had no doubt that the pony died from poison; the stomach presented the same appearance as the stomachs of other horses which he had known to be poisoned. In 20 years had known of 100 horses, cattle, and pigs dying in the neighbourhood of the Bissoe arsenic works. A little before Christmas last, examined another horse of Mr. Thomas's, which had died; found the same appearances as in the other case, except that there were no holes through the stomach; the internal coat of the stomach was rotten as dung, and the stomach was left thin as a bladder; the stomach was, like the pony's, of a blackish colour with the blueish stuff on it. In his judgment, that horse also died from poison. On the 23rd of August last, saw a cow belonging to Mr. John Nicholls; she was in a very low, droopish, stupid way; he told Mr. Nicholls that she was poisoned and would die, and she did die on the 28th of August. Witness afterwards opened her; her stomach was gone altogether; her liver was very rotten; the stomach was rotten and black and there was the condensed smoke in it. In his judgment that cow died from poison. At Mr. Garland's request, met Mr. Karkeek, veterinary surgeon, about a fortnight ago, at the dwelling house near the works. Mr. Garland asked him to sit down and answer Mr. Karkeek's questions. Mr. Garland asked him how he found those cattle and horses; and witness told him the same as he had now said; and Mr. Karkeek put it down on paper.—On Tuesday week, witness saw Mr. Garland again, with his lawyer—Mr. Roberts; they also talked to him, and put down what he said.—Lived near the Bissoe works, and was in the habit every day, of going about the neighbourhood. Had smelt the arsenic in the Mellingye valley; knew the smell very well; it was like stinking garlic and sulphur together.—*Cross-examined*. Was born at Bissoe and had been living about there for 54 years. (Mr. M. Smith, the examining counsel, remarked that the witness did not seem to have been much hurt by the smoke or smell). Had picked up his education as a farrier from others and from his own experience; had never gone away from where he was born, to learn his trade. If cattle had been ill a long time from arsenic the liver got rotten; always considered the rottenness of the liver a sign that the animal had died from arsenic.—*By the Judge*—If a poisoned animal lived out the winter, the hair came off in patches about the size of one's hand, and never grew again; in the end the animal would hardly have any flesh, but might linger on for years. *By Mr. Rowe*—The white powder which he had found on grass was the same kind as he had found mixed up in the stomach. The outside of the stomach would be in putrid spots, and the inner coat would be rotten altogether.

James Jago examined by Mr. Rowe:—I am a Bachelor of Medicine of the University of Oxford, and am in practice at Falmouth as a physician; I took my degree in 1843, and have had more or less practice ever since. I have seen persons under the effect of poisoning by arsenic, but I have never seen the stomach of a person who had died from that cause. I have read a great deal on the subject. I heard the description given by the last witness of the stomachs of animals which had died from the effects of arsenic; and I consider that description to be in the main, exceedingly accurate; the appearances were such as one would expect to be caused by chronic poisoning by arsenic. Generally speaking, spots of extravasated blood, of a dark colour would be met with, and these would be taken by persons unacquainted with pathological subjects, to be putrid. They are, according to the best medical authorities, indications of poisoning by arsenic. The hair coming off in patches, and the pining away, as spoken of by the last witness, are remarkable symptoms of chronic poisoning by arsenic, in the human subject; and Dr. Becker, who has written on medical jurisprudence, is of

opinion that the effect is the same with beasts. Sometimes the only symptom of chronic poisoning by arsenic is a refusal to take food, and a dying away from emaciation. Occasionally the *liver* is diseased from the taking of arsenic, but that is not a common symptom. If the arsenic be taken into an empty stomach, the poison may possibly be taken up by the liver. I accompanied Dr. Vigurs on the 20th inst. to the factory, and was present during the taking of the 8 specimens from the trees of which he has spoken. There were other scrapings which I took alone, and they were analysed by myself and Dr. Vigurs. (Dr. Jago gave evidence of the results of these several analyses and expressed his concurrence in what Dr. Vigurs had stated.) I have no doubt, said Dr. Jago, that we found arsenic in all the cases stated by Dr. Vigurs, but it strikes me that he ought to have said, in some instances where he has not said so, that we found it in a very marked degree. In the hay-stack it was very decided and remarkable. Concerning the three tests we applied, I say from my practice and reading, that the three tests could never give collectively the results which indicate arsenic, without arsenic being present. In one instance we tried *five* tests, and they all concurred in showing the presence of arsenic.—During the time I was at the factory there was very little smoke emitted, but I saw some smoke and of a white colour. From the descriptions given today I attribute the smell spoken of to *metallic* arsenic. Crude arsenic must, from the manner in which it is produced, contain some metallic arsenic. Crude arsenic is the result of exposing tin ores to burning. Arsenic is chiefly found in these ores, in combination with iron and sulphur. In order to become arsenious acid, it must unite with oxygen. But there are other things competing for the oxygen, and therefore the metallic arsenic does not all become oxydised, and consequently a portion of metallic arsenic is to be found in the crude arsenic. I took some crude arsenic from the works home with me, and by the testing with the blow-pipe and charcoal, I obtained the smell of metallic arsenic. In furnaces the great object must be to allow as little as possible of the arsenic to escape; but to prevent escape, it is necessary to have a great draught by a very high stack, or by very extensive works. To manufacture a large quantity, a draught of air is necessary, and the effect of that draught is to send some portion of the crystallized matter out of the chimney into the open air. Arguing from what I have seen and heard, I should say that is the case in the present instance. Such being the conditions of the manufacture being carried on, I should say it would be very unsafe for the cattle and injurious for the pasture of the neighbourhood. The condensed smoke, as the last witness called it, is a precipitation of that which would be injurious perhaps at a distance of two miles.—*Cross-examined*. The metallic arsenic contained in crude arsenic is quite an appreciable portion—enough to give a very decided smell to a very small quantity. By an appreciable proportion I may be perfectly safe in saying from 1-20th to 1-30th part of the crude arsenic is metallic arsenic—that is, 29 parts of arsenious acid to one part of metallic acid.

Dr. Vigurs recalled, said he had heard Webber's description of the stomachs of the animals that had died, and Dr. Jago's opinion on those symptoms; and he concurred with Dr. Jago in that matter. The pining away of the animals, the dropping off of the hair, the purple spots in the outer coat of the stomach, and the rotten state of the inner coat, were all marks laid down by authorities in such matters.

Mr. CROWDER then addressed the jury for the defence. As regarded arsenic works generally, he impressed on the jury that they were among the most important works carried on in this county. Arsenic was one of the most important medicines to be found in the Pharmacopoeia; and it was quite clear that it must be manufactured somewhere. In this county, too, there were not only arsenic works but burning-houses and other works, not the most agreeable things in the world, but still necessary to be carried on, and the County would be utterly ruined if they were not carried on; therefore it would be monstrous to attempt to destroy them by such a process as had now been adopted. He admitted, however, that if any such work could be proved to be a public nuisance, affecting the public generally either in their dwelling houses or on public roads, so as to make life disagreeable and unhealthy, such work could not be allowed to exist. The jury would see whether they could come to the conclusion that this factory was a public nuisance, as charged in the indictment. It was stated in the record that the defendant did unlawfully burn and melt crude

arsenic for the making of arsenic, whereby divers noisome and unwholesome smells did arise, so that the air was thereby greatly corrupted and infected, to the great damage and common nuisance of the Queen's subjects. That, said the learned gentleman, was an indictment for making noisome *smells*, so as to be a public nuisance by reason of the *smell*; there was nothing said in the indictment about smoke, nor about the deposit of arsenic on trees or anywhere else. Yet the evidence as regarded smell, had been, he contended, generally of the most trifling character; while the Court had been mainly occupied in hearing evidence concerning the death of cattle and other private injuries, the proper remedy for which was an action at law between the parties, and not an indictment as for a public nuisance.—It was admitted on all hands that the white deposit had no smell whatever; and therefore, if every cow eating it died, such a fact would be wholly irrelevant to the present issue, which was as to *smell*, and not as to the effect of the particles deposited. He should not make any (*sic*) observations about the contents of the stomachs of the animal(s) that were believed to have been destroyed by poison; for, assuming that it had been proved that the cattle died from eating arsenic deposited on the grass, that fact had nothing to do with *smell*, which was the nuisance charged in the present indictment. So again, as regards the effect on trees and grass (although no one but Mr. Thomas himself had stated that the *grass* was at all injured), if Mr. Thomas had any ground of complaint concerning the effect of arsenic, let him bring his action for the private injury; it was no ground for an indictment charging a public nuisance.—From the instructions given by Mr. Thomas to Dr. Vigurs, Mr. Crowder deduced that the real issue which Mr. Thomas wished to try was, as to the effect of the arsenic works on animal life; but that issue was not raised by the present indictment. The learned Counsel then commented on the absence of evidence concerning the health of the cottagers and others residing in the neighbourhood of the works, although Dr. Vigurs was instructed by Mr. Thomas to inquire into their effects on the health of man and beast; and observed that the witnesses from the neighbourhood were all healthy looking persons. He next remarked that the great bulk of the population of the parish lived in the western part, from which part no evidence whatever had been given as to any noxious smell whatever being perceived there; and, therefore, as regards the inhabitants at Perranwell—the most populous part of the parish—the negative evidence was such as to convince any person that no human creature residing there had ever smelt anything disagreeable from these works. Then, with regard to the cottages near the works, with the exception of three, they had all been built within 20 years—since the works had been established; and there was nothing more clear than that people had no right to build premises about a factory and then complain of its being a nuisance. He could hardly conceive a place in which an arsenic factory could be established with less probability of being legally interfered with than that in question. There were in the Bissoe Valley several such works, and also a tin-burning house, from which there must necessarily be a considerable smell, because there was burnt the *metallic* arsenic—that which alone produced any smell; for when it was oxydized by combination with the air, the arsenic was without smell. Then, as regards habitations, there was no pretence for making complaint against the existence of an arsenic factory, at the site mentioned. As regards passengers on the public highway, there was some evidence that persons had perceived a disagreeable smell; but he contended it was not of a character to constitute a public nuisance. It was obvious, according to the evidence of Dr. Jago, that whatever smell there was from the smoke must proceed from only one-thirtieth part of the whole; for that portion only would cause any smell peculiar to arsenic. That there was a smell of sulphur and of coal was very probable; but the charge in the present case was the making a noisome smell from the burning of crude arsenic; and that crude arsenic contained only an appreciable proportion of metallic arsenic, which alone gave the smell.—The learned gentleman then commented *seriatim*, on the several witnesses and their testimony, and concluded by submitting that the only question for the jury was—whether there was from the burning of crude arsenic, a noisome and unwholesome smell affecting the public in their dwellings or while passing or re-passing on a public highway. Unless the jury could come to that conclusion, he confidently submitted there was no public nuisance as alleged in the indictment.

The learned JUDGE then summed up, directing the jury that the question for them to determine was whether or not there proceeded from the works in question, habitually, during the time they were in working, an offensive and disagreeable smell, offensive to the senses and making the air which would otherwise be fresh and pure, disagreeable and unwholesome to the inhabitants of the neighbourhood and to people travelling on the public roads there. If they should find in the affirmative, then it would be their duty to find the defendant guilty. But, it was not an offensive smell now and then that would constitute a nuisance; for, if so, the common affairs of life could not be carried on. To constitute a public nuisance, the offensive smell must be habitual, making the air that would otherwise be fresh and pure, of an offensive and disagreeable smell. Such being the law in respect of this indictment, he still thought it was competent to give evidence of the effect of the vapour from the chimneys of the arsenic works on the grass and trees of the neighbourhood, for the purpose of enabling the jury to form a judgment as to the smell; but their verdict must be given with reference only to the *smell* itself.—The learned judge then spoke of the importance of the case—on the one hand to the defendant, in respect of his employment of capital, skill and labour; and on the other hand to Mr. Thomas and other persons living in the neighbourhood who, whether in their houses or on the public roads, had a right to pure fresh air.—His lordship then went through the evidence; and, in conclusion, observed that it was undesirable that any man should be prohibited from carrying on a manufacture which was beneficial to himself and to the public; yet, at the same time, he must take care so to conduct his works as not to injure other people.

The Jury, after about five minutes' consultation, returned a verdict for the Crown.

The effect of the verdict, we believe, will be that on the occasion of the next application to the court, some arrangement, such as that intimated by his Lordship, will be adopted, whereby the works may be carried on without offence to the neighborhood.

CROWN BAR.

(Before CHIEF BARON POLLOCK).

THURSDAY, MARCH 27

ANN PLEACE, 40, was charged with stealing a silver watch from the person of Thomas Morcom Pearce, on the 11th of March last. Mr. PETER conducted the prosecution. It appeared that the prisoner had induced prosecutor, who was in a half-drunken state, to accompany her to her house, in Liskeard, at a late hour in the night, and while he was there he lost his watch. The prosecutor stated that it was stolen directly from his pocket; but the prisoner asserted that the prosecutor having no money with him, gave her the watch to pledge.—The prisoner was found GUILTY, and a former conviction was proved against her.—She appealed for mercy on the ground of her having a husband and two children, and said she hoped to be a better woman in future.—She was sentenced to 12 *months hard labour*.—The learned JUDGE severely reprimanded the prosecutor for his want of sobriety, immorality, and carelessness of his own property on the occasion when the robbery took place, and ordered that his own expenses should be disallowed, and also that he should be called on to pay all other expenses of the prosecution which could properly be thrown upon him. It would be monstrous that the county should be compelled to pay all the expenses of such a prosecution.

JOHN ROBINSON, 26, charged with having, on the 2nd of March, 1851, stolen a goose, the property of William Reed, farmer, of Pengreep, in the parish of Gwennap.—Mr. ROGERS conducted the prosecution.—The prisoner was found GUILTY.—He stated that he was an engineer out of employ, and was going to Hayle to seek employment.—Sentence, 6 *months hard labour*.

JANE ANN ROWE, 15, pleaded GUILTY of obtaining under false pretences, two pairs of shoes, the property of John Giles, of Liskeard, with intent to cheat and defraud the said John Giles.—*Six weeks hard labour*.

DANGEROUS ASSAULT ON A GAMEKEEPER.—JOHN MOON, 25, was indicted for shooting at William Towler, with intent to prevent his lawful apprehension. A second count charged an intent to do some grievous bodily harm.—Mr. STOCK conducted the prosecution; Mr. MAYNARD the defence.—Mr. STOCK having opened the case, stating that the prosecutor was Mr. Gordon Wm. Francis Gregor of Trewarthenick, near Tregony, proceeded to examine the following witnesses:—*Catherine Roberts*,

stated that she lived with her father and mother in Tregony, and knew the prisoner. About 11 o'clock in the evening of the 17th January, she saw Moon and three other men pass by her door going out of the town towards Mr. Gregor's. Moon had a gun with him. He is a woodman. After they passed on, she heard them singing.—*William Towler* deposed:—I am gamekeeper to Mr. Gregor at Trewarthenick, about a mile from Tregony. On the night of the 17th January, I was out watching, and Henry Dennis, labourer, was out assisting me. We went to Ruan Lanyhorne wood; that belongs to Mr. Gregor. About ½ past 12 we heard a gun, in the Ruan Lanyhorne Wood. We went towards it, and heard several other shots in the same wood. There is a plantation adjoining, also belonging to Mr. Gregor, called Pontey's where we went to watch. We placed ourselves inside a gate inside that plantation and remained there an hour. We heard several shots; the last we heard was in Pontey's plantation. I saw the flash. It was about 60 yards off. Pontey's plantation adjoins the road. We went across the road into Trethewy Wood, and remained there close to the road watching, about 10 minutes. I saw 4 men pass up inside Pontey's, to the end of the wood, and then back again, and they then came out over the gate into the road. Two of the four men had guns. I knew only Moon; he was one of the two men who had a gun. On their coming out into the road, and going towards Tregony, we came out behind them. A little boy, Charles Warne, aged 17, was with Dennis and me. Having got down into the road, we were about 15 yards from the 4 men. When they came out of the plantation into the road, we were only about 7 yards from them; we were on the hedge of the wood just opposite them, and had full opportunity of seeing their faces. On our getting down into the road, Moon turned round and levelled a gun. I did not say anything to him then. He went on again. I then said, "Good morning, Mr. Moon." He immediately turned round and levelled his gun at us—at all of us, I suppose. He fired at where we three were standing close together. Some of the shots struck me round about my clothes; and some of the shot went through Dennis's hat into his forehead. After he had fired, he and the other three men went towards Tregony; we did not follow them. The next morning I gave information to Mr. Gregor; and also went before Mr. Gwatkin, a magistrate.—*Cross-examined*—We did not follow them, because we had no gun with us, and they were four and we but three. Before we went into Pontey's plantation, I had heard 6 or 8 guns fired in Ruanlanyhorne wood. I did not know any of the other men. I first recognised Moon when he came over the stile out of Pontey's plantation into the road; I was then in Trethewy Wood, not more than 7 yards off. When they came out of Pontey's plantation into the road, I saw Moon come over the stile with a gun, and the three others followed him. As soon as they turned towards Tregony, we got out of Trethewy Wood into the road, and followed them. Afterwards, the moment I uttered his name, he turned round and fired at me; he was then about 25 yards off. The shot came all about me, but I don't know that they penetrated my thick coat. The prisoner lives in Tregony; he is a married man with children. All the four men were equally near to me. I had seen Moon before. I had seen him three times this season at unseasonable hours and near the wood with a gun. The wood is more than 40 acres of cover; I tried to find the men when I heard the firing in the Ruan Wood, but could not find them. The Ruan road is turnpike.—The Trethewy Wood is very thin cover; the other side had a hedge and is very thin cover also. I did not recognize Moon till he was out in the road. It was then about two in the morning; I can't say exactly; but when I came into my house after Dennis was shot, it was 3 o'clock. I have been gamekeeper and game assistant for 25 years. I have not seen the other 3 men since; Dennis knew them, I believe; I believe they have absconded.—*Re-examined*. It was very bright moonlight; almost the brightest night I ever saw. I had full opportunity of seeing Moon's face and am quite certain of him. He advanced first of the party. *Henry Dennis* deposed that he was a labourer living in Tregony, and accompanied William Towler on the night of the 17th of January. This witness corroborated the evidence of Towler, and added that when Moon fired, one of his party said "Oh, you bloody b----r." Dennis also stated that some of the shot went through his hat, and hit the skin of his forehead, making it bleed. I had known Moon before; he had said that the first time he met with me he would blow my bloody head off. On Christmas eve 12 months, at Bawden's public-house in Tregony, he sat down beside me, and said, "Harry, I understand you go out by night." I said, "yes, I do; but I am paid for it." He said, "D----n the man who ever comes near me by night; if I meet with

you, I will blow your bloody head off.”—*Charles Warne*, nephew of Towler, aged about 17 years, was also out with him on the night in question. He partly corroborated the previous evidence, and added that he was struck by some of the shot. He himself could not positively swear to Moon being the man who fired; but as soon as the four men came out of the gate, Towler and Dennis both said, “That is Moon.”—*Mary Gill*, wife of Joseph Gill, at the Red Lion Hotel, Truro, stated that after 10 o’clock on Saturday, the 18th January, Moon came into the Red Lion Tap. There was a man with him who had a bag. Moon asked her to be allowed to leave the bag there, and she told him to put it in the inside room. He did not tell her what was in the bag, but the bag appeared to be full. He afterwards told her that he had some pheasants to part with; but he did not say they were in the bag, nor where they were.—*John Pearce*, post-boy at the Red Lion Inn, stated that he saw Moon at the Tap on the morning of the 18th January. He said he was a gamekeeper under Mr. Gregor, but if he were a poacher, he would shoot any man who came near him at night.—*Wm. Woolcock*, Truro policeman, proved that on the 18th Jan., he had a warrant for the apprehension of Moon, and went out to his residence at Tregony, on that day and on the following Monday, but could not find him. It was not till the Wednesday week following that he was apprehended.—For the defence, Mr. MAYNARD addressed the Jury suggesting that the evidence ought not to satisfy them that Moon was one of the four men; and next, that even if the evidence as to identity was satisfactory, there was no proof of the intentions imputed to him by the indictment.—After a careful summing up, the Jury found the prisoner *Guilty on both counts*.—Sentence deferred.—There were two other indictments against the prisoner—one for shooting at Henry Dennis, and the other for unlawfully entering enclosed land on the 17th January last, with three other or more men, with intent to destroy game. No evidence was offered on either of these indictments. – The JUDGE asked why there were two indictments on this one transaction. He could understand if a prisoner was charged with several offences, all distinct, why a reasonable number of indictments should be sent up; but here there was but one act. He could not allow the expenses of that other prosecution.

—On Saturday, the prisoner, on being called upon by the Clerk of Arraignment, said, “I have a few words to speak; I hope and trust your lordship will have mercy on me; I have a wife and three small children.” The JUDGE said:—you have been found guilty of the offence of shooting with intent to do grievous bodily harm. There were some circumstances that occurred in the course of your trial which induced me to direct inquiries to be made, and which have turned out satisfactory. In the course of the trial I entertained some doubt whether you did really intend to do any mischief; and from the report I have had, my doubt as to the mischief you intended to do, has been very much increased. You were breaking the laws of your country, and invading that which was the property of another, which did not belong to you; still with reference to the commission of that offence, the probability is that you would not have a charge in your gun which would do grievous mischief at the distance at which you fired; and I am willing to believe that though the offence of which you are guilty calls for punishment, that you did not intend to do the serious mischief that might have resulted from firing at persons with materials to do great mischief. The sentence of the court is, that you be imprisoned for *twelve calendar months, and kept to hard labour*.

WILLIAM HARRIS, 25 pleaded GUILTY of having, on the 25th January, obtained by false pretences, a quantity of beef, beer and bread, from George Daniel, eating-house keeper of Truro.—*Three months hard labour*.

EMILY BERRYMAN, pleaded GUILTY of stealing, on the 18th of November last, at Uny Lelant, a cotton gown, the property of Nanny Morshead.—*Two months hard labour*.

WILLIAM MATHEWS, 19, pleaded GUILTY on two indictments—one charging him with having stolen a pair of trowsers, the property of Robert Vercoe, at Truro, and the other charging him with stealing a calico shirt, the property of Samuel Mugford.—*Six months hard labour*.

EDWARD SLADE, 50, charged with stealing, on the 3d of January, at St. Austell, a brass minute wheel of a clock, the property of Henry Orchard, watch and clock maker.—ACQUITTED.

MARY CLEMOW, 19, was found guilty of stealing, on the 10th of March, a gown, the property of Maria Trebilcock, a servant in the employ of Mr. William Roberts, of Cragoes-farm, in the parish of St. Columb Minor. Sentence, *one month hard labour*.

WILLIAM SAMUEL COOPER, 31, was indicted for obtaining 5s. from Jane Gill, servant to John Adams, of Redruth, by falsely pretending to her that a parcel he gave her contained 2 lbs. of tea. Mr. COLERIDGE conducted the prosecution; Mr. COLE the defence.—*Elizabeth Adams*, wife of John Adams, stated that the prisoner, about 2 or 3 in the afternoon of the 16th January, came to her house and offered to sell her 2 lbs. of tea for 5s. She agreed to take it; and he told her to send to the London Inn for it. She sent Jane Gill with five shillings to get it. Jane Gill quickly came back with a packet containing saw-dust. That packet she sent to the constable by Jane Gill.—On *cross-examination* the witness stated that it was in consequence of the prisoner's representation to her, that she sent the five shillings.—*Jane Gill*, dressmaker, corroborated the preceding evidence, and, on the production of the parcel in court, identified it, and pointed out the ingenious mode of packing which enabled the prisoner to show her some good tea by breaking the outer paper. The whole quantity of tea was about two spoonsful.—Mr. COLE, for the defence, submitted to the Court that the false pretence laid in the indictment was not made out. The false pretence charged was the obtaining money from *Jane Gill* with intent to defraud Elizabeth Adams; but, as he contended, the false pretence proved was made to Mrs. Adams.—The learned JUDGE, without hearing Mr. Coleridge, overruled the objection, observing that for aught that appeared, there was no false pretence to Mrs. Adams—that, in fact, it was quite possible he had with him, a stock of tea, and that if Mrs. Adams herself had gone to the Inn, he would have delivered to her good parcels of tea; but that, when a young girl came to him, he falsely pretended to *her* that the parcel he gave her contained nothing but tea, whereas nearly the whole of it was saw-dust.—Mr. COLE then addressed the jury, and suggested, in favor of the prisoner, a doubt arising from evidence that another man was with him at the time of his calling on Mrs. Adams.—Verdict, GUILTY. Sentence, *15 months hard labour*.

JOSEPH LONG, 30 was charged with having, on the 17th January, uttered and passed several pieces of counterfeit coin, purporting to be sixpenny pieces, to different persons at Redruth.—The prosecution was conducted by Mr. MOODY and Mr. STOCK.—Evidence was given of utterance of counterfeit sixpences on four occasions during the day named; and it was stated that there were three other cases; but the JUDGE did not think further evidence necessary.—Constables Tregoning and Hodge produced three sixpences received from the parties to whom they had been passed by the prisoner; and Tregoning proved that he found at prisoner's lodgings, some plaster of Paris, a file, a razor, a piece of clay, a piece of old wire, two good sixpences, and 5½d. in copper.—*Samuel Hocking*, watchmaker, proved that the coins produced were all of base metal; and that Plaster of Paris is used for making moulds. Verdict, GUILTY.—Sentence, *18 months hard labour*.

SHEEP STEALING.—JOHN RICHARDS, 27, a young farmer, charged with stealing, on or about the 21st of November, at Polladras Downs, in the parish of Breage, two ewes, the property of Jonathan Peller.—Mr. HOLDSWORTH conducted the prosecution, and Mr. SLADE, the defence.—*Jonathan Peller* deposed: I live at Polladras Downs in Breage. On the 21st of November I missed two ewe sheep from those Downs; one of them had been on the Downs 5 years, and the other 2 years. I made diligent inquiry, but could not find them until the 12th of March. On that day I went to Mr. Hoskins, at Crebor, with my mother. A saw a good many sheep there and recognized my two ewes. The old ewe had a slit in her right ear, one black spot, and dark face. The young one had a slit in the right ear, and three black spots in the same ear. On the 12th of March, I saw prisoner at Mr. Hoskins's, and Mr. Hoskin, in his presence, said he bought the ewes of him (Richards.) Richards said he had reared them. On Sunday, the 16th March, I went with the constable Sampson to Hoskins's and he took the ewes in custody; and on the following day, they were produced by Sampson before the magistrates.—*Cross-examined*. I had four sheep on the common. I don't know how many sheep were there; not more than a score, I should think. There were other commons adjoining; but the sheep kept on one common. The sheep were mine, and not my father's; they were given me by my

brother. I am a miner. When I was at Hoskins's, the prisoner continued to state that the sheep were his.—*Mary Peller*, mother of the prosecutor, and who had been accustomed to see the ewes, corroborated his evidence; as did also *Thomas Hoskin*, farmer, of Crebor. Mr. Hoskin also stated that he lived about a mile and a half from Peller. On the 10th December, he bought 6 ewes of the prisoner, and one afterwards. After Peller had, on the 12th March, owned two of the sheep, he (Hoskin) insisted on the prisoner's taking back the 4 other sheep. The remaining two, that had been claimed by Peller, witness kept, and afterwards delivered them to Sampson, the constable.—On *cross-examination*, Hoskin stated that he lived about a mile from the prisoner, who lived with his father-in-law.—Had known the prisoner from a lad and never heard any thing against him. The sale on the 10th December was openly done, and witness gave more for the ewes than he would if he had to buy them again. He turned them out into the field publicly, the prisoner not objecting to that course. When Peller came to inquire about the ewes, he and witness had a dispute about the marks; witness had had the ewes for months and could not see any marks on them.—*By a Juror*.—Peller did not say anything about the marks before he saw the sheep.—*William Sampson*, constable of Breage, deposed:—I apprehended the prisoner on Saturday the 15th March at Penzance. I found him in an upstairs room at the house of James Rowe. I found the prisoner in the window-place, where he appeared to be trying to get out. The window was partly open. I held my staff over his head, took him by the collar, and told him he was my prisoner. He gave a sigh, and said, "I suppose I must go with you." On going down stairs, he said, "Lord, have mercy upon me; what shall I do?" Just as he came to the foot of the stairs, he made a desperate leap and attempted to rescue himself, the outer door being about 5 feet from the foot of the stairs. I then caught him and threw him into the kitchen. I then got assistance from the Penzance policeman, and we took him to the station and handcuffed him. Some time afterwards, in passing through Breage, I having occasion to keep two other persons in custody, the Penzance policeman alone took prisoner in custody, and in a short time I heard a cry "Stop thief." I looked back and saw the prisoner running, with his handcuffs on, and the Penzance policeman and others running after him. After he was caught, I proposed to have the prisoner and his uncle Rowe handcuffed together. About 1½ mile out of Penzance, on the way to Breage, prisoner said, "I shall be forced to leave this country; I shall never see this country more; do you think I shall?" I made no reply. About 4 o'clock on the Sunday morning, I gave him in charge to the Helston constable, Chappel.—*Cross-examined*—I and Richards had previously had a dispute about a sheep.—*Richard Chappel*, constable of Helston—The prisoner was given into my custody on Sunday morning the 16th of March, about 4 o'clock. While I had him in custody he asked me if I knew how many were coming against him. I told him I did not know. He then said, "I may as well plead guilty as innocent; I am sure to be transported; it is a bad job."—*Joseph James*:— I live at Penhale in Breage, near the prosecutor, and have very often seen his two ewes. I saw them before the magistrates on the 17th March, and knew them to be the prosecutor's.—*Thomas Simmons*: I live at Polladras Downs. I was before the magistrates on the 17th March, and saw two ewes produced. I knew the old one by its marks and features. She had been mine for five years before June last, and I sold her to Joseph Peller, the father of Jonathan Peller the prosecutor. Since that I have seen her frequently on Polladras Downs.—Mr. SLADE addressed the jury for the defence. He alleged that there was an insufficient proof of identity of the sheep, and of felonious intent on the part of the prisoner, urging that the question was one merely of mistake or disputed right as touching sheep wandering over extensive commons together with others belonging to various owners. Mr. Slade also spoke of the good character the prisoner had received from one of the witnesses for the prosecution.—The learned JUDGE carefully summed up; and the jury returned a verdict of GUILTY.—There were 5 other indictments against the same prisoner; but they were not proceeded with.—The prisoner was sentenced on Saturday in the following terms:—John Richards, you have been convicted of sheep-stealing, and under circumstances which leave no doubt whatever that not only on the occasion in question, but on several others, you were guilty of the crime of sheep-stealing, and you appear to have availed yourself of a respectable condition in life to commit crimes under the cover of that respectability. The charge on which you have been convicted is only one of several

against you which remained to be tried; and the circumstances disclosed at the trial leave no doubt that the occasion which led to your detection and conviction was only part of a general system of depredation. The sentence of the court is, that you be *Transported for the Period of Twenty Years*.

JOSEPH , 20, a man of colour, was indicted for stealing, on the 2nd of February, a pair of boots, the property of William Sammels, a labourer, at the parish of Antony.—Mr. SLADE conducted the prosecution.—The case was clearly proved by the evidence of prosecutor and a police constable, and by the prisoner's statement before the committing magistrates; and, notwithstanding the prisoner's statements, enforced with much action:—Me no sabe tell lie—God Almighty give me true, massa; me bought the boots, massa—me paid one shilling—me no teef, massa,"—the jury found him GUILTY, and he was sentenced to *three months hard labour*.

WILLIAM JOHNSON, 17, charged with stealing, on the 4th December, at Callington, from the person of Hannah Rogers, a five shilling piece. Mr. COLE conducted the prosecution.—*Samuel Rogers* stated that on the 4th December last, he gave his wife a five shilling piece to go to market with, and that he observed it had a bulge-mark on the head.—*Hannah Rogers* stated that she put the five-shilling piece in a purse, which she put it in her pocket. She went to market and purchased some articles, but did not use the five-shilling piece. She afterwards discovered that she had lost her purse and money from her pocket. She had not seen the prisoner for the day.—*Bullen*, constable of Callington, in consequence of information that the prisoner had picked Mrs. Rogers's pocket, pursued and apprehended him. He denied having any money, and Bullen, on searching his pockets could not find any, but on searching his hat, found a five shilling piece inside the lining. *Elijah Notwill* proved that he saw prisoner near Mrs. Rogers near the butter-market, and also corroborated the constable's evidence of the apprehension of prisoner and discovery of the coin.—The prisoner was found GUILTY, and was sentenced to *9 months hard labour*.

A SINGULAR CASE.—HENRY RUNDLE, was charged with having on the 9th of October, at the parish of St. Mellion, feloniously stabbed James Rickard, with intent to murder him or to do him some grievous bodily harm.—Mr. MARYNARD for the prosecution; Mr. SLADE for the defence.—Mr. Maynard stated that the prisoner was a domestic servant of the Rector of St. Mellion, the Rev. Granville Coryton, and had formed an attachment to a fellow servant named Mary Ann Jasper, and in consequence thereof was jealous of the prosecutor Rickard, to whom he supposed Mary Ann Jasper showed more encouragement. It happened that on the 9th October Jasper went to Callington on her master's business, and was returning in the evening with some articles she had purchased, in a donkey cart, and accompanied by Rickard, with whom she was walking behind the cart. As they approached St. Mellion, the woman, being fatigued, got into the cart, and Rickard walked behind. While thus proceeding, they were met by Rundle, between whom and Rickard a conversation took place, which led to the assault now complained of. Mr. Maynard concluded his statement by saying that, on the day afterwards, the Rev. Mr. Coryton, from laudable motives, endeavoured to make peace between the parties, and, being aided in this effort by other persons, Rickard was induced to accept a money compensation from Rundle and to make it up with him. But, notwithstanding that arrangement, when the matter came before the magistrates, the prosecutor was bound over to appear here and give evidence, and he had now appeared in order that he might not forfeit his recognizances.—Mr. Maynard called *James Rickard*, who thus stated the particulars of the assault:—As we (Mary Ann Jasper and myself,) got about 1½ miles from St. Mellion, we met Henry Rundle. As I walked on with him, I said, "Henry, what's this you have said about me?" He answered "nothing." I said, "I understand you have said a good deal; you had better keep a civil tongue and have nothing to say about me." Then he gave me a shove and said, "I'm not afraid of you." Mary Ann said, "what are you quarrelling about now?" I said "Rundle, you came on purpose to kick up this." He then said again, "I don't care for you" and gave me another shove. I had a little stick in my hand, and I placed it against his hat, and said "if you do that again, I'll give you a rap in the head." At that, he made a blow at me, as I thought with his fist; but I found that he had stabbed me in the breast. Mary Ann said, "what's the matter now?" With that, Rundle turned round towards me, and I said "go on, it's all right." I could not pull out the dagger out of my side, and I walked back to John Grylls's house, and

John Grylls pulled out the dagger. The extent of the wound was about 5 or 6 inches.—I have received £5 from the prisoner's friends, to compromise the matter; and I shook hands with him the next day.—The learned JUDGE here addressed the Counsel for the prosecution on the subject of the compensation; and the result was that the learned Counsel declined to offer any further evidence, stating that after the arrangement made between the parties, the only object in bringing it on was to save the recognizances.—The learned JUDGE, after speaking of the distinction in respect of the alleged compromise, between this case and one of robbery, sanctioned the arrangement, and directed a verdict of ACQUITTAL.

A HINT TO MAGISTRATES.—On returning the last lot of bills, the Hon. G.M. FORTESCUE, as foreman of the grand jury, said he begged to draw his lordship's attention to the fact that there were 8 bills relating to one prisoner. These had delayed the grand jury a very long time, and probably would put the county to very considerable expense.—The JUDGE said he had already, that day, remarked on a similar case. If on a man's being apprehended it turned out that he had committed 10 or 20 offences, there was not the slightest reason why he should be indicted for them all. Some judicious selection should be made of the leading cases, to be brought before the grand jury. So again, if there was one transaction, it ought not to be divided into several offences, and charged in many indictments. He had observed that morning, that in a case where a gun had been directed against several persons, there was an indictment for shooting one person, and then for shooting another.—Mr. FORTESCUE asked if it was in the province of the grand jury to make such a selection as his lordship had suggested.—The learned JUDGE said:—no, certainly not; it should be made by the committing magistrates, or by the magistrate's clerk, or whoever takes on him to conduct the prosecution.

The grand jury were then discharged, with thanks for their services.

FRIDAY, MARCH 28.

(*Before Lord Chief Baron Pollock.*)

JAMES TREGONING, 25, pleaded GUILTY of having broken and entered the dwelling-house of Joseph Coad, at Lanhydrock, and stealing three bundles of clothes, a watch chain, knife, and sevenpence, the property of William and Joseph Coad. He also pleaded GUILTY of having been formerly convicted of felony.—*Eighteen months hard labour.*

JOSEPH PONISI, 20, was indicted for feloniously assaulting John Venton on the highway, stealing from his person and immediately before and after the robbery using violence. Mr. COLLIER was for the prosecution, and Mr. COLE for the prisoner.—*John Venton*, the prosecutor, stated that he was a tin streamer, living near St. Austell; was in that town on the 1st of February; was in Mrs. Boase's public house from nine to eleven at night. Prisoner was there and asked me to change a sovereign. I took out money for that purpose. He then said it did not matter, and I put the change in my pocket again. I had been drinking that night. I left Mrs. Boase's about eleven o'clock. Had missed my brother in the town, and prisoner said he would show me the way to my brother's house at Truan, some distance from St. Austell. When we had got a little way from Mr. Boase's another man came out of a passage. We three went down the Mevagissey road to St. Austell Moor. I said we had gone too far down for the road to Truan. The other man then said, "Joe, I twig the move," and prisoner then knocked me down, and kicked me; prisoner took threepence from me, saying he would have my money or my life. He took the money out of my left trousers pocket; the other man helped to search my pockets. The money I showed at the public house I had put in a pocket up under my arm; they did not find that pocket, but searched all the others. When prisoner said "I'll have your money or your life," I screeched "murder," and ran towards the river, and then met the policeman. *Cross-examined*—My brother and I had drunk three pints of beer that night; I was not drunk; after leaving Mrs. Boase's, met a young woman; did not go with her. She said, "good night," and I said, "good night, my dear." *Re-examined*—I changed my money to my side pocket, after I was knocked down.—*Charles Tallack*, farmer, St. Austell, saw the prisoner and prosecutor going on the road together; afterwards when near the limekiln, heard a person screeching "murder." On going towards the spot, saw prisoner and a man with a white jacket. *Cross-examined*—Prosecutor was very tipsy when I saw

him pass with prisoner; prosecutor could not walk straight.—*John Westlake*, policeman, was at Western-hill, near St. Austell, on the night in question; another officer named Sambels was with me; met the prosecutor in a very excited state; he called out “murder.” He was bleeding from the upper lip, and was wet above the knees. From the description he gave of the robber, I apprehended the prisoner on the following morning in bed. Prisoner said he knew nothing about it, he had not been down that way for the night. He asked what time it occurred; I said just before twelve o’clock; he said he was in bed long before that. I took him to the lock-up. Venton came in and said “that is the man that robbed me, I’ll swear to him.” Prisoner said “I never saw you before.” Prisoner afterwards said prosecutor had asked him the night before to put him on the road to his brother’s at Truan; but he knew nothing about the robbery. He said he had met Tallack. *Cross-examined*—Venton had been drinking, but was not drunk.—*Thomas Sambells*, policeman—After the prisoner was committed, and I was locking him up, he said, “It was not me that did it, it was Matthews;” he said he heard the noise and ran down to see what it was.—Mr. COLE, for the defence, contended that prosecutor was assaulted by Matthews because he interfered with the woman he met; that he was drunk at the time and did not know what he was about; that prosecutor was needlessly frightened; and that in fact no robbery was attempted; if it had been he could scarcely have succeeded in shifting his money when on the ground with two men upon him.—Verdict, guilty of assault; not guilty of robbery. Sentence, *Four months’ hard labour*.

SENDING THREATENING LETTERS—WILLIAM BARTLE, 33, was indicted for feloniously sending to James Randle, in the parish of Cury, a letter without any name threatening to burn a certain house and other buildings, and a certain stack of corn, his property. Mr. MOODY and Mr. COLERIDGE appeared for the prosecution; attorney, Mr. Hill. Mr. PLOMER for the prisoner; attorney, Mr. Plomer. Mr. MOODY said the prisoner was indicted for a very serious offence, and the case would require considerable attention on the part of the jury. To prove the case he should have to satisfy the jury that the letter set out in the indictment was sent by the prisoner to the prosecutor; and that it had, and was intended to have, the meaning attached to it in the indictment. It seemed that the parish of Mullion had been for nearly two years the scene of fires supposed to have been voluntarily committed, and that persons there had also been the subject of letters threatening fires. It seemed likewise that the object of attack and hostility in regard to these fires and threatening letters, had been the family of Mr. Thomas, especially Mr. Joseph Thomas, of Trevithow, and the persons connected with him. The circumstance that connected Mr. Randle, the prosecutor in this case, with Mr. Joseph Thomas’s family, was this,—that Mr. Joseph Thomas had a son also called Joseph, and that he was engaged to be married to Mr. Randle’s daughter. Mr. Randle lives within a short distance of Mr. Joseph Thomas; he is a farmer occupying property there; and on the 25th of May, 1850, he received the following letter:—(We give the letter with the faulty spelling, &c.)

“Respected Sir I have thought it my duty to write A few lines to you concerning the poor old Joe Thomas famley Trevithow Sir you have heard About the proceeding of the Thomases family to be bad and still going worse the old Joe have taken the Golrodger farm for his son the long face Joe in A very durty improper way and he is not to keep it but this one year at Michaelmas next to give it up or else trust to what to come the have two months two consider and be decided if the have through pride and puverty to go on as there going in ten years time there will not be A Trevithow thomas left with one Grote it have being understood that you Sir is very favorable for the long face Joe to have Golroger that he may marry your daughter but remember Sir if your Daughter Go on Golrodger farm better she was never borne and you and your famleys will share the same fate with the trevitho Thomaes we have resolved that every one that is connected in putting them on Golroger farm shall suffer A like you ore welcom to settle your Daughter and the poor Joe in your own parish Cury or any other place you think proper but on Golroger the shall not go and for your comford the less the come to Mullion the better for their good.”

Mr. MOODY explained that “long faced Joe” in the above letter meant a son of Mr. Joseph Thomas, of Trevithow, and that his son had taken the farm of Colroger some time before, of the brother of Mr. Joseph Thomas, senior, namely William Thomas. Mr. Randle receiving this letter, with a full knowledge of what had been going on in the parish, could attach no other meaning to it than that he was threatened with the same malignity and revenge that had been inflicted on the Trevithow Thomas family,—which was, to have his property burnt by fire. Mr. Moody went on to state that at

the prisoner's lodgings when he was apprehended, a letter was found in the same handwriting as the letter that had just been read, addressed to the same person, and sealed ready for delivery. (Mr. SLADE objected that it was not competent for his friend to explain a letter which was the subject of the indictment, by another letter which was found some months afterwards. The learned JUDGE asked if the second letter was in the same handwriting as the first. Mr. MOODY replied that he should prove it to be so. The JUDGE then decided that the case should proceed.) Mr. Moody then read the following letter, which had been found at prisoner's lodgings when he was apprehended:—

“Sir, patience and perseverance surmount difficultes, and you as a man will be placed in those difficulties which you never yet experianced in life if you don't look well at home, you have heard of the fire which have happened at prisk not long since to Mr. Skin flent yet there have been no chainge taken place in the thomas family in respect to the golroger form the appear to be so headstrong as ever. Let them go on there are great preparations making now than ever yet have being for the destruction of the old Mr. bluebritches and the long face bluebritches and all the familys connected with Mr. bluebritches family did you heer of Mr. bluebritches shot in the pulpit in Cury chapel phraps you did A narrow escape for his head Sir we have understood that the long face joe do sleep at your house when he come a curting to your daughter Affraid to goe home if ever its known from this time that you shelter joe Thomas the young bluebritches in your house all night aney mure while he remain on Golroger form you will have your house and property burnt and in flames while in your bed if ever you leive your Daughter go on Golroger form you and your sons and family will share the some fate with Mr.

Bluebritches.”

Mr. Moody explained that “skin-flint” referred to in the above letter was another of the Thomas's, and that “blue-britches” was a nick-name that old Mr. Thomas was known by. The learned Counsel said he should show that the first letter was sent by the prisoner, by putting in the witness-box the man who wrote both letters for him, and left them in his possession; and he should trace the first letter as having been sent by post to Mr. Randle, the prosecutor. The person who wrote the letters might be considered an accessory before the fact; but still his evidence was admissible; directly he was taken into custody and wrote, the resemblance of his writing to that of the threatening letter referred to in the indictment, as well as the other that had been read, was so manifest that there could be no doubt about it. Mr. Moody spoke of other circumstances of suspicion against the prisoner—the coil of safety-fuse found at his lodgings, which might be used to set fire to premises, and that prisoner being a shoemaker, could have no use for such an article; also the story he told Chapple, the constable, about a letter that had been put under the latch of his door; the identity of a wafer seal belonging to prisoner with the seal of the threatening letter found at his lodgings; and evidence of declarations by prisoner hostile to “old Joe Thomas.” These particulars are more fully detailed in the following evince: -

James Randle, examined by Mr. COLERIDGE.—I am a farmer at Colvennor, two miles from Trevitho. In May last I received a letter by the post; kept it for several weeks and then gave it to Rev. Mr. Peter, a magistrate. Had heard of the fires at the Thomas's at Trevithow. After receiving the letter I felt apprehensive my premises would be burnt as the Thomas's had been. *Cross-examined* by Mr. SLADE.—What part of the letter makes you apprehensive your premises would be burnt? *Witness*—On receiving the letter I was apprehensive. From what part of the letter?—I can't say any more about it than that. (The learned JUDGE told the witness he must answer the question, and state what made him apprehensive.) *Witness* then read the letter aloud, and said the words that made him apprehensive were “You and your family shall share the same fate.” This he considered meant that they should if his daughter went to the Colroger farm. Prisoner lives about a quarter of a mile from me; up to the time of these charges I never heard any accusation against the man; did not believe him guilty until he was apprehended. There was a large reward offered (two hundred pounds) for the discovery of the parties who sent the letter. *Re-examined*.—Joseph Thomas, son of Joseph Thomas, of Trevithow, I rather think, is engaged to marry my daughter; Joseph Thomas, jun., occupies Colroger. The Thomas's of Trevithow are the Thomas's who have had fires on their premises.

Stephen Thornton—Am a sergeant in the London detective force; was sent down by the Secretary of State to Mullion to investigate some matters going on there; was there three days previous to

prisoner's apprehension on the 9th of November last. I searched his premises at his brother's shop, at the hamlet called Whitecross, in the parish of Cury. Prisoner's brother is a shoemaker; prisoner lodged with him, and worked for him at that time; found in the shop a sheet of paper and an envelope in a book where prisoner kept his memorandums. As far as I recollect, prisoner claimed the book, and some of the papers taken from it he endeavoured to snatch from me. I found in a box something in a coil; did not know at the time what it was; have since been told it was safety fuse used by miners; I took it from the box and also some coarse powder which was in the box. This box was in the shop, not more than a couple of yards from where the prisoner was sitting when apprehended. I followed the prisoner, and asked him if the safety fuse was his. He denied any knowledge of it, and so did his brother and the other who was there. I believe the box was open to them all. Prisoner was taken by constable Chappel into the dwelling-house. I found in a room which prisoner acknowledged was his bedroom, some papers and memorandums; found in his box a letter directed to Mr. Randle, Colvennor, Cury. Found in prisoner's pocket, after he came down stairs, a small piece of sealing-wax and a pencil case with a wafer seal at the end. (Pencil case produced). The letter was in an envelope, and the seal on the envelope was unbroken. I did not open the letter at the time, but from what Chappel, the constable, told me, I afterwards opened it. I tried the seal of the envelope very carefully at the time, and believed the impression to have been made by the seal I took from prisoner. I found in a room below two sorts of paper and two sorts of envelopes. The two sheets produced (the yellow sheets) correspond with the paper of the letter sent to Mr. Randle, and charged in the indictment. The paper is of the same quality, has the same water-mark, and a little flower on the stamp in both cases. Also compared other paper (blue) found in the room below, with the threatening letter found in prisoner's box, and the two correspond. The sealing-wax I found on the prisoner is of the same inferior quality as that with which the threatening letter found in his box was sealed. (The paper, letter, seal, sealing-wax, and impression on the envelope were examined by the Judge and Jury). I afterwards took Hodge into custody, and he confessed that he had written these letters. *Cross-examined*—Was down to Mullion before, when Hendy was in custody; passed for a mining adventurer. Do not know how many shops in Mullion sell paper. When I apprehended Bartle, he seemed very quiet; said he would stop and finish his shoe.

Richard Chappel, constable at Helston, had Bartle in custody; had some conversation with him on the 9th of November, the evening he was apprehended. He said "See what people do by sending letters; I was out last night," he said, "till half-past eleven o'clock; when I came in I found a paper at the latch of my door; I took it down, and it was a letter in brown paper tied round with rope-yarn; it was directed to Mr. James Randle, Colvennor, Cury, whoever finds this is particularly requested to carry or send it;" he said, "I untied the rope-yarn; it was sealed and directed to Mr. James Randle, Colvennor, and I put it in the "skibbet" of my box." He then said, "do you know whether the Serjeant found it; if you had not apprehended me, I should have carried it or sent it this afternoon." I told him the Serjeant had found a letter; whether I told him first or afterwards I do not know.

John Netting, a miner, explained in what way the safety fuse was used. It is not sold in common shops. *Cross-examined*—It would not set fire to wood, but would set fire to hay or dry furze; it burns regularly.

Thomas Thomas, lives near Mullion; have known the prisoner a long time; saw him last harvest in a field; Philip Wyatt the parish clerk was there. Wyatt said to others in the field, "what ought to be done to the man that set fire to the corn at Trevithow. That man that did it ought to have been burnt in the flames." Prisoner turned round and said "Thee know'st nothing about that." Prisoner and I went afterwards to another part of the field; prisoner then said, "If I were to see all Thomas's corn on fire, I would not put that hand to save it,"—holding out his right hand. About a week after this, there was some conversation about the fires. I said, "what can the parties that burnt Priske have against Mr. John Thomas?" He answered, it was not against Mr. John Thomas, of Priske, only, it was against Mr. Joe Thomas, of Trevithow; the parties that have done this, he said, will do more yet; he could not enter the family of the Thomas's on any account. I then said, if it was against Mr. Joseph Thomas's family, Mr. Randle of Colvennor, and Mr. Hendy of Polgreen, were as liable to be burnt as

Mr. John Thomas, of Priske." He said, any one that enters that family would be as liable to it as they; it would make no difference if it was for ten years to come. I made the remark about the other families, because I understood that Mr. Joe Thomas's son was courting Mr. Randle's daughter, and that a younger son of Mr. Thomas, of Trevithow, was courting a daughter of Mr. Hendy. I cautioned Bartle to hold his tongue. I told him to say nothing more about it; that Mr. Hendy had transported himself by his own words, and I would advise him to say no more about it. He said if any one came into the shop to arrest him, he would knock them down with the "kelvy," or some other thing.—*Cross-examined*—Mentioned these matters to my wife, and to John Thomas of Priske. Do not get drunk often.—*By Mr. Slade*—Did not Bartle say to you, it is the opinion amongst the better-most people that Mr. Thomas had set fire to the property himself? *Witness*—I believe he did. What did you say! I said I had not heard anything of that. *Witness* further said that since he had been in Bodmin, Mr. Mills (clerk to Mr. Hill, attorney for the prosecution) had told him what he had stated before the magistrates at Helston.

The next witness was Hodge, who had been admitted as Queen's evidence, after he had confessed to writing the letters for Bartle, the prisoner.

John Hodge, a labourer in the parish of Gunwalloe, adjoining Mullion and Cury; had been intimate with Bartle the prisoner four years; lived close to him; had occasionally spent Sundays with him. He has asked me at different times to write letters for him. *By Mr. COLERIDGE*—Is that letter (the letter sent to prosecutor) in your handwriting? *Witness*—Yes, I wrote this from Bartle's reading; he had it written on a slate. When I had written the letter I gave it back to him; he put it in an envelope and I directed it. Did you also write(?) that (handing another letter, the one found in prisoner's house.) *Witness*—Yes, that one was written on a book; I also directed the envelope for the second letter and gave it to Bartle. The last letter was written about a week before our feast (the nearest Sunday to the 4th of November.) This was a fortnight before I was apprehended. The first letter, I believe, was written some months before. I was apprehended with Bartle, and now come from the gaol. *Cross-examined* by Mr. SLADE—When I was apprehended, they asked me to write; I did so, and they said it was the same handwriting as the letters. Did you not remonstrate with Bartle for writing these letters? *Witness*—I mentioned it to him at times; he appeared to have a revenge against the Thomas's. Did you not know that Hendy had been transported for doing the same sort of thing?—Not when I wrote the first letter; I mentioned it to him on writing some of the letters. What did he say? (No reply) Before you were arrested did you ever tell any living soul about the hand you and Bartle had in it?—No. Did you know there was a reward of £200 offered?—No. Have all your family gone to Australia since the fires?—Yes. Had you an intention to follow them?—Yes. *Witness* further said he had been examined by Mr. Hill and his clerk before he went before the grand jury. Prisoner, he said, was a lively and amusing man, and amused his neighbours with singing. *Witness* said he was apprehended on the Saturday but said nothing about confessing until the Monday. *Re-Examined*—I was first asked by the jailor whether I was willing to be a witness, and then these two gentlemen examined me. The letter spoken of was written on a Sunday in the shoemaker's shop; nobody was present but myself and prisoner; I wrote a letter before this that I wrote to Randle. *By Mr. MOODY*—What reason did he give for asking you to write these letters?—*Witness*—Because he said his handwriting was known. When I began writing the first letter, I did not know for what purpose it was; when I came to a certain place in the letter I stopped, because it was language I did not like.

Joseph Thomas the younger, son of Mr. Joseph Thomas, of Trevithow,—am engaged to Mr. Randle's daughter. I occupy Colroger farm; have occupied it twelve months last Michaelmas; my uncle is the landlord; I have heard of my father being called "blue-breeches." "Long faced Joe," I supposed meant me, and also "young blue breeches." I remember the fire at Vounder last March twelvemonths; that property was in my father's occupation; part of a dwelling house and some outbuildings were burnt there. There was corn burnt in the field at Trevitho last harvest twelve months, the property of my father.

The letters read by Mr. Moody in opening the case, were now put in as evidence. Mr. HILL, solicitor for the prosecution, was then sworn, and deposed that the offer of reward for the apprehension of

the guilty parties, was drawn up by him, and circulated in the neighbourhood. No person had claimed anything of that reward.

Mr. SLADE then addressed the jury in behalf of the prisoner. He said they were there to try the simple fact, whether the prisoner sent the first threatening letter that had been read to them, and was charged in the indictment; they had nothing to do with any other letter or with the fires at Priske, Trevitho, or other places, except in so far as those circumstances tended to throw light on the fact of sending the present letter. The charge brought against the prisoner rested entirely on the evidence of the accomplice Hodge. When a man comes as Queen's evidence, the jury might be sure that he was steeped to the very lips in guilt himself. The law therefore required that an accomplice should be corroborated in some material particulars, as to the facts, and as to the party whom he charges. In the present case the accomplice was unsupported and uncorroborated in every material particular; and he thought he should be able to show that he was much more than an accomplice, that he had been the principal in these transactions, and the only offender. There was nothing stated in the case that did not perfectly consist with the innocence of the party accused. It was said that prisoner read the letter from a slate for Hodge to copy; but no slate had been produced, though the strictest search had been made by the Serjeant from London and the constable. Hodge being intimate with the prisoner and going into the shoemaker's shop and house, had opportunities of purloining the prisoner's paper and of using his pencil case. The finding of the safety fuse, the gunpowder, the letters and envelopes, might be circumstances of some weight if they had been found in a house which prisoner occupied alone. But there were others in the house, and the articles were found in an open box, or in places to which other persons had access, and to which even Hodge might have had access. As to the safety-fuse it might have been left in the shoemaker's shop by any miner calling there. The seal of the pencil case tallying with the impression on the envelope, even if it did so, was no material fact in evidence, because those pencil cases are made by the gross, and turned out in a mould, and no doubt there were hundreds of them in the county. So as to the paper found at prisoner's lodgings, no doubt many others in Mullion would have the same sort of paper, probably bought at some shop in the neighbourhood. He then went on to remark on the evidence of Sergeant Thornton, Thomas Thomas, and Chappel, and to contend that the facts they had deposed to were all perfectly consistent with the innocence of the prisoner. On the other hand, Hodge had been pre-determined to shift the guilt on other shoulders; though it was only after he was detected, and found no loop-hole for escape, that he endeavoured to implicate Bartle; and he had other inducements for doing this, there being a reward of 200*l.* offered, and his family having gone to Australia, the amount would have assisted him to go over there. He contended that there was nothing which could satisfactorily corroborate the evidence of the accomplice, and therefore that the prisoner must receive an acquittal.

The learned JUDGE, in summing up, said the jury were bound to give this case their most serious and anxious attention. The indictment charged a very grave offence—an offence that might be made the means of persecution, and of harassing and distressing the feelings, and disturbing the happiness, of a whole family, almost of a whole community. When such an offence had been committed, it became a grave duty, on the part of all those concerned in the administration of public justice, if possible, to discover the aggressor. On the part of the jury, it was their duty to take care that they fixed the guilt on no person that was innocent; and it was equally their duty that they let no one escape whom they believed to have been implicated. With regard to the accomplice, his own impression was, that if he had known as much of the case as he now did, when he was asked to permit that man to come there to give evidence, he should have said, "no, let them stand in the dock together and take their trial," for as far as he could form an opinion, the testimony of that man had added very little, possibly nothing, to the case against the prisoner; the handwriting of Hodge might very likely have been proved without the assistance of his evidence. He concurred with the observations of the learned counsel as to the little credit that was to be given to the statements of an accomplice, whose testimony should be used merely for the purpose of explaining those matters that otherwise might appear obscure, and even then it should be taken with considerable caution.

They were therefore now to consider what was the real value of the evidence against the prisoner, apart from the testimony of Hodge the accomplice, who, however, if his story were true, appeared to have been rather an instrument than a principal in the offence. He then remarked on the various circumstances in the evidence; the remarkable conversation of prisoner with Chappel, after he was apprehended; the endeavour of prisoner to snatch the papers from Serjeant Thornton (which however, was not stated before the magistrates); the papers and threatening letters found in a box in the house which prisoner stated to be his, in a bedroom which he acknowledged to be his; the correspondence of the paper and letters, and the seal on the envelopes with a seal found in prisoner's possession, and other circumstances which had been deposed to. As to prisoner's story about the letter he found under the latch of the door, the jury were to consider whether that was likely to be true, or was a mere artifice to get rid of the effect of the letter which he knew the policeman would find in his box. He did not think it necessary to rely much on the evidence of Thomas, though in the conversation that passed, the expression "ten years" was used by prisoner, and it was remarkable that the same occurred in the threatening letter. From the whole of the circumstances conjoined, the jury were to form their opinion. The public and the prisoner were deeply interested in this question. Their sympathies, their feelings, perhaps, should go with the prisoner; but they should take care to do that which was just, and deliver the verdict which according to their consciences they believed to be true.

One of the jury requested that Serjeant Thornton should be recalled; and the following questions were put to him by the learned judge at the request of the jury:—You found a letter in a box in his bedroom? Yes. Was that box locked or not?—Not locked.

The jury then retired, and after deliberating about a hour and a half, returned into court and gave as their verdict. NOT GUILTY.

CHARLES MASTERS pleaded GUILTY of stealing a pair of shoes, the property of Thomas Chapman, of the parish of St. Kew.—*Three months' hard labour.*

CHARGE OF MANSLAUGHTER.—WILLIAM HAMLYN PASCOE, 50, was indicted as follows:—That previously to the commission of the offence, Hezekiah Bunt became very sick and disordered in his body; that the prisoner was under his care and treatment on the 11th of March, and that he feloniously administered to him 8 drachms of opium, of which he became mortally sick and died. He was charged also with the same offence under the coroner's inquisition. Mr. STOCK for the prosecution and Mr. SLADE for the defence. Mr. STOCK stated that the charge was one of very serious importance: that a sufficient quantity of laudanum had been administered to cause speedy death; that this was done by a medical man under circumstances, as was alleged, of gross negligence; and that he should call witnesses to show that the defendant was intoxicated at the time he administered the laudanum. He then called the following evidence:—

Jane Bunt, wife of the deceased —I live half a mile on the Newquay road from the Indian Queens. My husband was a labourer, and was 39 years of age; he had been unwell, and had been spitting of blood; his illness had been of two years' duration; he was attended by Mr. Moorman. On Tuesday the 11th of March, my husband and I went to Cubert to see Mr. Pascoe, surgeon, about his complaints; learnt that Mr. Pascoe had gone on to Newquay; found him at Mr. Michell's the druggist; Lewellyn, the shop boy was also there; got there between three and four in the afternoon. My husband told Mr. Pascoe he had come to be examined by him; Mr. Pascoe was sitting on a chair and rose up to examine him. My husband was coughing, and Mr. Pascoe took notice of him; examined his sides, looked at his tongue, and felt his pulse. He put his ear to his side. My husband asked if he was in a decline. Mr. Pascoe answered that his lungs were no more affected than his were; he said he would exchange lungs with him if possible; he said his disorder was nothing from the chest, but a bilious attack, and bad digestion. He told my husband he must make use of light food, and not make use of anything salt. He said he would cure him from the present condition he was labouring under, but would not say he would never feel the same again. He then wrote a prescription for him and laid it on the counter. He then gave my husband something to drink; I did not know what it was. Mr. Pascoe then asked the boy for something to make pills with; it was given

to him; he asked for something more, and the shop boy said he would get it from up-stairs. The shop boy left the shop for that purpose. Mr. Pascoe then went inside the counter and took down something very dark; took it from the shelf; he said "opium," and emptied out some in a measure. I should think he poured out from two to three table spoonsful; after he had poured this in, he went the other side of the door and took down a decanter and said "aqua." He put this into the measure, and made it about half full with the two sorts. (Measure handed to witness.) This is a measure like it. (Witness pointed how far up the dark substance filled, and how far the measure was filled when the light stuff he called "aqua" was added.) After this Mr. Pascoe handed it out over the counter to my husband and said, "drink it, my friend." My husband shook his head; I said "taste it," and my husband then drank it off. Soon after this, Mr. Michell, the owner of the shop came in. Mr. Pascoe spoke to him, and said he wanted him to take down what he wanted for medicine for us to take home. Mr. Michell wrote down what Mr. Pascoe named; and it was handed over the counter to me. I offered it to my husband; but he said he was very drowsy. Mr. Pascoe then looked for something to revive my husband; it was mixed and given to him, but he did not revive. He appeared very drowsy, and Mr. Pascoe helped to lay him on the floor, and said "let him lie an hour or two." We tried to arouse him, Mr. Michell and myself, but could not; Mr. Pascoe had then gone away. Mr. Michell went for a surgeon, and after a time Mr. Jewell came; cannot say how long this was after he had been laid on the floor; should think it was about three quarters of an hour. He was removed to Mr. Sim's Inn, and Newquay; was put to bed; no person could arouse him, and about half-past eleven he died. I saw Mr. Pascoe take the bottle from the shelf; it remained there on the counter some time, and I saw Mr. Michell put it back. I pointed out to the shop-boy that that was the one from which the dark liquor was taken. *Cross-examined* by Mr. Slade—We heard that Mr. Pascoe was a clever man. We started from home at nine o'clock in the morning. When we came to Cubert, the workmen had just gone to work after their dinner; stopped there for the horse to eat some corn; my husband had a pint of ale there. At Lane, where we passed before we got to Cubert, we had first a pint of beer and sugar; Mrs. Libby brought some fresh pork; had also a pint of beer and two pennyworth of rum in it. At Cubert my husband just took a sip of a pint of ale. Mr. Michell was not in the shop when we first came in.—Who has been telling you about aqua?—I recollect it was said by Mr. Pascoe. Never heard the work opium before then; thought the aqua was water, because it was the colour of water. Think Mr. Pascoe said "gentian" when he took down the first draught to give my husband when he first came in. Have you not said you saw on the bottle first taken down some words?—Yes, "OPII" was on it. (A book was handed to witness to show that she could read). *Re-examined*—We drank about equal parts of the first pint at Lane; of the second pint I drank the greater part. Lewellyn washed the measure out with "aqua" before the dark mixture was put in; that made me think the "aqua" was water.

Charles Henry Lewellyn had been apprentice to Mr. Michell, druggist, Newquay, eight months. Mr. Pascoe examined Bunt by feeling his pulse and placing his ear to this chest; he said he did not think his lungs were affected. After that Mr. Pascoe gave him tincture of gentian; I measured it out in a measure like that produced. Water was added to it by me; Mr. Pascoe gave it to Bunt, who drank it. Mr. Pascoe asked me for some powdered rhubarb; I gave him the bottle; he put some in a mortar, had also some powdered Castile soap and oil of peppermint; told me to put in twenty drops; I went on dropping it as far as fourteen, when he told me to stop. He also asked me for some powdered squills; I told him I would go to the ware-room and see for some. I was about five minutes absent; when I returned, Mr. Pascoe was telling Bunt to take what he had mixed for him; it was in a glass like that produced (a marked glass measure used by druggists was here shown). The mixture I saw reached up there, (pointing to the figure on the glass) a quantity more than two ounces. Bunt took the mixture; it was a light brown. In fifteen or twenty minutes after Bunt had drunk the mixture he became sleepy, and would have fallen off the chair I believe if Mr. Pascoe had not caught him. He was then laid on the floor. When I left the shop to go to the ware-room for the tincture of squills, there was a bottle on the shelves with opium in it marked TR: OPII. When I returned, this bottle was on the counter, close by Mr. Pascoe. In the evening, before Bunt was removed, Mrs. Bunt pointed

this bottle out to me. Mr. Pascoe was rather intoxicated. *Cross-Examined*—How did he indicate intoxication?—*Witness*—I can't say. Did he write a prescription?—Yes. (The prescription was here inquired for, but had been mislaid.) I saw Mr. Pascoe examine the man. There were two or three bottles on the counter when I went to the ware-room, but not of the same colour liquor as the opium. The compound tincture of gentian was not there; I put it on the shelf again. Mr. Pascoe did a considerable business in that neighbourhood.

Several other witnesses were then called, of whose evidence the following is a summary.—*Mr. Michell*, druggist, Newquay, stated that when he returned to his shop between five and six o'clock, on the day in question, he found Mr. Pascoe there; and he was otherwise than sober. When he came in he found on the counter bottles containing carbonate of ammonia, rhubarb, powdered soap, extract of henbane, oxymel of squills, the bottle containing tincture of opium, and the glass measure. He placed those bottles back on the shelf. He said that Bunt attracted his attention as soon as he came in; his face was an earthy colour; I fancied he was very ill; he became drowsy. Mr. Pascoe told me to give him some sal volatile, and I gave him twenty drops in an ounce of water. Mr. Pascoe afterwards examined him, and said I had better write a prescription. He dictated it and I wrote it. While I was making up the prescription, Bunt was falling off the chair, and Mr. Pascoe caught him. Bunt was laid on the floor with a coat under him; in about five minutes after that Mr. Pascoe left. I thought the man getting worse and went for Mr. Jewell, the surgeon; I attempted to rouse him, but in vain. Felt his pulse about half an hour after Mr. Pascoe left; his pulse was quick, not very hard. The earthy pale colour continued up to the time of his removal from the shop.—*John Hodge*, a boatman at Newquay in the preventive service, gave evidence to the effect that Mr. Pascoe was intoxicated on the day in question.

Mr. Jewell, surgeon, at Newquay; had been in practice 40 years; was called by Mr. Michell to come to the shop to see Bunt; found him lying on the floor in a state of stupor, no pulsation at either pulse. The symptoms were such as might be produced by taking a narcotic poison. In consequence of what I heard, I gave him a scruple of sulphate of zinc as an emetic, but he could not swallow it. Witness made the *post-mortem* examination of the body with Mr. Moorman; found in the stomach four or five ounces of dark, thick, brown fluid; fancied it smelled slightly of opium; discovered no symptoms of disease in the stomach; there was congestion of the veins between the convolutions of the brain; such a symptom might result from a blow, or from taking a dose of laudanum; the right lung was slightly congested, the left congested and adherent; should not think the lungs in such a state as to account for death. Had known persons take eight drachms of opium who had been accustomed to it; but that or less quantity would produce death in a person not so accustomed. From fifteen to twenty-five drops (sixty making a drachm) would be as much as a person unaccustomed to opium could prudently take.—*Cross-examined*—Had never before seen a person who had been poisoned by taking opium; should not expect to find a person's pulse quick half an hour after taking eight drachms; should expect to find the face suffused and purple. After so large a quantity had been taken, he expected to find it in the stomach, but did not. *Mr. Slade*—The appearances of congestion in the brain are the appearances that result in a case of apoplexy? *Witness*—Yes. Suppose tincture of bark were mixed with water, would it produce a light brown appearance? *Witness*—It would. *Re-examined*—Had understood that there was no test for opium in the system.

Mr. Moorman, surgeon, St. Columb, had attended deceased professionally; he had spitting from the lungs, and decided disease of the lungs, but not so as to account for his immediate death. About six or seven days before his death, witness saw him; he was then talking of going into the County Infirmary; his symptoms were as they had been for twelve months before. At the *post-mortem* examination, the appearance of the brain corresponded with that which is set down as marks to indicate poisoning with opium. Had never seen a case of poisoning by opium in private practice, but had in the hospitals; had been informed that it was not often poison by opium could be detected in the body even when death speedily takes place. *CROSS-EXAMINED*—Did not agree with Mr. Jewell that the appearances were the same in the brain as in cases of apoplexy. *Mr. SLADE*—When eight

drams of opium had been taken, should you have expected to find some opium in the system? *Witness*—I should have expected, but should not have relied on finding it. Supposing you had heard nothing about his taking opium, on examining the system, should you have concluded that he died of a narcotic poison?—I could not have positively said so. Even if there is no test by which you can detect the poison of opium, should you not have expected the smell of opium?—I should have expected it. And you did not find it?—I did not. How should you expect to have found the pulse and face?—The pulse slow at the first stages, and the face suffused and purple. *Re-examined*—In the last stages, when the heart's action was ceasing, I should have expected a rapid pulse and a pale face. You say you would not have drawn a positive opinion?—No, not positive; but from the symptoms I have heard described, I should have believed the man died from narcotic poison.

Mr. SLADE then addressed the jury for the defence. If Mr. Pascoe, from carelessness or inattention arising from intoxication or otherwise, gave this medicine and caused the man's death, undoubtedly he would be guilty of manslaughter. But on the part of defendant he denied that he was in a state of intoxication at the time; and as to the statement that he was in the habit of being so, that must be wrong, for with such habits he could not have arisen to such considerable practice as he had obtained. If he had been intoxicated, as stated by witness Hodge, how did not Mrs. Bunt see it and apprentice Llewellyn? The fact was, as had been deposed to by one of the witnesses, Mr. Pascoe was blessed with high spirits, and his manner might have led others to think he had some liquor. The manner in which he conducted his examination of Bunt, showed that he was sober; he put his ear to his chest, and ascertained his case in the most proper manner; he caught the man when he was falling from a chair, which was more than a drunken man would be likely to do. He wrote a prescription, though unfortunately it was not to be found, and he dictated another. The fact was that Bunt had been in a dreadful state for some years, bleeding at the lungs, showing that he had organic disease; and he was about to go into the County Infirmary. Medical men often buoy up their patients even when there is no ground for hope; and acting on this principle, Mr. Pascoe, when Bunt called on him, wrote out a prescription for him. The man was then seized with a dreadful fit of coughing, and he gave him a little opium as a sedative, mixing water with it, and the mixture would then be of a little brown colour. Children had often died after taking paregoric as a sedative, and the chief ingredient of that was opium. He then remarked on the medical evidence, and contended that it did not show with any certainty that the man died of a narcotic poison. There seemed to be a slight difference of opinion between the medical gentlemen; Mr. Jewel said the appearance in the brain was like that produced by apoplexy, whilst Mr. Moorman said he should have expected to see more congestion after apoplexy. He believed there had been an unintentional mistake made by Mr. Bunt with regard to the quantity of tincture of opium poured in before the water was added. On the whole he contended, they must be straining the evidence very much to find a verdict against the prisoner.

The learned JUDGE summed up the case. He said the charge was a serious one as affecting the prisoner, and also with reference to the public. Medical men were certainly open to prosecutions of this sort, if in their practice, either from carelessness, or ignorance, or rashness, from want of sobriety, they administer medicines which end in death. But if there be any case which the jury ought to enter on in spirit of charity and fairness, it was this sort of case. Generally speaking, medical men possess the confidence, and generally speaking they were entitled to the gratitude of the public. Persons who, like the prisoner, practise among the poor, go through much toil and labour, have deep anxiety and grave responsibility, and very inadequate remuneration. But the question in this case arises, what is the evidence, and what impression does it make on your minds? He then examined the evidence stating that there were three witnesses whose evidence bore positively on the administration of opium. Then came the evidence as to prisoner's intoxication; though it did seem remarkable that Mrs. Bunt had not observed or spoken of the insobriety of the prisoner, if he had been in a very bad state. He remarked also on the medical evidence; and put the questions to the jury, first, whether the man died from the administration of opium; if not, there was an end of the case; if he did, then was it or not, in any respect carelessly given,—was too large a quantity

given, either from hasty inadvertence, or want of that self-command which a medical man in particular should have?

By request of the jury, the apprentice Llewellyn was recalled, and asked if he saw anything put into the measure after he returned to the ware-room. He said he did not; what it contained had been poured in by Mr. Pascoe during his absence.

The Court rose at about eight o'clock, and the jury were locked up. In about an hour and a half they returned and gave a verdict of NOT GUILTY.

SATURDAY, March 29.

(Before Mr. BARON MARTIN)

JOHN PHILIP WALKER, 17, pleaded GUILTY of stealing a shirt, on the 4th March, from James Tippet at Roche. The prisoner stated that he should not have committed the act but for distress; he had the night before been obliged to sell his own shirt for food.—Sentence, *one month imprisonment*.

FRAUD BY AN ITINERANT BOOKSELLER.—WILLIAM ARMSTRONG, 48, was indicted, on two counts, for having on the 28th January, obtained, by false pretences, three pence from Richard James, of Launceston, with intent to defraud the said Richard James: and three pence from Jemima Broad, the wife of Henry Broad, with intent to defraud the said Henry Broad.—Mr. HUGHES conducted the prosecution.—*Richard Hayne*, master of the Launceston National School, deposed as follows: On the morning of the 28th January, prisoner came to the school house and wanted me to allow him to speak to the children with reference to a book which he said they could be supplied with at a very low price. The title of the book was "Fleetwood's Life of Christ." He wished me to recommend the book to them. I told him I could not do any such thing, and I also told him that it was not very likely that any of the children would take it up, because it would take so long a time at three pence a number. He wished me to allow him to speak to the children, but I told him I could not do so, but if I thought anything of it I would speak to them myself. I believe there was something said about going to the parents of the children, but I am not certain what I said.—*Richard James*:—I live in Launceston and have a boy at the National School. On the 28th January the prisoner came to my house and asked me if I knew of any children who went to the National School. I said yes I have a boy there. He said he was just sent out from the school to say that there was going to be given to the children a nice book—a Life of Christ, and that the parents would be called on to pay the small sum of 3d. to help to pay for the binding. Then my wife, in my presence, paid him three-pence, and he asked for pen and ink. He then left. *Jemima Broad*, wife of Henry Broad of Launceston, stated that she had a child at the National School. On the 28th January I and my mother were sitting in the kitchen. The prisoner came in and asked which of us was called Broad. I said "me, Sir." He said he was sent out collecting for a very beautiful book, the Life of Christ, but that no more than one of a family could obtain it. I asked him the expense, and he said there were 8 vols. at 3d. each. I asked him if he had a book to enter it. He said he had forgotten his book, but if I would give him a bit of paper, and lend him a pen and ink he would put it down and enter it in his book afterwards. I gave him paper and my mother borrowed pen and ink. He then said the good lady opposite named Martin had given him 3d. to have a book for her little girl. My mother said she should like also to have one for her little girl; and he said he should be very happy for one of a family to have one. My mother and I then gave him sixpence. When he first came to the house he said he was sent out from the school, and that he had seen the master, who was a very nice man.—*Benjamin Sambell*, police officer of Launceston. I apprehended prisoner and charged him with obtaining this money from a number of poor women, and I asked him by what authority he had obtained these threepences from them. He said he was authorized by the master of the National School, and offered to take me to him. I sent for Mr. Hayne, who came, and in the prisoner's presence said he had not given any such authority and also that he had refused to allow the prisoner to speak to the boys out of his presence. I then took the prisoner in custody. I searched him and found on him 6d. and a piece of paper; I asked him for his book in which he entered names, and he said he had none. I asked him from whom he had obtained money; he said he did not know; but afterwards I found a scrip of paper with two or three names. He said he had travelled for a company in London—that he had travelled for a party in Plymouth, but he

got tipsy with a friend and was dismissed from his situation, and that he had applied to a gentleman in Truro from whom he had no doubt he should get a situation, and he had no doubt that the gentleman would supply him with the books.—*Mrs. Broad* was recalled by the JUDGE, and, in answer to questions from his lordship, said her boy was called Nathaniel Broad and was 9 years old. The sixpence which she gave to the prisoner was her husband's money. She took threepence from her mother and gave prisoner sixpence.—The learned JUDGE directed the jury to put out of consideration the count regarding *Mrs. Broad*, for the evidence did not support that count. His lordship then summed up the evidence on the other count; and the jury returned a verdict of GUILTY.—*Six months' imprisonment.*—The learned JUDGE spoke of the duty of protecting poor people from such impositions, and also advised that it would be better for themselves to save their money to purchase of the regular tradesman, than to deal in the way indicated in the present case.

JAMES RICHARD TREEVE, 21, charged with stealing a pair of flannel drawers and 7½ sovereigns, the property of John Sullivan, boatman of the Coast Guard Station at Cawsand. Mr. Maynard conducted the prosecution.—The prosecutor was step-father of the prisoner, who had lived in his house. The last night the prisoner slept there was the 15th of Feb. On Monday morning the 17th of Feb., he missed from one box in the bed room in which prisoner had slept in a pair of drawers; and from another box 7½ sovereigns. This last box had been locked and the lock had been ripped off. The prosecutor stated that there was nothing in the house locked from the prisoner but the money; he had leave to wear prosecutor's clothes. Had never given him leave to take the money or the drawers. On the 17th February, Tozer, Devonport policeman, and prosecutor, searched for prisoner some hours, but could not find him; but afterwards the prosecutor himself apprehended prisoner at Stonehouse and put him to the Station-house. Tozer searched him and found on him a pair of drawers which prosecutor said was his. Prisoner said he had worn them for a fortnight, and had not stolen them. Tozer then told him he was accused of stealing 7½ sovereigns. He said he had never seen any money at all. On the following Thursday, he was taken before the Rev. Mr. Ley, at Cawsand. While there, he took up a bible and kissed it, saying "so help me God, I did not take 7l. 10s.; the money I took was 6 sovereigns, and two shillings."—*Isabella Watts*, lodging-house keeper at Quarry-street, Devonport, stated that on the evening of Sunday, the 16th of February, prisoner came to the house and asked her to fetch him a pint of spirits, giving her a sovereign to pay for it. The next morning he had breakfast, and asked her to get him a pint of wine for which he gave her 2 shillings. In the course of the same day, he gave her two sovereigns to keep for him, saying that he was going to join the Bellerophon.—The learned JUDGE directed the jury to disregard the portion of the case concerning the drawers.—Verdict, GUILTY.—The prosecutor, who, with much feeling, stated that he had reared the prisoner from a child, and that he had been a very honest fellow until lately he had got into bad company, earnestly interceded, through the counsel, on the prisoner's behalf.—The learned JUDGE dealt with the case very leniently. He questioned the prisoner, who said that he was determined to go to sea immediately if able to do so, and earn his living honestly, as he had done for three years before coming ashore this last time. He should not have got into his present scrape, if he could have got a ship.—His LORDSHIP then passed the very light sentence of *three days imprisonment.*

MARY ANN GEORGE, 26, charged with stealing a moleskin jacket, the property of Ann Oppy (*sic*), a shop-keeper of Redruth.—Mr. ROGERS conducted the prosecution.—The chief point of evidence against the prisoner was a statement by her to the police officer that she was innocent of any benefit from taking it—that she had taken it from Ann Opey's shop to give it to a woman called Prisk.—Verdict, GUILTY.—*One fortnight imprisonment.*

ELIZABETH ANGOVE, charged with stealing on or about the 19th December, a black satin cloak, the property of William Moore, dealer in ready made clothes at Redruth.—Mr. HUGHES conducted the prosecution.—The prosecutor stated:—I missed a smoky brown satin cloak on the 19th December from my shop. On the 11th of January, I went, with Tregoning the constable, to the prisoner's house at Camborne. Tregoning asked her if she had a stolen cloak in her possession. She said no. After a little while we asked her to tell if she had a cloak in her possession. She said, no, they might search

her house. I searched and found in a drawer of a dresser three pieces of satin, which had been a cloak. She said she did not take it, but that Christian Prisk unhung it from a nail in my shop and gave it to her.—The JUDGE here remarked that in the depositions taken before the magistrates, there was not a word of evidence by Moore about any sort of admission being made by the prisoner; and *Charles Tregoning*, policeman, who assisted in the search, and who was present at the conversation with the prisoner, stated that he did not hear her say that she had received the cloak from Christiana Prisk.—The JUDGE immediately directed an acquittal, and remarked on the importance of testing evidence given in Court, by that given when the case was brought before the magistrates. In this case the first witness stated that the prisoner made a certain admission of felonious receiving; whereas, it turned out by the evidence of the policeman, that nothing of the sort took place.—Verdict, NOT GUILTY.—The JUDGE ordered that the prosecutor's expenses should not be allowed.

CHRISTIANA PRISK, pleaded GUILTY of stealing, on or about the 19th December, at Redruth, a black satin cloak, the property of William Moore.—Sentence, *one fortnight imprisonment*.

PHILIP ROWE, 38, FRANCIS KELLOW BENNALLACK, 32, and JAMES VARCOE, 29, were charged with stealing 45 lbs. of lead, the property of Lord Vivian, at Coosbean paper-mills, in the parish of Kenwyn, on or about the 3rd of March.—Mr. STOCK conducted the prosecution.—*Mary Gill*, who lives at the Red Lion Tap, in Truro, stated that the three prisoners were there together between 8 and 9 in the evening of the 3rd March, and drank together; they stopped but a very short time.—Mrs. Gill gave all the prisoners good character.—*Isabella Wroath*, whose husband keeps a public house in Kenwyn-street, stated that the three prisoners were there together between 4 and 5 in the afternoon; they left all together, and returned together about 9 o'clock, and had one quart of beer.—Mrs. Wroath also gave all the prisoners a good character as honest and peaceable men.—*Henry Plummer*, about 5 o'clock in the afternoon of the 3rd of March was on the road leading from Truro to Coosbean and saw Varcoe and Bennallack going in the direction of the paper mills, and spoke to Bennallack.—*Robert Penhaligon* was working at the mills on the 3rd of March and saw Varcoe come into the yard between 3 and 4 o'clock in the afternoon. Two other men whom witness did not know, were outside the premises, about thirty yards from Varcoe.—*William Benny*, who occupies some fields adjoining Coosbean paper mills, was in the yard of the paper mills after 6 o'clock in the evening of the 3d of March. At the gate he saw and spoke to a man, but got no answer. He then went towards the gate and the man went away. In a few minutes afterwards, he saw Philip Rowe at the bottom part of the mill yard. Went forth and asked him what he was doing there; to which Rowe answered that he had come in there for a certain purpose. Witness then went towards the town, and when he had proceeded about 50 or 60 yards, he heard the noise of slates falling from the mill premises. Went back to the premises and saw Rowe and Francis Bennallack; they were not together. Spoke to both men—Said to Rowe, "I don't think, Philip, you have any business here at this time of night; be sure you don't carry away anything." Rowe said "that's all very good what you say." While this conversation was going on, heard some slates falling from the dwelling-house. Left the two men there and walked away slowly towards the town. Saw the three men again near Carvedras and allowed them to pass on. Next saw them in Edward-street, coming in a direction from the mills, and pointed them out to a man called William Tucker, giving him directions to watch them, and see what they had got.—*William Tucker*, stated that about quarter past 7 in the evening in question, in Edward-street, the last witness told him to go forward to the three men he pointed out, to see who they were and what they had. Witness overtook the men and found that two of them were Rowe and Bennallack. Did not know the other. Rowe and Bennallack had, each of them, a roll of lead under his arm.—*William Burridge*, who keeps a marine store shop in the High Cross, Truro, stated that about half past 10 in the morning of the 3rd of March, Rowe brought him a piece lead which witness purchased; it was 15 lbs. weight, and witness paid him 1s. 3d. for it. About 7 o'clock in the evening of the same day, Rowe brought him another roll of lead, 29½ lbs. weight, which witness purchased, and on the next morning delivered to Woolcock, the constable. This witness also gave Rowe a good character.—*William Woolcock*, constable of Truro, on the 4th March, received from William Burridge two pieces of lead now produced. Went with Ede and Battershill to the dwelling-house by the mill

and found the pieces of lead to match exactly with the rafters.—*William Battershill*, who has charge as deputy-agent, of Lord Vivian's property at Truro, went with the last witness and Ede on the 6th of March, to the mills, and found that a piece of lead was missing from behind the chimney of the house. The large piece of lead now produced matched exactly with the rafters at that place; the nails in the rafters corresponding, in position, with the nail holes in the lead. Had no doubt that the lead was taken from that place.—*Mark Ede*, mason, confirmed the evidence of last witness, and added that it was clear the lead had been removed but a very short time, when the examination was made.—Most of the witnesses were severally cross-examined by the prisoners and especially by Rowe, who showed considerable tact and ingenuity in his questions and in his subsequent defence.—The jury, in accordance with the tenor of the judge's summing up, found *Rowe and Benallack* GUILTY, and *Varcoe* NOT GUILTY.—Rowe appealed to the Court for mercy, on the ground that he had aged parents at home.—Sentence, *Six months imprisonment each*.

HENRY BURROWS, 21, who had been tried twice already at these Assizes, was now charged with stealing a sack and some barley, the property of Walter Hooper, farmer, Lanivet.—Mr. HUGHES conducted the prosecution; Mr. SLADE the defence.—Robert Hooper, a brother of the prosecutor, stated that on the 28th of January he measured 19 bushels of barley, which he put in 19 sacks. Two days afterwards he missed 16 gallons out of the whole quantity. Had not particularly observed the sacks.—*Philip Sibley*, constable, stated that having occasion to search prisoner's house with reference to another matter, he found in the chamber a bag containing barley.—*Walter Hooper*, the prosecutor, proved the bag to be his, by marks and the string.—The prisoner received a very good character from Mr. Whiting, innkeeper, butcher and farmer, and from Mr. Richard Bullock, who had been a farmer, and who said he was very sorry when the prisoner left his employ.—The JUDGE, in summing up, explained the law affecting the possession of lost property, as concerning the sack, but said that it was entirely out of all question to attempt to identify barley.—The jury found the prisoner GUILTY of stealing the sack.—*William Thomas*, who had been tried with Burrows on another indictment and found guilty, was now brought up for judgment, and he and Burrows were severally sentenced to *Six months' imprisonment*.

There was another indictment against Burrows for stealing on the 3rd of February, at Lanivet, a barn door fowl, the property of John Chapman; but on this indictment no evidence was offered.

This case concluded the business before Mr. Baron Martin.

(*Before the CHIEF BARON POLLOCK.*)

ATTEMPT TO INFLUENCE A JURY.—The Court was about to proceed this morning with the trial of William Bartle, who had been acquitted on the previous day of a charge of sending threatening letters, and was now about to be tried on another indictment. When the jury were assembled, however, before they were sworn, the LORD CHIEF BARON rose and asked whether any of them had received any improper communication in regard to the prisoner at the bar?—One of the jurymen replied that he had, from the sister of the prisoner, who said she hoped he would be merciful if he was on the jury. On inquiring further, the learned Judge found that another of the jury had also been spoken to by the prisoner's sister. He lordship then stated that a very improper communication had been made to him on the subject the night before last, but the writer of the letter was apparently unconscious of doing anything so egregiously wrong as addressing him on the subject of a trial, for she had waited on him at the Judge's lodgings in the morning, expecting to have an interview, which of course did not take place.—Mr. SLADE (who appeared for the prisoner) said he knew nothing of this; nor the gentleman who instructed him (Mr. Plomer); they deplored it and deprecated it.—The learned JUDGE said he felt confident that regard to that; and he then intimated the propriety of postponing the trial. If the trial proceeded, and the prisoner were acquitted on every one of the eight indictments, he should have him detained in custody and remanded to take his trial for conspiring to write the threatening letter with John Hodge. If the jury had to sit till that day week, he should take the course he had stated.—Mr. MOODY (for the prosecution) said he had no objection to move that the prisoner be remanded for trial, on account of improper tampering with the jury.—Mr. SLADE observed that it was a very wrong and indiscreet act; he had been himself besieged by

the same party on his way to his lodgings; she appeared to be overwhelmed with grief, and nearly out of her mind on the subject. He now thought it would promote the ends of justice to have the trial postponed.—The learned Judge retired to consult with Mr. Baron Martin. On his return he inquired if the Counsel on both sides acquiesced in the remand?—Mr. SLADE—Certainly my Lord, I pray it.—Mr. MOODY also acquiesced, observing that it would be difficult for the prisoner to have a fair trial now, after what had passed.—The JUDGE said there had evidently been a something which perhaps they ought to go a step further in, and seriously investigate. The woman, however, who had been the cause of all this ought not to come near the case on another occasion. He was told she was now in the Court.—Mr. SLADE—She is, my Lord. The JUDGE—It is a very grave offence—a very grave offence; but it is accompanied by circumstances which appear to me to show that she was quite unconscious of the wrong she was doing, and I may say the crime she was committing. I do not therefore feel called on to visit it as a criminal act, though it is criminal undoubtedly.—He then directed that the case should be remanded over until the next Assizes; and that both Hodge and Bartle should be detained in custody.—Mr. MOODY, in reference to something that had been said by the Grand Jury with regard to the number of indictments preferred in this case, said he took on himself the responsibility of that proceeding; all that was done by Counsel.

FRANCIS HAWKEY, 28, was indicted for a felonious assault with intent, on the person of Mary Bate of the parish of Lanteglos by Camelford. Mr. COLLIER for the prosecution; Mr. SLADE for the prisoner. The prosecutrix lives at Pencarrow, in the parish of Lanteglos by Camelford. She is the daughter of a butcher, and is also a dressmaker, and went to Camelford with her mother on Friday afternoon the 10th of January. She went there to fit on a dress; afterwards waited at Fry's hotel to go home with her mother, but her mother having forgotten to call for her there, she ultimately went home alone. On her way she had to pass through three fields, and whilst walking through them the assault was committed on her. A considerable amount of evidence was given in the case, after which Mr. SLADE addressed the jury for the prisoner. In summing up, the learned JUDGE said there could be no doubt that the prosecutrix had been assaulted; that she behaved in a courageous manner; that she did everything to resist the assault; that she conducted herself with great propriety and that her resistance to the assault was successful there could be no doubt, until a person named Rouse came up, and the party ran away. The simple question was, whether the prisoner was the man who committed that assault. He then remarked on the evidence; after which the jury almost immediately ACQUITTED the prisoner.

THOMAS DUNSTAN STEPHENS, 28, was found GUILTY of stealing four pounds weight of lead from over the porch of the Music Hall, Truro, the property of Jeremiah Reynolds, Henry Sewell Stokes, and others. In the course of the trial, the learned JUDGE told the policeman he ought to have brought the prisoner's shoes, which he stated corresponded with tracks near the premises, that they might be shown to the jury. The prisoner was sentenced to *6 months hard labour*.

SENDING A THREATENING LETTER.—JOSEPH MICHELL HILL, 42, was indicted for sending to Samuel Hill a certain letter, threatening to burn and destroy the houses, barns, ricks of straw and grain, and hay and straw, the property of Samuel Hill. Mr. MOODY and Mr. ROGERS for the prosecution; Mr. COLE for the prisoner. The prosecutor stated that he is brother to prisoner, and occupies a farm in Landewednack, near the Lizard. His father died in August last year, and on the 18th of September he received a letter by post; it was in an envelope with a black edge. The following was the letter:—

“September 14th, 50.

“It is the provence of the All mighty That is gest com to my knolege A Boute your treatment of yourself And whife to the old man you made him Do Jest as you like so I warne you shant Do Jest as you Please By me If William is so quare t you shant find it the case With me let you go were like you shore To Be found out you meae think that Goine to Be safe Be cose you goine To live the lizard the A specimen of it in Mullion for you to go by Prapes you mat read of Sampson Ridle And the Fox philistines if no Foxes to Bet Cot thre may somfing in steed If the Not somfing Done very shortley you not go on Punished I warne you I not Prise you of Any more I think you in Joyment Will Be very shurt in this world silficheness will not in Duer long I Jest Let you know wot I meane you Len a very great enemy to me Bot By god I not for get you If my life is spared vingena is mine and I

will Repaie so shore is a god in heving So no more

JOSEPH MICHELL.”

Prosecutor’s further evidence was that at the time he received the above letter his brother resided at Camborne. Prosecutor seemed to show reluctance in giving evidence against his brother; he said he believed the letter was in his brother’s handwriting, but he did not know his writing exactly. He was living at the Lizard when he had received it, but was about to remove to the parish of Anthony, where he had taken a farm and had some stock and a stock of hay. He had part of the property which was left by his father.—*Grace Williams*, with whom prisoner lodged at Camborne, said he was known there by the name of Michell. He told her his father had lately died, and left some property, and he ought to have his share of it. Witness saw envelopes in prisoner’s bed-room edged with black.—*Richard Chappel*, constable, apprehended prisoner at Camborne, on the 23rd of September; he said to Grace Williams, “it’s all about that letter I told you I sent my brother last week.”—*John Harris*, carpenter, had worked with prisoner at Camborne. Prisoner told him his father had died and left all the property to one brother, and he thought he was not served fairly; he said he had written a letter to his brother to try to frighten him to give up some of the property. He said he would serve him as Sampson served the Philistines. I asked him about that. He said Sampson tied two foxes’ tails together, put a firebrand between them, and send them into the standing corn.—*William Thomas*, of Mullion, not five miles from prosecutor’s house, had a fire on his premises in July, 1849, when a dwelling-house, outhouse, and some implements, were burnt.—*Cross-examined*—One person he had heard of in Mullion had some standing barley burnt.—*John Thomas*, of Mullion, had had premises burnt at Priske, fuel ricks, stable, bullocks’ linhay, &c. There was standing-corn also burnt in August; this was published in the county papers.—Mr. COLE, for the defence, now pressed an objection which he had taken at the opening of the case. The act under which the indictment was framed applied only to threats to burn houses and stacks. The reference in the letter sent was to the way in which Sampson served the Philistines. By prisoner’s conversation with the witness Harris, it appeared his allusion was to Sampson’s sending the foxes with fire brands into the standing corn. The allusion in the letter to Mullion was likely also to have the same meaning, for there it appeared standing corn had been burnt. Now there was no statute which applied to a threat of that kind. The learned JUDGE concurred with Mr. Cole, and directed the jury to acquit the prisoner, observing that there was no law which made it an offence to threaten to burn a man’s standing corn. The jury did not seem readily to understand this, and turned round to consider their verdict. But the learned Judge told them they were not there to make laws for the country; certain descriptions of property were protected by the statute, but not standing corn. The jury then gave a verdict, NOT GUILTY.

SENTENCES OF PRISONERS.

Several prisoners whose sentences had been deferred, (and whose cases are elsewhere reported) were then placed in the dock, and the Lord Chief Baron proceeded to pass Sentence on them.—We have appended the sentences to the several trials.

JAMES HENRY HARRIS, who pleaded guilty on Thursday (as reported in our last number) was sentenced to *nine months hard labour*.

This concluded the business of the Assize.

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Royal Cornwall Gazette 11 April 1851

3. Easter Sessions

These Sessions were opened at Bodmin on Tuesday, the 8th inst., before the following magistrates:—

J.K. LETHBRIDGE, Esq., Chairman.

Hon. G.M. Fortescue.	R.G. Bennet, Esq.
Sir Colman Rashleigh, Bart.	W. Braddon, Esq.
Sir J.S. Graves Sawle, Bart.	S. Borlase, Esq.
J.H. Tremayne, Esq.	H. Thomson, Esq.
W. Williams, Esq.	W. Morshead, Esq.
N. Kendall, Esq.	H.P. Rawlings, Esq.
W. Hext, Esq.	D.P. Hoblyn, Esq.
J. Gwatkin, Esq.	W.P. Kempe, Esq.
C.B. Graves Sawle, Esq.	E. Stephens, Esq.
J. Tremayne, Esq.	E. Coode, jun., Esq.
C. Prideaux Brune, Esq.	Rev. R.G. Grylls.
E. Archer, Esq.	Rev. Vyell Vyvyan.
T. Graham, Esq.	Rev. A. Tatham.
F. Howell, Esq.	Rev. R. Buller.
J.T.H. Peter, Esq.	Rev. J. Bird.

The Rev. William Hart Smith took the oaths on his presentation to the vicarage of St. Minver.

The following gentlemen were sworn on the Grand Jury:—Mr. Robert Trethewy, Ladock, foreman; Mr. James Andrew, St. Mabyn; Mr. Stephen Bate, Helland; Mr. James Brabyn, Bodmin; Mr. John Currah, Budock; Mr. Henry Coombe, Bodmin; Mr. Robert Doble, Pilleigh; Mr. James Elson, Bodmin; Mr. Jonathan George, Endellion; Mr. William Gray, ditto; Mr. Warwick Guy, ditto; Mr. Abraham Hambly, St. Mabyn; Mr. Edmund Harry, ditto; Mr. Robert Hearle, Stithians; Mr. Robert Hearle, Probus, Mr. James Holman, Stithians; Mr. Henry John Hooper, Helland; Mr. Joseph Michell, Gwennap; Mr. William Pascoe, St. Michael Penkivel; Mr. William Pascoe, Bodmin; Mr. Thomas Pearce, Helland; Mr. George Pye, ditto; Mr. John Roberts, Ruan Lanyhorne.

The following gentlemen answered to their names:—Mr. James Rowe, St. Minver Highlands; Mr. Henry Symons, ditto; Mr. R.W. White, Merther; Mr. Williams, Ruan Lanyhorne; Mr. W. Worden, Egloshayle.

After the Queen's proclamation for the encouragement of virtue had been read, the CHAIRMAN delivered his

CHARGE TO THE GRAND JURY [*not transcribed*]

—The Grand Jury then retired to their room.

VISITING JUSTICES' REPORT.—The Visiting Justices reported that the gaol establishment was in its usual good order. The present efficient warders had greatly contributed, under the superintendence of the Governor, towards the discipline of the gaol. The prisoners continued healthy and the Infirmary was unoccupied.

THE COUNTY LUNATIC ASYLUM.—The CHAIRMAN read the following annual reports:—

Visiting Committee's Report.—The Visiting Committee of the County Lunatic Asylum, in making their annual report to the Magistrates in Quarter Sessions assembled, beg to express their satisfaction with the present state of the establishment. The new buildings have received a fair trial, and are found to be most commodious and healthful, and by the additional room they afford, the establishment is fully equal to the wants of the county. During the year, several cases of cure have been submitted to the Committee, and if the number has not been so large, in proportion to the admissions, as could have been wished, it must be attributed to the very great number of hopeless and confirmed cases which have been sent to the Asylum within these last two years. That many of these cases were kept back for want of room in the County Asylum, there is little doubt; but it is too

probable that motives of false economy have led to the detention of many patients at home, and those cases, with every prospect of cure in an early stage of the disease, have, by the cruel delay, become entirely beyond the reach of medicine and discipline.—To remedy this evil, which arises from a fear of cost, the Committee have been doubly anxious to economise in every particular and have reduced the charges whenever the prices of food would admit of it. Already during the past year, have they taken off sixpence per week, and they have great pleasure in announcing that a further reduction of sixpence is to take place from Christmas last, and this too without the slightest interference with the dietary, which is ample and excellent. The charges are the lowest in the kingdom, which can be attributed only to the admirable arrangements and economy of the domestic superintendent.—The airing-grounds and gardens are progressing with all proper speed, the improvements affording employment to the patients, who do the principal part of the work. The money which it would cost to effect these works by contract has been applied to other purposes, and a saving of 400*l.*, as will be seen by the accounts now presented, has been effected for the county, within the past year.—There is one subject of an unpleasant nature, to which the committee must allude, viz.,—the entry of a report by the Visiting Commissioners which, in the absence of the Domestic Superintendent, seems to reflect on that excellent officer and on the committee.—The committee hope that, that at the last Quarter Sessions, they gave such an answer as satisfied the Court that the Commissioners were almost wholly in error. They have only now to add that, from the fullest investigations, the committee are in a position to reduce the matter to a certainty, that the Commissioners were imposed on, on the one hand, and hasty in their conclusions on the other.

N. KENDALL, Chairman.

In reply to a question from the Chairman, Mr. KENDALL stated that the charge for pauper lunatics had been reduced to 6*s.* per week.

Medical Superintendent's Report.—The Medical Superintendent has the honor to report to the visitors, that 78 patients have been admitted during the past year, ?--- a larger number of admissions than during any previous year. There remained in the establishment on the 31st December, 1849:—

	Males.	Females.	Total
	92	106	198
Admitted since	37	41	78
Total number under care in the year 1850			276
There were discharged:—			
Recovered	10	12	
Relieved	2	2	
Died	5	15	
Total discharged and dead			46
Remaining under care 31st Dec., 1850			230

Of whom 17 males and 9 females were private patients.

As has been usual, the cases of the majority admitted were of an incurable character, eight having been epileptic, seven paralysed, five idiotic from birth, nineteen previously insane for a year and upwards, and a few others, although not so long insane, betrayed symptoms of a generally hopeless character.—The establishment has been generally remarkably healthy, and the mortality was less, by ten, than last year. Four patients died of epilepsy and disease complicated with it, seven of constitutional decay or atrophy, six of disease of the brain associated with paralysis, one of consumption, one of dysentery, and one of dropsy.—The cheerfulness and healthfulness of the old building have been sensibly promoted by the plan of converting the double galleries with their small sleeping rooms into open dormitories, and the last alteration of this character is now in process of completion.

DANIEL FLETCHER TYERMAN.

Medical Superintendent, April 8, 1851.

Mr. KENDALL said he should be very glad, on the part of the Visiting Committee, if he could save the time of the magistrates by taking no further notice of the report sent in last sessions on the part of the Lunacy Commissioners; but, as the Court would have to pass an opinion on the matter in issue between the commissioners and the committee, and as many magistrates were then present who were absent on the last occasion (because that Report was not presented until the second day of the Epiphany sessions) he did not see how he could avoid going into the matter again. If, however, the magistrates present had all read the report of the proceedings at the last sessions, he might be spared going into the whole matter, and would take it up where he left it on that occasion. He would either do so, or, as briefly as he could, would go again into the whole matter.

Mr. TREMAYNE doubted if there was any necessity to take any notice of the report sent down to the last sessions.

The CHAIRMAN read the letter which, after the Epiphany Sessions, he wrote by the request of the Magistrates, to the Commissioners in Lunacy. In it he informed the Commissioners that their letter, having been carried by mistake to Truro, reached him only on the second day of sessions, when very few magistrates, besides the Visiting Committee, were present, but that the contents of that letter were read, and were replied to at length by Mr. Kendall, the chairman of that committee; and that it was then determined, as there were but few magistrates present, to adjourn any further notice of it till the next Sessions, when, if required, the matter would again be considered. Those proceedings, said the CHAIRMAN,—the Commissioners' Report and Mr. Kendall's reply—were read by him in open Court at the last Sessions, together with the answer first given by Mr. Kendall to the commissioners, and Mr. Kendall's explanations on the report; and the whole was embodied in the two county newspapers. He (the Chairman) was desired to send one each of those newspapers to the commissioners. This he had done, and had received no reply.

Mr. TREMAYNE did not know in what shape any communication in the way of answer could come from them (the magistrates.) He thought the only way would be by an expression of confidence in their own Asylum Committee.

The CHAIRMAN.—We have re-appointed the same committee.

Mr. KENDALL.—We (the committee) do not wish to press this matter on the Quarter Sessions; but we cannot withhold the fact that we can bring any amount of evidence to prove that the commissioners are wrong and we right. The commissioners took on themselves a very unusual step. There is a report made. We write them at once, finding the report incorrect, and we say we are satisfied there is something wrong somewhere; we ask them to come down and assist in an investigation; we say there was information withheld or wrongly given; we did not blame the commissioners, but we supposed them to have been imposed upon. And what is their return? They make their remarks and send them to you (the Chairman) at Quarter Sessions; and from that we naturally infer that they sent them with a view to blame us.

Sir COLMAN RASHLEIGH (a member of the Asylum Committee). I think that letter to the Quarter Sessions was meant to convey censure on us.

Mr. KENDALL.—We did feel that up to that time we had always received our share of praise. The Bodmin Asylum ranked high in the estimation of the commissioners; and the only fault was that we were dilatory in our buildings, which was to be accounted for by our want of money. Then for 10 months they are absent; and during that 10 months, we are prepared to show that we did more than we had done for years previously. They then come down and report, and throw great discredit on the institution; and not only so, but that report was printed and sent to every Asylum in England. All we want is that, if you have confidence in us, you should request that, either that report be withdrawn, or that our answer be printed with it. If you wish, I will go into any amount of proof of the errors into which the Commissioners have been led. We acknowledged that it was from information wrongly given or wrongly withheld that they were led into error; but we wished to satisfy them that there was something wrong somewhere; we did not know where, and we could not find it out. They said there is no tool-house. There is not a better in England. They said there is straw in the ticks. We never had any such thing; I am satisfied that we never had any straw in our

ticks. They said there was straw and ticks in one of our court yards. But that place referred to was never made a Court yard, and we thought they knew that. Perhaps, however, I had better merely show how the error arose; for we have, in fact, *un embarras des richesses*—we have too much case. I trust, that, at the last sessions I proved to the satisfaction of the Court that the Commissioners had been in error; but we could not tell how it arose. They made a charge that we had no tool-house. We state the fact that there is an excellent tool-house. Then immediately after the meeting here, and the case had been gone into, within a few days the servants, when they found that more was suspected than they had hoped, began to talk, and we found that the Steward, who had been the guide of the Commissioners, in Mr. Hicks's absence, had taken a most extraordinary part;—that, after their Report had been made, he went back throwing about his arms in the air and saying "This is a most glorious report: we shall have fine alterations here." Now I don't wish to impute bad motives to this poor man; he is a clever man, but dreamy and visionary. I asked him, what is the meaning of all this throwing your arms about, and this glorious report? Did you tell them there was no tool-house?—Yes, said he.—Do you know there is a tool-house?—Yes.—Then why did you tell them there was no tool-house? Why, Sir, my idea of a tool-house was this—that you should have a large commodious building with partitions for rakes and spades and so on, and that we ought, with such a committee and such officers as we have, to have the first institution in the world, and in my anxiety to have it, I did put a sort of colour on it to the Commissioners; toiling and toiling, and not getting on, because of stinting economy, my idea was that all we wanted was length and breadth and money to go on to an unlimited extent, and then we should have a glorious place. I said to him, my good man, this is a very foolish sort of thing; you have done very wrong. He said, —I dare say I was wrong, but my intention was that you should have the first asylum in the world. And this is the man who was the guide to the Commissioners. He has been very ill since, and has been obliged to be sent away for change of air. Notwithstanding all he said, I don't believe he had any intention of injuring Mr. Hicks or of getting a situation for himself, his only idea was that he should make a very grand thing if he could only get us money, and he wanted to induce the Commissioners to force the County to give us a large sum that we might have one of the finest institutions in the world.—Then, the Commissioners said the tools were lying scattered about while the patients were in the yard. We replied, no; the patients were at dinner. The Commissioners in their rejoinder, say, No—they were not at dinner; the court was full of patients. Now, here are the facts of the case. It is true that the patients were all in the court yard, and that the tools were there. But there was at that time, a man employed four or five times a week as gardener. While the men were in at dinner, this man took charge of the tools and was in the yard. It is the usual practice that the men should dine, and afterwards the servants. But the Commissioners, in order to have a review of the whole of the men, ordered them out in the court yard immediately, before the servants had dined. It is true, therefore, as far as words go, that the court yard was full of patients while the tools were there; but it is not fair to say that that was owing to any fault in the Asylum; and I put it to the Bench whether it is not disingenuous and unfair on the part of the Commissioners to make that rejoinder to us. If they made a mistake, they ought to confess it. The keeper was there and they mistook him for a lunatic.—Then, we have almost got another case for them. It is this. It is very possible to bring forward evidence to show that a man was mistaken for a lunatic; because the man may himself come forward and say so. But it is not so easy to prove that a lunatic was taken for a keeper, although there is no doubt that that was the case.—But there is another point which affects us very much. The Commissioners say of the larder and scullery, that if our plans had been submitted to them, they would not have been sanctioned by them. Our answer is that the plans we had were sanctioned by the Commissioners, and that the very door of which they complain was not in our original plan, but was made according to their suggestion.—There is not a point of any moment in which we have not shown the Commissioners to be in error. I regret that they did not take our suggestion, and come down to assist us in our inquiry, and then they would have found that they were in error. (Mr. Kendall here explained to the Chairman, that the door referred to in the larder was a substitute for one through which it was supposed the larder was affected by effluvia from the wash-kitchen). He went on to

say:—With regard to our asylum, I am sure I am right in saying that there is no asylum in England where the proportion of keepers is so large in proportion to the patients:—there is no asylum where the salaries are higher in proportion to the patients;—I know of no asylum, and the commissioners have acknowledged this, where the beds and bedding are in such good order: no patients in England are better clothed; every man has two suits of clothes—and some have three. I believe we can challenge all England as regards the way in which our house is kept. Yet, notwithstanding all this, we are the lowest throughout England as to price; 100 per cent. lower than in many places, and 60, 40, or 30 per cent. lower than others.—We reduce the Commissioners to this dilemma. Either there is something exceedingly vicious in our arrangements by which we have been able to do so much cheaper than our neighbours; or we have a marvellously economical committee and superintendent. Then, we get a report sent down reflecting on that committee and superintendent. We ask them to come down and assist us. They take it in high dudgeon, and send down their remarks to our Chairman of Quarter Sessions, of course calling on you to express an opinion as to our conduct. Now, having been appointed by you, we cannot object to such tribunal. It is to you we report annually. But we do object to being reported upon as we have been by the Commissioners.—Mr. Kendall concluded by saying he could adduce evidence on every point he had urged, and he must now leave it entirely in the hands of the magistrates to take what course they might think fit.

The CHAIRMAN asked if it would be satisfactory to the Committee if the Bench were to declare its unbounded confidence in them, and request that whatever might be printed in the Annual Report of the Commissioners, the Committee's answer should be printed together with the Charges.

Sir COLMAN RASHLEIGH (a member of the Committee) said that would be quite satisfactory.

Mr. KENDALL said there was another matter he had forgot to mention. It was a very unusual thing; but, the moment the Commissioners came, Mr. Tyerman gave orders that every thing must remain exactly as it stood. And, very properly so. Among other things, in one of the walks was a mattress no longer fit for use, the nurse, instead of taking it down the staircase, having used a proper discretion and thrown it out into the yard, to be removed during the day. That fact is recorded in the Commissioners' Report; it is replied to and explained. To give an idea of our economy, our bills at the asylum in the old time were excessively heavy. They have been reduced under our present superintendent. At last, we have a clever man—a smith—who daily superintends the pipes; and thus, by an expense of about £7, we save £40 or £50 a year. That man would have soon seen if there had been a leakage. Yet a leakage was reported, and that report has been printed at the expense of the county, and so that leakage has been sent to all the asylums in England.

The CHAIRMAN—The gravelled walks were complained of; but they were not gravel walks in use, but in course of being made, and were dug to a considerable depth for draining; and in that state the Commissioners saw them.

Sir COLMAN RASHLEIGH:—You will see that the Commissioners have, without due investigation, made very serious charges.

The CHAIRMAN, reading from the newspaper report of the proceedings at Epiphany Sessions, gave Mr. Fortescue a *resumé* of what had taken place; and then said that all that was desired now was that with the original charges, the replies, rejoinders, and sur-rejoinders should all be published.

Mr. TREMAYNE:—I am perhaps a very unfit person to take part in this matter, because I was not present when the proceedings were read at the last sessions. At the same time, all our proceedings here are so very accurately reported, that those out of court have nearly as good an opportunity of forming an opinion as those who are here. But I own that I rather object to trusting to any printed report. I should be afraid to trust the Commissioners in Lunacy to print any part of what passed here and let it go forth to the country in that way. We have no official document from which Mr. Kendall's speech could be printed with authority for them; and they may probably seize that loophole to avoid printing it. I should think the Committee might very well be satisfied with a general expression of confidence, such as I am sure we all feel. I never have hesitated to say how much indebted the county is to those gentlemen who undertake that very disagreeable task, which I must say I always shrunk from at a time when I took a more active part in the County business than I do now. I will

propose, then, merely an expression of confidence:—That this Court, having heard the Report of the Visiting Justices of the Lunatic Asylum that refers to certain charges made in a communication from the Commissioners in Lunacy, take this opportunity of expressing unabated confidence in the Committee of Visiting Justices and in their anxiety on all occasions to maintain the character this asylum has always borne, compared with similar institutions throughout the kingdom.”

The Hon. G.M. FORTESCUE begged to second the resolution, in the confidence that it would be a full satisfaction to the Committee, so far as the Justices were able to give it. He entirely concurred with Mr. Tremayne that the county was under deep obligations to those gentlemen for undertaking so painful a task. He had always heard of, and had observed when he had visited the asylum, the excellent order in which it had been kept; and he believed that for that it was mainly indebted to the exertions of the committee. Therefore, it was no more than was due to them to pass this resolution.

Mr. KENDALL:—I may say, on the part of the committee, that the opinion of the Court here is what we look to. If we had not your confidence, we could not go on cheerfully in our unpleasant office; but, having that confidence, we shall go on as hitherto. I believe we have done our duty, and that our office has been discharged faithfully. I would gladly have had our rejoinder annexed to that Report of the Commissioners, but I see the difficulty that Mr. Tremayne speaks of. Perhaps the best plan will be for us to take the matter into our own hands, and ask the Commissioners to come down and see if we are right or wrong, and if they are wrong that they should alter their report, or append our remarks.

Mr. FORTESCUE suggested that the resolution should be forwarded to the Commissioners; and Sir COLMAN RASHLEIGH suggested that there should also be forwarded to the Commissioners a copy of each of the County papers containing Mr. Kendall’s statement made that day; he did not know how else they could know what had taken place.

Mr. E. STEPHENS, (a member of the Asylum Committee) said:—If the Magistrates at Quarter Sessions, having heard what the Commissioners and the Committee have to say, are perfectly satisfied with our conduct, I do not see that they can dictate to the Commissioners in any way. I am perfectly satisfied with the resolution now moved. If there is any thing to be done with the Commissioners, we must do it ourselves. But we ought to show towards them the greatest sense of obligation for any suggestion they make, and endeavour to co-operate in any way we can with them, as the only object they can have is the proper regulation of the Asylum.

Mr. TREMAYNE thought, if Sir Coleman Rashleigh’s wish were to be carried out, they must appoint a committee or take some other steps to reduce Mr. Kendall’s answer into detail. It would not do to trust to a report in the newspapers; he thought the Commissioners would not receive it, though he was bound to say that the reports here were given with wonderful accuracy.

Mr. KENDALL agreed that, perhaps, as matter of etiquette, the Commissioners would not receive a newspaper report.—In reference to Mr. Stephens, Mr. Kendall said:—I am sure Mr. Stephens does not wish to hint that we are lacking in courtesy to the Commissioners. I think he will agree that the Commissioners are in error, and have sent forth to the country at large a statement that in some respects is not correct.

Mr. STEPHENS. I think it is our duty, if the Commissioners have been misinformed, through a report of our servants—one a lunatic, and the other whom we apprehend to be unwell—as the Commissioners are appointed to look over the asylums throughout the Kingdom, we, as a committee should be anxious to hold forth the hand of co-operation towards them.

The CHAIRMAN then put the resolution moved by Mr. Tremayne, and seconded by the Hon. G.M. Fortescue; and it was carried unanimously.

GOVERNOR’S REPORT.—The governor of the gaol reported that since his last report the number of prisoners in custody had been somewhat reduced, and was now below the usual average. With the exception of one male prisoner who was in the hospital a fortnight, it had been unoccupied for several months. The prisoners had been generally very orderly and punishments had accordingly been few.—The usual certificate was attached to the report, that the rules and regulations for the government of the prison had been as far as practicable complied with. The buildings of the prison,

with the exception of some roofs, were generally in good order.—The following was the comparative statement of prisoners for trial at the Easter Sessions in 1850 and 1851:—

1850.—10 felons in custody.

3 misdemeanants in custody.

6 do. on bail.

1 for breach of the peace.

—20

1851.

4 felons in custody.

In reply to Mr. Tremayne, the GOVERNOR said, the average number of prisoners in the gaol was 130; the number at present in the gaol was 114.

[GAOL EXPENSES – not transcribed]

[CORONERS' BILLS. – not transcribed]

BRIDGES.—Mr. MOORMAN, surveyor for the Western Division, reported that, for his division, no particular report was necessary.

Tregony Bridge.—Mr. GWATKIN stated that some years ago, a sum of 10*l.* was granted on the representation of a magistrate of the Division of Powder West, for the purpose of raising the road near Tregony bridge so as to prevent its being overflowed. That remedy had been effectual, and the public had not experienced any inconvenience since. He now wished to draw attention to the state of Tregony bridge itself. Mr. Gwatkin described the position of the bridge, and stated that it consisted of a large arch across the river and a small arch, with a causeway, 100 feet long, which crossed two low meadows, and which has a substantial parapet, and culverts to let the water pass from the upper meadows to the lower. An accumulation of sand had been taking place at this bridge for the last twenty years, and it was now rapidly increasing in consequence of obstructions to the flow of the river. The late Mr. Jewell had stated that he remembered the time when he could ride under the bridge; and many Tregony people had told him (Mr. Gwatkin) that they had driven under, standing upright in a cart, and that when it was necessary to repair the arch, a ladder of some considerable length was used. But now the height from the sand to the top of the arch was not more than 4 feet; and it was reported that there was more than five feet of sand above the natural bed of the river. Unless some speedy remedy was applied, he believed the river would force itself over the bank into the adjoining meadows, and not having an outlet, it would in all probability destroy the causeway.—There was also another bridge in the neighbourhood belonging to the county, built for the purpose of discharging a considerable stream of water coming down a neighboring (*sic*) valley; but in consequence of an embankment of sand raised up against the mouth of the arch, there was not sufficient space left for the back-water, which, during the summer months, became stagnant and offensive. He thought it was quite necessary that the county should do something to prevent the evil consequences that must inevitably follow, unless the sand were removed. As connected with the subject, he would mention that a part of the road between the toll-gate and the bottom of Tregony Hill, towards Ruan, was frequently under water when the floods were high; and, on such occasions the road was particularly dangerous in consequence of there being a deep ditch on each side of the road. That road was turnpike, under the Creed and St. Just Trust. The Commissioners of that Trust had had that road surveyed with a view to raising it above the water; but the surveyor, Mr. Trethewy, and Mr. Hickes, of Truro, said it would be a better plan to deepen and straighten the river at Porter's Gate. The expense of raising the road would be 108*l.*; while the expense of cutting and deepening the river would be 178*l.* Below Porter's Gate, there was a considerable fall of water, which would be favourable to the proposed alteration; because, when the accumulation of sand was removed, there would be a proper fall at the bridge. His present object was to get permission of the Bench to remove the sand and to cut straight the part of the river referred to, to meet the proposed new cut to be made by the Commissioners of the Turnpike Trust. There would then be a straight direct line for the whole run of the river down to the place where it discharges at Ruan.—In support of his application, Mr. Gwatkin read particulars of a plan and estimate, by Mr. Whitley, surveyor; and

said, it must be obvious to the Bench that if they entertained this application, there should be full time given to make the improvement during the summer months; otherwise, the work, when half done, might be interrupted and considerable injury done.

Mr. MOORMAN having stated in reply to Mr. SAWLE, that part of the Bridge—to the middle arch, belonged to Tregony, Mr. GWATKIN said none of that middle arch was now to be found. He also explained that the great danger at present was lest the accumulation of water in the meadow should be so great as to destroy the causeway, and then communication would be cut off altogether. The causeway had been overflowed this year.

The CHAIRMAN asked whether Tregony would unite in meeting the expense of the improvement?—Mr. GWATKIN replied that he was sure Tregony had not the means.

Mr. TREMAYNE, after stating that the arch belonging to Tregony had long been extinct—under sand—observed that Tregony Bridge was the only access to Truro, except by crossing the “Set” at Ruan, or going round by Grampound, a distance of ten miles.

Mr. GWATKIN believed, if the bridge had not been very substantially built, it would have been carried away before this.—With regard to the improvement alluded to which the Commissioners of the Trust were disposed to make, he was authorized to say that Mr. Gregor had offered 100*l.* towards the expense (178*l.*) of cutting the river below, towards Ruan; and he believed the Commissioners would be able to raise the remaining £78. But unless the improvement he suggested were made by the county simultaneously, it would be useless to undertake the other.—In reply to the Chairman, Mr. Gwatkin said the bridge was a very good one, but he had passed over it, in the late floods, when the water was up to the key of the arch; there was not enough passage for the water that came down. The small arch was quite useless, in consequence of the high sand bank at the mouth of the arch. During the last winter, he had seen the water passing through the culvert with great velocity and force; the water overflowing the meadow had passed under those arches in a way they were never intended to serve.

Mr. MOORMAN, in reply to Sir C. Rashleigh, gave his opinion that the accumulation of sand was sufficient to endanger the bridge, but not immediately.

After some conversation on points of detail, Mr. TREMAYNE said that this bridge was the only means of communication in that part of the country; therefore, he apprehended it might be the interest of the County to keep up the bridge, because if it were destroyed, the County might be involved in the cost of building another bridge. He understood that Mr. Trethewy, acting for Mr. Hawkins, had prevented the accumulation of sand in the upper part of the river. All the sand that came down to Tregony had accumulated at parts where no such precaution had been taken. He believed that the cutting of the river straight and narrow would have more effect than any thing else. Mr. Tremayne here referred to the good effect of straightening and narrowing the St. Austell river at Pentewan, in preventing the accumulation of sand; as contrasted with the state of the same river at Nansladron, where no such improvement had been made.

Mr. PEASE, surveyor, who had in 1847, examined and made sections of the St. Austell and Tregony rivers, confirmed Mr. Tremayne’s observations on the advantage of narrowing and straightening the river.

The proceedings ultimately resulted in a notice by Mr. GWATKIN—that, at the next Sessions he would apply for the sum of £60 for the purpose of removing the sand and gravel accumulated within certain limits above and below Tregony Bridge, and otherwise improving the channel of the river within those limits; and, in the interim, Mr. Pease and Mr. Moorman to examine the bridge and the accumulations of sand, and report at the next Sessions as to the best means of preventing it, and how far the County is liable. Mr. Gwatkin added, that he gave that notice, on Mr. Whitley’s estimate; but, as Mr. Pease and Mr. Moorman would now examine, he presumed they would furnish an estimate themselves.

Eastern Division.—Mr. PEASE reported some repairs at Lerrin Bridge, Sowden’s Bridge, and Kenworthy Bridge. He also reported the necessity of some repairs at Tamerton Bridge, and it was resolved to authorise the repairs recommended.

Looe Bridge.—Mr. PEASE reported that, pursuant to an order made at the last Sessions, the roadway over the wooden part of this bridge had been broken up in order to examine the girders; and he had found them in a worse condition than he had anticipated; some of them were so decayed that they had only a bearing of a few inches on the wall work. All the girders and planks at the eastern opening must be replaced by new. The wood at the western opening was in a better state, but there also some new girders and planks would be wanted. Two magistrates attended at the inspection and were satisfied of the insecure state of the girders. He advertised for oak timber for the repairs, but finding that the cost of timber alone would amount to about twice as much as the magistrates of the district were authorized to expend (20*l.*), he was obliged to let the matter stand over till these Sessions.

Specimens of the decayed timbers being exhibited to the Bench, the Rev. R. BULLER said any person, by looking at them might see how really dangerous Looe Bridge was to the lives of her Majesty's subjects. There was no possibility of getting money for a new bridge from the town of Looe. There was an Act of Parliament passed, called the Looe Bridge and Harbour Bill, but nothing had been done under it, and all the money raised in the Town had been expended in repairs and on the Act of Parliament. He would ask the Surveyor whether it was not actually dangerous to the lives of Her Majesty's subjects to pass over the bridge.

Mr. PEASE.—There is no doubt of that. I really think I was hardly doing my duty in recommending that the matter should stand over till these Sessions.

The Rev. R. BULLER:—I do think some remonstrance should be made through our Chairman, to the Admiralty, that if they will not allow us to build a bridge where we wish, the Government ought to give us some money to enable us to build somewhere. I have a Surveyor's report here. In reply to the CHAIRMAN, Mr. BULLER said the sum now required for repairs was about £80. He was aware that he could not have the money at once; but, perhaps, before the next Sessions there would be some unwilling martyrs.

Sir COLMAN RASHLEIGH thought that the rule requiring notice of application for money ought to be waived in this instance; the case was one of absolute necessity and the bridge might be down before next Sessions.

The Rev. R. BULLER, after stating that he thought the outlay for repairs was but a waste of money, said he thought it right to give notice that at the next Sessions he should move for the sum of 2500*l.*, (which had been already granted) for the building of a bridge at Looe. He would also move that Mr. Pease be directed to draw up a report to be forwarded to the Lords of the Admiralty for the purpose of obtaining their permission to build a bridge on the site for which the sum of 2500*l.* was granted by the county. It was no use for him to ask the county for so large a sum as would be necessary to build a bridge where the Admiralty required. The Admiralty refused to allow a bridge to be built where the county had proposed it should be built; they sent down their surveyor who suggested that it should be built at another place, where it would cost 4500*l.* The county had granted 2500*l.* to carry out a particular plan; and he apprehended that if the Admiralty should now withdraw their veto on that plan, he was in a position to ask for the fulfilment of that grant. He thought the Admiralty would withdraw their objection when they saw what was the state of the bridge.

It was ascertained by the Clerk of the Peace on reference to his minutes, that at the Midsummer Sessions, 1846, the court adopted Mr. Olver's plans and authorized the borrowing 2500*l.* according to Act of Parliament, for building a new bridge. Proceedings were afterwards stopped, in consequence of the Admiralty's prohibition.

The CHAIRMAN then read the terms of Mr. Buller's motion as follows:—that the surveyor of bridges for the eastern division be requested to draw up a report on the state of Looe Bridge, and that the chairman be requested to forward it to the Admiralty, and request the Admiralty to allow a bridge to be built on the site selected by the County.

Mr. HOWELL seconded the motion.

Sir COLMAN RASHLEIGH thought, if Mr. Pease drew up a report, it should be submitted to the Sessions before being sent to the Admiralty. If the report *now* presented by Mr. Pease were

proposed to be sent up, he (Sir Colman Rashleigh) objected to it that it applied only to a portion of the bridge. Sir Colman further objected to the whole motion, on the ground that it was irregular to introduce a subject of such importance when a great many magistrates had left. He thought too that by asking leave to build Looe Bridge, they would be committing themselves to the Admiralty in some measure.

The CHAIRMAN.—The latter part of the resolution certainly goes to that.

The Rev. R. BULLER said he would take the Surveyor's Report just presented and show the Admiralty the state of the bridge.

Sir C. RASHLEIGH.—Then the Admiralty may say, the wood work is bad, and you must repair it.

The Rev. R. BULLER ultimately modified his motion to the following:—That Mr. Pease be directed to draw up a report on the state of Looe Bridge, with a view to submit it to the next Quarter Sessions, before it be sent to the Lords of the Admiralty.

The motion was then agreed to *nem. con.*

CRIMINAL BUSINESS.

—The calendar contained but three cases. The first bill, which charged *Richard Quiller* with defrauding his master, Thomas Harwood, at Penryn, of 6s. 3½d., was ignored by the Grand Jury.

THOMAS HARPER, 29, and PHILIP CARLYON, 32, were charged with stealing on the 4th of April, two hen turkeys and a fowl, the property of Robert Dunn, of the hotel, St. Austell, from his farm at Trelower, in the parish of St. Mewan. Mr. Shilson conducted the prosecution; Mr. Childs the defence.—The case was one of mainly circumstantial evidence, involving a rather lengthy examination and cross-examination as to footmarks, &c.—The jury retired for consultation, and then returned a verdict of *Guilty* against both prisoners.—Sentence, *Four months hard labour each.*

RICHARD ALLEN, 44, charged with stealing on the 22nd of March, at Bodmin, a quantity of beef, pork, and suet, the goods and chattels of Warwick Guy, butcher. Mr. J.B. COLLINS conducted the prosecution. The robbery was effected from a cart, in an enclosed yard at Frampton's Town Arms Inn, between 7 and 8 o'clock in the evening. The prisoner was detected by the prosecutor in the act of robbery, —GUILTY.—*Three months hard labour.*

This concluded the criminal business.

Several appeals were entered and adjourned.

RETURN OF MALT DUTY.—Mr. DARKE made an application for return of malt duty, in respect of a quantity of malt accidentally destroyed by fire. The application was made under the Act, 7 and 8 Geo. 4 cap. 52, on behalf of Mr. Scown, maltster of Stratton.—*Mr. William Scown, jun.*, being sworn, stated that his father's malt-house was destroyed by fire on the night of the 19th December last. The fire was accidental, and happened in the kiln. At the time of the fire there was 985 bushels of malt on the premises, of which 785 bushels were destroyed.—*Mr. Philip Maine*, supervisor of Excise for the Bideford district, confirmed the previous evidence as to the quantity of malt consumed, and stated that the whole of the duty had been paid on it, amounting to 106*l.* 7s. 3¼d., at the rate of 2s. 7d. per Imperial Bushel and 5 per cent. on that. —Mr. Maine also gave evidence of his receipt of the notices required by the Act of Parliament, from Mr. Scown, for the recovery of the duty, and of his having himself given notice to, and received instructions from, the Commissioners of Excise.—The Court certified for the return of the duty.

WEDNESDAY, April 9.—PARISH OF ROCHE.—Mr. SHILSON made an application under the 9th Geo. 4th, cap. 43, for removing the parish of Roche from the Tywardreath Division to the St. Austell Division of the Hundred of Powder.—Mr. Shilson stated the reasons for the purposed change, as published by Advertisement in this paper; and the Court assented to the change, and ordered that it take effect from the 1st of May next.

This concluded the business of the Sessions.

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Royal Cornwall Gazette 4 and 11 July 1851

4. Midsummer Sessions

This sessions was opened on Tuesday last, at Bodmin, before the following magistrates:—

J. KING LETHBRIDGE, Esq., Chairman.

Sir W. L. S. Trelawny, Bart.	H. Thomson, Esq.
Sir Colman Rashleigh, Bart.	E. Stephens, Esq.
J. Hearle Tremayne, Esq.	T. G. Graham, Esq.
N. Kendall, Esq.	E. Coode, jun., Esq.
W. Hext, Esq.	D. P. Hoblyn, Esq.
C. B. Graves Sawle, Esq.	Rev. R. Gerveys Grylls.
F. Rodd, Esq.	Rev. R. Buller.
R. G. Bennet, Esq.	

—The Rev. Henry Tremayne Rodd took the oaths on his appointment to the vicarage of Gwinear.

The following gentlemen were sworn on the Grand Jury:—Messrs. W. D. Dodge, St. Austell, foreman; J. Brawn, Boyton; S.U. Beauchant, Budock; J. Derry, Egloshayle; J. Giddy, Boyton; W. Grigg, Jacobstow; P. H. Guthridge, Falmouth; R. A. Harris, St. Breward; J. Hawke, Bodmin; R. Hicks, Jacobstow; J. Husband, Mylor; M. Loam, Gwennap; R. Nance, St. Dennis; R. Parnall, St. Ewe; W. Parnall, Gorran; R. R. Pollard, Egloshayle; J. Rundell, St. Austell; J. Rowe, St. Gluvias; W. Spry, Jacobstow; J. Stephens, St. Ewe; W. Tregilgas, Mevagissey; W. Vercoe, St. Austell; J. Wills, Gorran.

The following gentlemen also answered to their names:—Mr. S. F. Wilton, of Mevagissey, and Mr. R. Dawe, of St. Austell.

After the Queen's Proclamation for the encouragement of virtue had been read, the CHAIRMAN delivered his

CHARGE TO THE GRAND JURY.

It was very creditable to them and to the County that at such a season as the present, there was so full an attendance of Grand Jurors. This was a remark which he had often had the pleasure to make; and he must say that, at sessions, the Grand Juries were, generally speaking, remarkably well attended.— With respect to the calendar, he was sorry to say that the number of cases was just such as that time twelvemonths; there was no improvement whatever. The cases were certainly slight, and it redounded to the credit of the county that, looking through the calendar, they would see there were but very few prisoners who belonged to this county; they were for the most part ran-about tramps, to whom, he ventured to say, charity was sadly misapplied.—The calendar presented the usual proofs of the results of imperfect education; although very little idea of the state of useful and religious education could be gathered from the mere words on the calendar, "read and write well."—At such a period as the present, when England was exhibiting to the world her manufacturing and artistic products in amicable rivalry with those of other countries, what a pleasing reflection it would be for Englishmen, if those crowds of foreigners returning to their various homes, were not only impressed with a high opinion of our mechanical and manufacturing products, but also with the conviction that we are really what we profess to be, a moral and religious people, among whom education is increasing, and, consequently, crime gradually diminishing—where social duties are highly prized—where the sabbath is respected and honoured. These circumstances he called attention to, because they bore directly on the duties they had to perform; for in the increase and decrease of crime they were all deeply interested. — With regard to that which came home to their pockets—the expenses of the county, he was happy to say that this year the Gaol Expenditure was only £665; last year it was £693.—The county rates now required would be 8—the same as last year; equivalent to a farthing in the £. For the Asylum 2; last year the same. For Bridges, in the Western Division, Mr. Moorman required one; last year he did not require any. For the Eastern Division, Mr. Pease now required two; last year he required but one.

—The Visiting Justices' report stated that every thing in the Gaol and Bridewell was in the usual excellent order. The prisoners had conducted themselves in a peaceable, orderly manner, and were fewer in number than usual.

CORONERS' BILLS.—The following Bills were passed:—

Mr. Hamley's for 35 inquests	£134	17	7	
Mr. Carlyon's, for 29	—	109	6	3
Mr. Hichens's, for 22	—	69	15	2

For the corresponding quarter last year, Mr. Hamley's bill was 124*l.* 5*s.* 9*d.*; and Mr. Carlyon's £91 12*s.* 6*d.*—Mr. Hichens's bill for the corresponding quarter last year was not mentioned.

GOVERNOR' S REPORT.—The Governor of the Gaol reported that the prison was in a favorable (*sic*) state, not only as regarded the number of prisoners, but also as to their generally orderly conduct, which had been, during the last quarter, very satisfactory. The Governor certified that the rules and regulations for the government of the prison had been, so far as practicable, complied with; and that the buildings of the prison, with the exception of some of the roofs, were generally in good order.—The following comparative statement of prisoners at the Midsummer Sessions of 1850 and 1851, was appended to the Governor's Report.

1850.—Midsummer Sessions:—

Felons in custody	28
Ditto on bail	7
Misdemeanants in custody	none.
Ditto on bail	2
For assaults, in custody	none.
Ditto on bail	none.
For breach of the peace, in custody	one.

1851.—Midsummer Sessions:—

Felons in custody	26
Do. on bail	4
Misdemeanants	3
For assaults, in custody	1
Do. on bail	2

[GAOL EXPENSES—*not transcribed.*]

BRIDGES.—Mr. MOORMAN surveyor for the western district, reported that, in pursuance of directions received at the last Sessions, he had, on the 15th of May, with Mr. Pease, carefully examined the bridge at Cornelly; and they had now to present their joint report.—Mr. Moorman required one levy.

Tregony (or Cornelly) Bridge.—Mr. Moorman and Pease's joint report was read. It stated that they had carefully examined the bridge referred to, and found it in a good state of repair; but below the bridge there was a great accumulation of sand which had been increased during the last three or four years; although immediately under the arch, the sand was no higher than in 1847. The accumulation of sand was partly owing to the winding course of the river, but partly to the want of banks to confine the river in its proper channel. They considered that the plan presented by Mr. Gwatkin at the last sessions for straightening the river and making embankments would have the effect of lessening the evil. With regard to the question how far the county's liability to adopt means to prevent the accumulation of sand extended, they presumed that inasmuch as the County Bridge was not the cause of the evil and was not at present in any danger of being so, the county could not be held liable for the cost of the remedy. At the same time, if nothing were done to prevent the accumulation of sand, the bed of the river would be so much raised that in time of floods, the arch would be unable to pass the water, which, consequently, would be dammed back on the lands above; and the result would be that the county would be compelled either to raise the present bridge or to build a new one. It might, therefore, be advantageous to the county, to assist in carrying out the proposed plan of improvement.—The CHAIRMAN having read a letter from Mr. Gwatkin

(dated from London) explanatory of his non-attendance, and expressing a hope that the surveyors' report would be deemed conclusive; Mr. Pease explained Mr. Gwatkin's plan to the bench, and a conversation ensued between various magistrates and with the surveyors, concerning the cost of the proposed alteration, and the power of the county to make a grant under the circumstances.— Ultimately, it was resolved, on the motion of the Rev. R. BULLER, seconded by Sir COLMAN RASHLEIGH, Bart., "That a sum of 50*l.* be granted by the county towards securing Tregony or Cornelly Bridge from future injury from accumulation of sand, as recommended in the report of Messrs. Moorman and Pease, our surveyors, this day read; such expenditure to be entirely dependent on their approving the plan and execution of the entire work by the other subscribers thereto; but that this grant is in no way to compromise the county for any future repairs beyond the bridge.

Mr. PEASE reported concerning *Tamerton Bridge*, that the magistrates of the Hundred (of Stratton) had certified to bills amounting to 8*l.* 18*s.* 6*d.*, in addition to those reported at the last sessions, for a temporary pass at Tamerton Bridge. In compliance with directions received at the last sessions, Mr. Pease had prepared two plans—one of which was for merely rebuilding the arches upon the old pier and abutments, and the other was for a single arch for which new abutments from the foundations would be required. He had received tenders for executing the work according to both those plans; and before adopting either of them, he thought it desirable to submit both plans and tenders to the magistrates of the Hundred of Stratton for their decision.—On the motion of Mr. RODD, seconded by the Rev. R. BULLER, it was resolved that the plan for the erection of a new bridge at Tamerton by Stephen Trestrail, be adopted.—Mr. RODD also gave notice that at the next sessions he should apply for the sum of 500*l.* for the purpose of building the bridge.—Mr. TREMAYNE suggested that it was desirable the work should be at once proceeded with, in the summer months; and Mr. PEASE said he could set the work at once.

Mr. Pease also reported some small repairs at Tavistock New Bridge, and at Trekerna Bridge, on the river Lynher.

LOOE BRIDGE.—Mr. Pease presented the following report:—An order having been made at the last Sessions directing me to prepare a report of the state of Looe Bridge and submit the same to these Sessions, I beg to say that I have carefully examined the whole structure. The general appearance of the bridge is that of weakness and insecurity; in fact, the impression upon the mind of a stranger on first seeing the bridge and perceiving the numerous fissures in the piers and cutwaters—some of them extending nearly from the parapet to the base of the piers, whilst the piers and cutwaters have in some places bulged out so as to project several inches beyond the perpendicular—would be that it must soon tumble down. What adds considerably to the appearance of feebleness is the small stones with which the bridge is built, giving an idea of having been crushed by the super-incumbent mass; and indeed if the bridge were in a less sheltered situation, the smallness of the stone would be so ill-adapted to resist any degree of force from the sea, that the whole structure would speedily fall. One of the most defective piers seems to be that between the second and third arches from the western end; there is in it a fissure extending through more than two-thirds of the whole height; and on the eastern side it is supported by two pieces of wood, which I am informed were placed there thirty years ago. I think it right to state with regard to this pier that my informant said he considered it to look no worse now than it did when it was first propped.—The piers between the third and fourth—eighth and ninth—and the ninth and tenth arches, also appear to be feeble, and their appearance would give me some uneasiness but for having seen that an apparently much weaker pier has stood for thirty years with the aid only of two small props. It is impossible to say what is the real state of the interior of the piers. It may be even worse than the appearance of the exterior might lead one to suspect; as was the case with the wood work of the eastern opening, where the external appearance gave no adequate idea of the almost perfect rottenness beneath the surface; it was not until the wood-work was being removed that the danger to which the public had been exposed in passing over it became apparent; one of the girders actually broke into three parts on being removed, and scarcely an inch of the oak plank which rested on the girders was sound. The

eleventh and twelfth arches, which were rebuilt about 60 years ago, are sound and good; and I think the county will, in the course of a few years, have to rebuild three or four others in a similar manner; though it is possible that even the most defective of the arches may, by constant patching, last for half a century longer. There can be no doubt that a new bridge would be very desirable, inasmuch as the narrowness of the roadway, coupled with the dangerous approach at the western end, made it only tolerable for the times of pack horses, but render it, if not altogether unfit, at least a most undesirable thoroughfare for vehicles of the present day.—In consequence of none of the old wood from the eastern opening being fit to assist in the repairs of the western opening, it is possible that the cost of the repairs will amount to about 20*l.* more than the sum voted at the last Sessions.

The Rev. R. BULLER:—I have very little to say, except that at the last sessions I gave notice that I should apply at this sessions for 2500*l.* for the purpose of re-building Looe Bridge. That was with the understanding that the same plan which the County had formerly voted for would be carried out and approved by the Admiralty. But when I came to Looe, I found that the Mayor of Looe, a captain in the Navy, was so strong against me that there was very little chance that I should ever get the Admiralty to consent to that plan. He has an idea that by building the bridge above the present site, there may be war-steamers at Looe with other advantages. The Admiralty said there was a certain place for the bridge. I therefore felt it my duty to go to the Admiralty; I have written to them, asking them to give me such a plan as their lordships will approve. I have great hopes that a plan will be given me, and that it may be such a plan as may be carried out for 2500*l.* I frankly own that I should not like to ask the County for the sum of 4500*l.* as would be necessary to carry out the plan which had been required by the Admiralty.—This is my apology for any trouble I may have given to any of the magistrates; and I beg now to withdraw my application for 2500*l.*—Mr. BULLER subsequently stated that the bridge which he had asked the County to build and which had at one time the sanction of the Lords of the Admiralty, was such that vessels with masts, 10, 12, or 14 feet high would have been able to pass. That would have been a great advantage to fishing vessels at Looe; and, until they could look much further than to the accommodation of fishing vessels, he thought they were fully justified in carrying out the plan he had proposed. But, however, he now awaited their lordships' answer.—In reply to Mr. Tremayne, Mr. BULLER added that the Admiralty had required that the bridge should be built 80 yards above the the (*sic*) present bridge. He hoped, however, that they would consent to what he proposed—that the new bridge should be 20 yards lower than the present bridge.

A sum of 80*l.* was granted at the last sessions for repairing Looe Bridge. That sum was then considered sufficient, in the hope that some portion of the eastern arch would prove serviceable for the repairs of the western arch; but, on inspection, it was found that the eastern arch was entirely decayed.—Under these circumstances, it was resolved on the motion of the Rev. R. BULLER, seconded by Sir COLMAN RASHLEIGH, that an additional sum of 20*l.* be granted for the repairs of Looe Bridge.

Mr. Pease also reported that he should require two levies.

—The Clerk of the Peace's bill, amounting to 43*l.* odd for expenses connected with the registration of voters, was presented and allowed. The bill for last year was stated to be 39*l.* 18s.

TRIALS OF PRISONERS.

JOHN HARRIS, 23, pleaded GUILTY of stealing, at Truro, on the 14th of June, a fustian waiscoat (*sic*) and a shoe, the property of Thomas Willoughby.
(Sentence: two months hard labour)

JOHN RUNDLE pleaded GUILTY of stealing, on the night of Friday, the 9th of May last, at Newquay, two cwts. of coals, the property of Henry Meredith.
(Sentence: One month hard labour)

ANN VIGUS, 23, was charged with stealing, on the 20th of March, at Torpoint, a kettle, towel, cap, blue dish, and other articles, the property of Edward Hawton Brock. Mr. GILBERT HAMLEY, for the prosecution, called *Mr. Brock*, a draper, tailor, and lodging house keeper at Torpoint, who stated that about the 25th of March last, several articles were missed from his house, and that from

information received, he went on the 3rd of June to the house of prisoner in Torpoint, where he found several articles of his property. He went for a constable called Pattison, and on his arrival, prisoner said, "I hope you will look over it, and will not punish me.—*Amelia Brock* and constable *Pattison* were also examined, and the jury found the prisoner GUILTY.

(Sentence: Four months hard labour)

PHILIP MORRISH, 32, was charged with stealing, at Newquay, two horse cloths, the property of Stephen Drew Darke. Mr. G. COLLINS appeared for the prosecution. The cloths were safe on the 14th of April, missed next day, and found the day after in possession of prisoner.—Verdict, GUILTY.

(Sentence: Four months hard labour)

HOUSEBREAKING.—JAMES GILBERT, 25, was indicted for breaking and entering the dwelling house of Wm. Robins, of Kenwyn, and stealing a silver watch, his property. Mr. J. B. COLLINS conducted the prosecution, and Mr. STOKES defended the prisoner. *Ann Robins*, wife of prosecutor, stated that on the morning of the 29th Nov. last she left home about half-past eight; her mother Elizabeth Clemoe and her little boy remained in the house. About five minutes before she left, she observed the watch in her bed-room. The windows were fastened when she left. She returned home about seven in the evening, and then found the parlour window down stairs had been broken; went up stairs to her bed-room, and looking around saw the watch was gone; examined her husband's chest, and found the clothes had been moved about, but nothing had been taken. On the following day, 30th of November, she went to Truro, made inquiries about the watch, went to the house of Mr. Skyrme, in Kenwyn-street; there saw Henry Rossiter and mentioned the loss of the watch, which she described. Mr. Rossiter produced a watch, the same she had lost the day before. She left the watch in Rossiter's father's shop, who is a watchmaker at Truro. Some weeks after, she received the watch from Rossiter's father, and handed it over to policeman Fitzsimmons.—*Cross-examined*—Her mother and her little boy were in the house when witness returned home.—*Elizabeth Clemo*, an aged woman, mother of last witness, said she went out soon after Mrs. Robins left on the morning of the 29th of November, to put the boy to school. She was absent about a quarter of an hour; when she came back she found the parlour window had been put down; the window was broken, and inside she saw the mark of a man's foot on the table; she also saw that a screw of the window was out. She went up stairs, but was too much hurried to look about to see if anyone was there.—*Cross-examined*—The house is some way in from the public road; she thought they could make the nearest neighbour hear by calling from their house.—*Ann Mannel*, lives near the house of prosecutor. On the morning of the 29th of November about nine o'clock, prisoner was at witness's house offering paper, steel pens and envelopes for sale.—*Cross-examined*—She was sure prisoner was the man who offered the things for sale; had not seen him from that time until now, but knew him by his features, not by his dress.—*Henry Rossiter*, watchmaker, at Truro, resided at Probus in November last. On the afternoon of the 29th of November, prisoner came to witness's house, and offered him paper and envelopes for sale. He took a watch from his pocket and asked what witness would charge to repair it. Witness told him the charge would be more than the value of the watch; he then asked witness to buy it, and asked six shillings for it. Witness gave him five shillings for the watch, and went next day to Mr. Skyrme's shop to have a new face put in the watch; whilst there Mrs. Robins came in and mentioned her loss and described the watch correctly. He then showed her the watch, and she identified it. Prisoner, when he sold witness the watch, showed his name in the corner of his box, "Gilbert, St. Austell."—*Walter Rossiter*, watchmaker of Truro, father of last witness, said he received a watch from him in November last, which in about six weeks afterwards he gave over to Ann Robins.—*James Fitzsimmons (sic)*, policeman at Truro, received the watch from Ann Robins on the 19th of May; had previously apprehended the prisoner; received information of the robbery in Nov. last; prosecutor lives about 8 miles and a half from Probus.—Mr. STOKES then addressed the jury on behalf of the prisoner. The CHAIRMAN summed up, and the jury found the prisoner GUILTY of breaking and entering, and stealing. A prior conviction for felony in 1850, was proved against the prisoner (which was not proceeded with), charging him with stealing on the 12th of May, in the

parish of Kea, a purse containing two sovereigns, twelve shillings, two gold rings, and a gold pin and chain, the property of Thomas Hornbrook.

(Sentence: seven years transportation)

MARY JANE GEORGE, 17, who had been servant to James Hill, of the parish of Mevagissey, pleaded GUILTY of having stolen twelve pounds, the property of her master, from his dwelling house, on the night of the 4th of May last.

(Sentence: four months hard labour)

RICHARD BENNEY was charged with stealing a horse collar, the property of William Trebilcock, a farmer of St. Columb Major. Mr. G. COLLINS for the prosecution, and Mr. STOKES for the prisoner. It appeared from the evidence that on Monday, the 19th of May, prosecutor lent his grey mare to another farmer, Mr. John Smart; and with her the harness, including a new collar. On the following evening, shortly before six o'clock, farmer Smart having finished with the mare, turned her out in the lane, with the harness about her, to go home to her Master's, intending to follow her, but which some circumstance prevented him from doing. A man called Ball saw the mare near Trekenning four-turnings, and a little further on, on the Bodmin road, he met the prisoner driving a donkey cart, having nothing in his hand or in the cart. Another witness, Johanna Karkeek, afterwards saw the donkey and cart in a position across the road, and no person with the donkey; five or six yards from the turning she then saw Richard Binney (*sic*) running across the road with a collar in his hand, and afterwards she saw the mare without a collar.—Mr. STOKES addressed the jury on behalf of the prisoner, and called to speak to prisoner's good character Mr. William Hawke, of Mawgan; but this witness was cross-examined by Mr. Collins, who asked him if he had never heard that prisoner had been convicted of stealing straw. Witness said he had never heard of it, but he had been at times absent from the neighbourhood. Verdict, GUILTY.

(Sentence: Three months hard labour)

PRISCILLA MURTON, 14, was charged with stealing from the person of Mary Pearce, two shillings and a purse with steel beads, the property of Thomas Pearce, of St. Enoder. Mr. STOKES, for the prosecution, called *Mary Pearce*, of St. Enoder, who deposed that she was at Truro, in Mr. H. Andrew's draper's shop, on the 24th May, about five in the afternoon. She had a purse containing 2s., in the pocket of her dress, when she went into the shop. In about five minutes afterwards she missed her purse; saw prisoner at the door when she went in.—*Elizabeth Ann Pearce*, daughter of last witness, remained in the doorway of Mr. Andrew's shop, and saw prisoner go in close to her mother's (Mrs. Pearce's) side. Prisoner immediately afterwards went out. There were many persons in the shop at the same time; it was market day.—*Elizabeth Basset* was in Mr. Job's shop on the same afternoon about half-past four; had four and sixpence taken from her pocket; did not know by whom.—*Catherine Bartlett*, wife of the prison-keeper at Truro, searched prisoner when taken into custody; found in her pocket six shillings and a sixpenny piece, and one penny. Prisoner said it was her aunt's money; that there was a fortune-teller coming in, and her aunt gave the money to her to take care of it; she said the penny was given her to buy lace.—*Joseph Ward*, policeman, received the money from Mrs. Bartlett.—*Priscilla Pentecost*, aunt of prisoner, said prisoner's father and prisoner lived with her. On the afternoon of the 24th of May, she gave prisoner half a crown, and told her what to do with it; she had also a penny to buy lace; did not give her six shillings and sixpence, or say any thing about a fortune-teller.—The CHAIRMAN, in summing up, said the evidence was certainly of a meagre description, as affecting the prisoner. The young woman who saw her go in by the side of her mother did not see her do anything, and the mother did not know that she did anything. The object of Mrs. Basset's evidence being introduced into the case was to show that the two sums lost by the parties would amount to the sum found on the prisoner; it appeared, however, that half a crown had been given to her by Priscilla Pentecost. He thought it was a case in which the jury might fairly entertain considerable doubts, and if so, the prisoner was entitled to the benefit of those doubts, Verdict, NOT GUILTY. The CHAIRMAN cautioned the prisoner, telling her to let this be a warning to her; she was very young and had a narrow escape. The Court then rose.

SECOND COURT.

(*Before C. B. Graves Sawle, Esq., Chairman.*)

JOHN BULLEN, 23, pleaded GUILTY of stealing, on the 27th of May, one woollen shirt, the property of Edmund Woodward, of the parish of Illogan.

(Sentence: two months hard labour)

JOSEPH NICHOLLS, 12, charged with stealing, on the 10th of June, at Redruth, a gold key of a watch, the property of James Thomas, was found GUILTY. Atfer (*sic*) the case for the prosecution was concluded, the prisoner acknowledged that he took the key, but stated that at the time he did not know its value; and that he afterwards went to the fair at Redruth, where a woman keeping a standing sold him a few nuts for the key. The woman—who gave evidence in the case against the prisoner, was cautioned by the Chairman against so purchasing articles of value.—She stated, however, that she did not know the value of the key any more than the boy did (!) but she would be careful not to commit herself in future.

(Sentence: once privately whipped)

JOHN TYLER, 19, was found GUILTY of stealing, on the 22nd of May, at the parish of Kea, a cotton shirt, the property of John Harris, miner.—The shirt had been placed out to dry in a courtlage adjoining the prosecutor's house, by his wife, about 3 in the afternoon; and was missed at 5 o'clock. In consequence of some information, Mrs. Harris went to Tregoning, police-officer at Redruth, who took her to the Redruth Union House, to which he had procured admission for the prisoner and two other tramps; and there was found in prisoner's possession a shirt which she identified as her husband's property, and as having been placed in her courtlage that afternoon. Mrs. Harris had seen, in the afternoon, two men near her gate, and the prisoner was one of those two men. The same two men were two of the three she saw at the Union-house.

[Sentence: three months hard labour)

THOMAS PAYNE, 22, charged with stealing at Redruth, on the 10th of June, a second-hand waistcoat, the property of Ann Opie, dealer in second-hand clothes.—The prosecutrix stated that on the 10th of June, the prisoner came to her shop to buy a waistcoat. She took several waistcoats down from a shelf and showed him, including the one in question. The prisoner looked at them, and said he would send Mary to buy one. He then left. She did not miss the waistcoat, but on the following day this waistcoat was brought to her by her daughter. *Catherine Bulger*, another dealer in second-hand clothes, stated that she bought the waistcoat in question on the 11th of June, of the prisoner, at Paddick's lodging-house. She then took it to Mrs. Opie's, and gave it to her daughter.—*Tregoning*, constable of Redruth, produced the waistcoat, which was identified both by the prosecutrix and Mrs. Bulger.—Verdict, *Guilty*.

(Sentence: four months hard labour)

JAMES RICHARD TREEVE, 21, was found GUILTY of stealing a considerable quantity of wearing apparel, the property of John Sullivan, a boatman in the preventive service, at Cawsand.—The various stolen articles were found by policeman Ralphs—part on the prisoner's person, at Devonport, where he was apprehended in a state of drunkenness, and part at various pawnbrokers and other shops in Devonport; and, on the prisoner's being charged with the robbery, he said "They may transport me if they like."—A previous conviction against the prisoner was proved. At the Assizes in March 1851, he was convicted of stealing a quantity of clothing and money, also the property of John Sullivan, the present prosecutor. Our readers may remember that, in consequence of the intercession of the prosecutor on behalf of the prisoner, his son-in-law, and of the prisoner's promises of amendment, Mr. Baron Martin dealt with the case with remarkable leniency and sentenced the prisoner to five days hard labour only. Only a few days after the termination of that sentence—namely on the 11th of April—he renewed his depredations on his kind father-in-law, who had brought him up and cared for him for many years.

(Sentence: ten years transportation)

ELIZABETH BOSANKO, 30, charged with stealing, on the 30th of April, a stuff gown, the property of Jane Carthew, of the parish of Illogan. In this case, the prosecutor's daughter placed the gown out to

dry about 9 o'clock in the morning, and at 12 o'clock she missed it, having previously seen the prisoner come out at the back door with something on her arm; the prisoner living about 1½ mile off. The daughter of prosecutrix went with Martin Williams, a constable, to the prisoner's house, and the constable, on going up-stairs, found the gown which had been stolen. The prisoner then earnestly begged forgiveness, and offered, first 5s. and then 10s. to the constable if he would say nothing about it.—Verdict GUILTY.—A previous conviction was proved against the prisoner.

(Sentence: seven years transportation)

THOMAS PETERS, 21; JOHN WARREN, 25; and THOMAS GILES, 23; three "navvies" who had been employed on the West Cornwall Railway near Hayle, were charged with stealing, on the 10th of May, at the parish of Ludgvan, five ducks, the property of John Trewhela, farmer.—Mr. Darke conducted the prosecution; Mr. Shilson the defence.—*Nicholas Symons*, a lad in the service of the prosecutor, stated that in the evening of Saturday the 10th of May he put 9 ducks belonging to his master in their house and fastened the door.—*Margaret Nankervis*, another servant of the prosecutor, who had been in the habit of feeding the ducks, proved that early on Sunday morning the 11th of May, she found that all the nine ducks were missing; but, about 8 o'clock, four of them came back to be fed.—*James King*, constable of St. Erth, employed by the Messrs. Harvey, of Hayle Foundry, to watch their premises at night, stated that about 2 o'clock on Sunday morning the 11th of May, he saw two of the prisoners, Warren and Giles, looking over the wall of a lime-kiln belonging to Messrs. Harvey. He went towards the Kiln, and as he approached it, the men went to lie down. He struck Warren to make him get up; and, on his striking him a second time, he rose up, Witness then put his hand under a board where Warren had just been lying, and found there a duck, half-roasted, quite hot, and with the feathers burnt off. Witness then took all the men in custody. As they were going over the kiln, Warren threw out something out of his pocket, under a plank. Witness took the men in custody into Messrs. Harvey's house; and, on his return in about ten minutes, he found that what Warren had thrown down was only a frock. But, on searching where the other prisoners had stood, he found four ducks—three of them had been just killed, and one had been roasted, and, like the other roasted one, could not be identified. He took charge of the three unroasted ducks, and they were identified before the magistrates by the witnesses Symons and Nankervis. The heads only were now produced in Court, and these were identified by those two witnesses.—The prisoners were ably defended mainly on the grounds that the proof of identity of the stolen property was unsatisfactory, and that there was no proof of actual possession by the prisoners.—The jury, however, found *all three prisoners guilty*.

(Sentence: each four months hard labour)

Wednesday, July 2.

Before J. K. LETHBRIDGE, Esq.

JOHN GIDLEY, 34, charged with stealing, on the 1st of May, at Truro, a pick, the property of Samuel Date.—Mr. J. B. COLLINS conducted the prosecution; Mr. STOKES the defence.—The prosecutor, who works on the roads as a labourer for the Truro Union, stated that on the 15th March he delivered his pick to Drew, a smith at Truro, for the purpose of being altered, and left it in his possession. About the 14th of May Drew informed him that he had lost his pick about the beginning of that month. The prosecutor, on the 24th of May, obtained a warrant from the mayor of Truro, and went to Gidley's house with a constable, Ward, who found the pick in a *spence*, under the stairs. Witness knew the pick to be his by a mark on the hilt, and an eye on the handle.—*Robert Drew*, smith, stated that he altered the pick as desired by prosecutor; and had seen the prisoner, who had tools of his own there, handling this pick. Prisoner had a similar two-point pick there, but with quite a different eye,—one being oval and the other a diamond. Witness left the shop about a quarter of an hour, and shortly after his return, missed the prosecutor's pick.—*James Long*, smith, in the employ of Mr. Jeffery, about 12 months since, made 5 or 6 similar picks for Date; the pick now produced was one of those he so made; he knew it by the eye.—Mr. STOKES, opening the defence, said the question for consideration was as to the identity of the property. It was admitted that the prisoner did take the pick from Drew's shop; but it would be proved that the pick was his own

property, and Drew himself had admitted that prisoner had at his shop, at the time referred to, a pick similar to that of the prosecutor's. If therefore, the proof should fail as to the pick being the prisoner's property, still the circumstances would not warrant a verdict that the prisoner took the pick with felonious intent.—*Robert Drew*, re-called by the Chairman, stated that prisoner's pick was taken away from his shop about the same time as prosecutor's; it was not left there after the prosecutor's pick was taken away, and he (Drew) allowed prisoner 1s. 6d. for it, in account.—The following witnesses were then called for the defence:—*John Blackmore*, a labourer on the Kenwyn parish roads, had during the last three years worked with prisoner, and occasionally used prisoner's tools. About 3 years ago, the prisoner's father-in-law, named Richard Sobey, the foreman on the roads, brought the pick in question to him (Blackmore), and stated that it was Gidley's. (Witness looked at the pick and hilt and from several marks which he pointed out to the jury, positively swore that the pick belonged to the prisoner). Had often carried the pick to smiths' shops to be repaired. The last time he carried the pick for repairs was about March twelve months. The last time he worked with that pick was about 10 or 12 months since, but had seen it several times since. Witness and prisoner were in the habit of using each other's tools.—*Richard Behenna*, a foreman at Reed's smith's shop, Truro, and had been there 3 years. Prisoner and his partner repeatedly brought tools there to be repaired. In March, 1850, the prisoner brought him this pick, and he (witness) *laid* it at both ends, and then noticed in the interior of the eye a notch in the iron—a flaw in the working. The witness removed the pick from the handle, and pointed out the mark to the jury.—The CHAIRMAN, in summing up, spoke of the unimpeachable character of the witnesses on both sides, observing that the conflict of testimony showed that there was some singular mistake as to the property. The only circumstance which appeared of a suspicious nature, as against the prisoner, was the fact of his having been allowed 1s. 6d. for his own pick; if his own pick had been left at the shop, the notion of "mistake" would have been more obvious. Still, with such testimony as had been adduced as to the property, he thought they could not convict of felonious intent.—The jury, however, after rather long consultation, returned a verdict of GUILTY.

(Sentence: one fortnight's hard labour. In sentencing this prisoner, the CHAIRMAN said:—You have been convicted of stealing a pick, the property of Samuel Date. Your case was a singular one. There was one circumstance against you that, doubtless, operated strongly on the minds of the jury. The Court has its own feelings on the subject, without finding fault with the verdict of the jury, because I think they exercised great consideration upon the case, and I have no reason to say that they found a wrong verdict. But there are circumstances which induce us to pass a lenient sentence on you.)

ELIZABETH TREWOLLA, 45, charged with stealing on the 14th of June, a pound weight of butter, the property of Francis Gundry, of the Queen's Head, Truro.—On Saturday, the 14th of June, Elizabeth Gundry, daughter of prosecutor, bought of Mrs. Williams, who attended Truro market, a pound and two half pounds of butter, and afterwards saw it in the dairy. On the following day, Woolcock a policeman, went to prisoner's house and there found in a glass cupboard, a pound of butter which she said she had bought about half-past 8 the previous evening in Truro market. He took charge of the butter, and apprehended the prisoner; and, on the following Wednesday, it was produced before the magistrates where it was identified by Elizabeth Gundry and by Mrs. Williams. Mrs. Williams stated in court that she had, on the Saturday, sold five whole pounds of butter,—all to private individuals. She had attended Truro market seven years, and had never seen any butter-print exactly like hers.—On being apprehended, the prisoner said that she had never in her life been at the Queen's Head.—*Frances Mary Stevens*, a servant of Mr. Gundry, who had known the prisoner four years, proved that in the evening of the 14th June, she saw the prisoner in the passage, between the tap and the bar-door; and afterwards near the kitchen door, opposite the dairy door. She asked for a glass of porter. Witness went to the bar for the porter, leaving the prisoner alone in the passage—the dairy door being open. At that time, prisoner had nothing with her; she remained about a quarter of an hour. When witness came out with the porter, prisoner had something under her left arm.—*William Nicholls*, constable of Redruth, on Sunday morning the 15th June, saw the

prisoner at Truro prison. She said to him, "This is a bad job; I did it through drink; can't it be settled?"—Verdict, GUILTY.

(Sentence: two months hard labour)

RICHARD TREMBATH, 21, charged with stealing, on the 10th of June, at the parish of St. Buryan, a basket containing a shilling, two sixpences, fivepence half-penny, and a pair of gloves, the property of Elizabeth Boase. The *prosecutrix* stated that on the 11th of June, she was at Oates's public house with a Mrs. Warren. While they were there, prisoner came in, and in his presence, the prosecutrix counted her money into her basket, and also put her gloves in. The prisoner immediately afterwards snatched the basket out of her hand and ran away. She ran after him but could not catch him. Afterwards she went to a Mrs. Wallis's, where the basket was shown her. She then informed a constable, and prisoner was brought to Mrs. Wallis's, where, in witness's presence, he took 1½d. out of his pocket and said to Mrs. Wallis "there's the money I had from you for the basket."—*Mrs. Wallis* stated that she lived at Buryan about a quarter of a mile from Oates's beer-shop. On the 11th of June, prisoner came to her house and offered the basket for sale, and she gave him three halfpence for it. Afterwards he was brought by the constable, and paid her back the three halfpence; and she gave up the basket to the prosecutrix. At the time of the transaction, the prisoner was not "true drunk," but had been drinking.—Verdict, GUILTY.

(Sentence: four months hard labour)

CATHERINE MORRIS, 31, charged with having on the 19th of April, at Redruth, stolen, from the person of John Oliver, one sovereign, two half crowns, and two shillings (*sic*), the property of the said John Oliver.—The prosecutor, a miner living at Gwennap, on the 19th of April was at the King's Arms, in Redruth, having the money named in a bag. Prisoner was in the room when he paid for a pint of beer. He was standing with his back towards her, when she placed round into his right hand pocket and ran off. He then missed his bag and money, and ran after the prisoner into the street, and apprehended her, and gave her in charge. Had seen the bag and money in his pocket about 10 minutes before.—*William Barnett*, a lad employed at the yard of the King's Arms on the day in question, saw the prisoner pass down through the court with a bag in one hand and a finger and thumb of the other hand in the bag. Afterwards saw constable Tredinnick pick up a bag, about 30 or 40 yards from the place; and he believed that bag to be the same he had seen in prisoner's hands.—*John Tredinnick*, constable, apprehended prisoner and was present when she was searched; there was found on her two half-crowns and three shillings in a *housewife*, but no bag. In consequence of information given by the last witness, witness went down the back-yard of the inn, and at about 10 or 15 paces from where Barnett told him the prisoner had passed, he found a bag on the ground. (This witness produced the bag which was identified by the prosecutor and his wife.—*Charles Tregoning*, constable of Redruth, stated that, after he had the prisoner in custody, she at first denied all knowledge of the robbery; but the next day she said, if there was any sovereign among the silver, she must have lost it in the crowd.—Verdict, *Guilty of stealing from the person*.)

(Sentence: four months hard labour)

JOHN DAVIS, 19, charged with stealing, on the 28th of April, from the boiler-house at Drakewells Mine, in the parish of Calstock, a pair of shoes and a pair of stockings, the property of Henry Williams, miner.—GUILTY.

(Sentence: four months hard labour)

COUNTY BUSINESS.

CORONERS' BILLS.— The Chairman stated that Mr. Hichens's bill for the past quarter was for 22 inquests, 69*l.* 15*s.* 2*d.*—For the corresponding quarter last year, his bill was 47*l.* 16*s.*

The whole amount of the coroners' bills for the past quarter was 314*l.* 2*s.*; for the corresponding quarter last year, 263*l.* 14*s.* 3*d.*

TRIALS RESUMED.

JAMES BLACK, 26, charged with stealing, on the 7th June, at Liskeard, from the person of Mary Ann Haine, one half-crown, two shillings, and two four-penny pieces.—Mr. HINGSTON conducted the prosecution.—*Mary Ann Haine*, about 9 o'clock in the evening of the 7th June was at her father's

meat-stall in Liskeard market. She saw a man's hand in her pocket, and immediately she caught the man by the coat. Her father then took hold of the man, who had taken a purse and some money in it from her pocket. She did not know at the time what money was in her purse. She next saw the purse in the possession of Dawe the constable; it then contained a half-crown, two shillings and two four penny peices (*sic*).—*Sarah Broad*, wife of James Broad, labourer, on the evening in question was bringing meat at the stall adjoining Haine's, and saw prisoner put his hand in Miss Haine's pocket, and Miss Haine seize him by the coat. Dawe, the constable, was sent for and searched the prisoner at the *stock* in front of Mr. Haine's stall. While the search was being made, witness saw a purse drop from prisoner's left side.—*Richard Harris*, a lad, proved that he picked up the purse, not more than three feet from where the prisoner was being searched, and gave it to Dawe.—After some confirmatory evidence from Mr. Haine, *John Dawe*, constable, proved that on his searching the prisoner, he found in his left-hand waistcoat pocket, two half-crowns, and in his right waistcoat pocket two shillings, two sixpences and three fourpenny pieces; and in his trowsers pocket, some pence. He showed Miss Haines the purse which had been given him by Harris, and she identified it. He afterwards found in the purse a half crown, two shillings, and two fourpenny pieces in one end; and in the other end some shells.—Dawe produced the purse in court and it was identified by Miss Haine who also explained that the so-called shells were mother-of-pearl counters placed to keep the ring of the purse on.—The CHAIRMAN, after summing up, directed the jury that they must find their verdict solely with reference to the *money*; for, unfortunately, the *purse* was not included in the indictment.—The Jury found the prisoner GUILTY of stealing money from the person of the prosecutrix. A second indictment against the prisoner for another picking of pockets was not prosecuted.—Before removal from the dock, the prisoner, having odd notions of the right of property, asked the Governor that the money 'he had stolen' should be given up to him.
(Sentence: eight months hard labour)

JOHN MEAGER, charged with stealing four yards of ribbon, the property of John May.—Mr. Stokes conducted the prosecution; Mr. Shilson the defence.—*Catherine May*, wife of John May, of the Red Lion Inn, at Bodmin, stated that on the 9th of May she bought from Mr. Grose's shop four yards of white satin-edge ribbon. In evening of that day, she placed the ribbon in a paper parcel on the table in the public kitchen. When she came down, about half-past 8 the next morning, she saw the prisoner there; and a few minutes after, the prisoner left, she found that the ribbon was missing. When she came down stairs there was no one in the room but the prisoner and his brother. They were not drunk when they left the house, but they took away about two gallons of beer.—*Judith Mannel*, servant of Mrs. May's, came down into the kitchen about 6 o'clock in the morning, and saw a flat paper parcel on the table; she opened it and found it contained some white ribbon, with satin edge. About half-past 7, passing from the bar into the kitchen, she saw prisoner and his brother were sitting on a form at the head of the table. About 10 minutes afterwards, they had some beer, and when witness was at breakfast, they left. When Mrs. May came down, she asked for the parcel, and witness found that it was gone.—*Cross-examined*. There was another man came in while they were there. They were not tipsy when they went away, but they took away a jar of beer.—*Wm. Bray*, constable, of Bodmin, in the forenoon of the 9th of May, went to Cutlands Wood, about two miles from Bodmin, with another constable, James Lampier, to search for prisoner. Found him there and asked him if he had been at the Red Lion that morning; he said he had. Told him there was some ribbon missing, and asked him if he had it. He said he did not know anything about ribbon. Witness told him to look in his pocket. He put his hand in his pocket, and took out several things. Witness then told him if he did not take out all the things, he (witness) should. He then took from his pocket a paper parcel of ribbon, which witness took charge of. Prisoner again said he did not know anything about any ribbon. He was rather intoxicated at the time; it was nearly twelve o'clock. The prisoner and his brother were woodmen. *James Lampier*, constable, confirmed the previous evidence, and added that after the apprehension of prisoner, he went to Grose's shop, and obtained from Jane Benny, an assistant in the shop the piece of ribbon from which she had sold some to Mrs. May. (The witness produced the piece).—*Jane Benny* identified the piece produced by Lampier, as the one

from which she had sold to Mrs. May; and *Catherine May* identified the piece she had bought.—For the defence, Mr. SHILSON addressed the jury, suggesting that probably the parcel had been put in prisoner's pocket, he being in liquor and it being proved that there was some other man in the kitchen besides prisoner and his brother; or, in his tipsy state, he might himself have taken it unwittingly. To a man in prisoner's position—that of a woodman—the ribbon could be of no value; and he had always borne a good character for honesty.—*Richard Vercoe*, woolstapler of Bodmin, and *John Coppin*, farmer, of the borough of Bodmin, gave the prisoner a good character for honesty.—The jury found a verdict of GUILTY.

(Sentence: one month hard labour)

RICHARD BROOKS, 23, CHARLES HENDRA, 32, and WILLIAM UREN, 20, were charged with having, on the 24th of May, assaulted John Westlake, a police constable at St. Austell, in the execution of his duty.—Mr. SHILSON conducted the prosecution; Mr. STOKES defended Brooks and Hendra.—*John Westlake* deposed:—I am one of the police constables at St. Austell. It is a regulation of the magistrates of St. Austell that the public-houses are to be closed by 11 o'clock at night. In the execution of my duty, I am in the habit of going round to see the public-houses clear at that hour. I did so on Saturday, 24th of May. About 20 minutes before 12 o'clock, there were about a dozen persons drinking outside the King's Head Inn. The door was open and the gas was shining out at the door. When I came up, Brooks said to me "will you drink?" I said, "no, thank ye, I don't drink." He then said, "you would like to have a glass." I said "if I did, I would go and have it." His next words were "if we had you down at Charlestown, we would pitch you over the Quay." With that, Uren and Hendra began to wrestle; one of them was nearly thrown down, and I went forth and said "stop this; it will lead to a row." I went over, with the back of my hands, to part them. As I did so, Hendra collared me and nearly choked me and tried to throw me down. I then told him to let me go or else he would suffer for it, as I was a policeman. He did not let me go. Uren said "why had you not told me you were a policeman before?" I replied "you know what I am very well." Hendra still held me on, so much that I had to use my mace and cut him across the arm to make him let go his hold of my collar. Uren then said "Come on, Charley; let's be off." I said "I don't know that I shall let you go now." Hendra then said "let me go." I said, not until I know your name." He did not give me his name. Uren then said, "D—n me, give it to him Charley." Hendra then struck me a very violent blow on the face, and very nearly stunned me. Uren jumped in and collared me, and said "D—n me, let us rescue him from the police." About that time, some one brought out a light, but it was made out directly and the party who brought it out was knocked down. There was at this time a great row. I was struck with great violence. There is some of the blood to be seen now on the wall where I fell; I was nearly swelled blind. After struggling some time, and when I got on my legs, I looked round and saw Mr. Jacobs and called him. He came to my assistance directly. I also called a mason, name Merrifield, who refused to come. The reply Merrifield made was "you had better let him go; you can't (or you shant) take him in." It was Hendra whom I was trying to take to the lock-up. Mr. Jacobs came to my assistance. After about a minute, there was a regular row made, and we were all thrown off our legs—Jacobs, I, and Hendra; but I did not let go my hold of Hendra. I received several blows while I was on the ground, and as fast as I tried to rise, I was knocked or shoved down. As I was trying to get up, I received a kick in the face from Brooks. After some time I got up. We then got a little way out in the middle of the street, and then Hendra caught my left hand in his mouth; I had the marks of his teeth for three weeks afterwards. I then said "if you don't let me go, I shall give you a crack in the head"; which I did, and he let go. Uren then collared me again. Then Perrow, another constable came, and we succeeded in taking Hendra to the lock-up. Uren followed the others, and after I had locked up Hendra, I went out and laid hold of him and locked him in also. I went out to look for Brooks, but found he had gone, and could not find him. He lives at Charlestown, but I could not apprehend him until the 8th of June, when I found him upstairs in his house, after his mother had denied that he was in.—I should think that when we got the men to the lock-up there were not less than 100 people there.—*William Jacobs*, a tradesman of St. Austell, living near the King's Head, stated:—On Saturday night the 24th of May, a little before 12, I was in my house, and heard a noise

in the street as of men quarrelling. After a short time I went out and proceeded towards the King's Head. I kept by the Church-yard wall; the noise being over by the public-house door opposite. I heard all that was passing, but it was very dark and overcast and the lamps were not lit, so that I could not see who the parties were. Shortly afterwards, from a light reflected from the street above, I caught sight of the face of Westlake, which was covered with blood. Westlake directly called me to his assistance; he had Hendra by the right side, and I took him by the left. Another man came forth and took me by the collar and said "you let him go." I said "no, I cannot." Directly after that, I received a blow in the back part of my head, and it knocked off my hat which I lost. There was a general cry raised "let's rescue the man." Several parties attempted to bring out lights, but they were immediately made out by some of the mob. Directly afterwards, they made a rush to rescue the man, and we were knocked off our legs—myself, Hendra, and the policeman. We were on the ground, struggling for some time. After some time I succeeded in getting up, and went farther out into the street. Merrifield came forward and touched me and said "you let that man go." I said, "No, I cannot." Westlake called Merifield to his assistance, but he did not go. Shortly after that, Perrow, another constable, and two or three others came to our assistance, and we succeeded in getting Hendra to the lock-up, and afterwards Uren also was brought in. Westlake was violently ill used; I saw him the following day and his face was bruised and disfigured very much.—*Thomas Knight*, a farmer of the neighbourhood who was in St. Austell on the night in question, gave evidence corroborative of the preceding; and added that he saw Uren take out his handkerchief and heard him say "he'd be skinned if Hendra should be put in the lock-up; he then made a rush towards the policeman and attempted to get Hendra away. As far as witness saw, the policeman's conduct was very proper; he was badly used, and bled a great deal.—Mr. STOKES addressed the jury on behalf of his two clients—Brooks and Hendra—grounding his defence on the results of the examinations and cross-examinations of the prosecutor's witnesses. Admitting that an assault had been committed, he urged that it was only a common assault, and not an assault on a constable in the execution of his duty. It being dark, and the policeman not being in his day clothes, the defendants did not know that he was a policeman until after the affray commenced. He also contended that the policeman had been indiscreet in not allowing the man Hendra to be taken home by his companions; and somewhat violent in the use of his mace. He then called *Mr. Varcoe*, draper, of St. Austell, who spoke to the previously good characters of Brooks and Hendra.—The jury found all three prisoners *guilty of assaulting a constable in the execution of his duty*.—The Foreman of the jury added:—The Jury desire to make another observation. With regard to the person Merifield, who was called on by the policeman, and refused to assist, if there is any means of punishing him, the jury think it very desirable it should be done.

(Sentence: each four months hard labour)

ELISHA HOLMAN, of Kenwyn parish, was indicted for that Grace Lavin being quick with child, he did assault, wound, and ill-treat her, by reason whereof the said Grace Lavin, on the 28th of May, at Kenwyn, did bring forth the said child dead. There was a second count for common assault.—In this case the prisoner had been bound over to answer a charge of felony; but the bill found by the Grand Jury was for misdemeanour. Under these circumstances, it was considered by the Court that the prisoner was entitled to traverse.—Mr. STOKES, for the prisoner, applied to do so.—The prisoner, consequently pleaded "Not Guilty," and traversed to the next Sessions; himself and his father being bound in recognizances of 50*l.* each.—Mr. J. B. COLLINS appeared for the prosecution.

This concluded the criminal business (*sic*) of the Sessions.

SECOND COURT.

WEDNESDAY, JULY 2.

(*Before C. B. G. Sawle, Esq.*)

JOHN PAUL, 26, was charged with stealing a piece of shirting and other articles, the property of Samuel Bilkey. Mr. SHILSON, for the prosecution, called *Bilkey*, a laborer (*sic*) of St. Neot, who stated, that on the 2nd of May he was at Thomas Bridge's beerhouse in Penpont, in the parish of Altarnun, where prisoner asked him to drink, and he drank once from his pint. Prosecutor afterwards went

out, having a bundle or two with him. Prisoner followed, and coming up walked by his side until prosecutor was about to turn in across some fields. Prisoner said he should not go that way, and caught away prosecutor's bundle, with which he went on the road to Five Lanes. Prosecutor followed him, asking for his things, but prisoner would not let him have them. At Five Lanes prosecutor wanted to turn to the right; prisoner would not give up the bundles, and was going on with it towards Launceston; prosecutor laid hold of his things, and prisoner knocked him down. Prosecutor rose and followed prisoner, who would not give up the bundles, and knocked him down a second time. He followed prisoner to near Tredoll, the residence of Mr. Kitto, and before coming there made an alarm by calling "murder." He there came up with and had a scuffle with the prisoner; they both fell to the ground, and Mr. Kitto's servant, Maria Haines, took away the bundles. Prisoner went on the road, but was brought back by a man called Howarth, and was afterwards given in custody to Sandercock and Pearn, two constables of Altarnun. Other witnesses having been examined, prisoner in his defence said he had no intention of stealing the articles. Verdict, GUILTY. A prior conviction for felony in 1849, was proved against the prisoner, who then went by the name of William Worth, of St. Austell.

(Sentence: ten years transportation) (This prisoner had formerly been convicted in this county, under the name of Worth, or Wroth.)

EDWARD YOUREN, 27, was charged with stealing a sack of flour, the property of Francis Blamey, of Gwennap. Mr. GENN, for the prosecution, stated the case, and called *James Winn*, in the employ of Mr. Francis Blamey, flour merchant, Gwennap. On the 13th of June witness was at Devoran on his master's business; had a tram waggon there, and took into it 20 bags of flour. Left Devoran about seven in the evening; had to go four miles and a half to Mr. Blamey's stores. Saw Youren at Devoran, and he afterwards overtook witness about a mile and a half from Devoran on the tram-road. Prisoner was driving an empty waggon. He followed witness all the way to Mr. Blamey's stores. On his way home, witness looked behind to his waggon; saw prisoner there lying on the flour sacks; prisoner said "what is the matter, old fellow?" Witness made no answer; prisoner then came down from the waggon, and said everything was all right. Witness reached his master's stores about half-past eight; found a sack of flour gone from the waggon; had seen prisoner about ten minutes before, witness being in advance of prisoner's waggon. When prisoner's waggon came up witness saw the sack of flour in it; the tail of the waggon was lying over the sack. Prisoner asked witness to go in and have a pint of beer with him; witness said he could not go directly, and asked prisoner why he did not stop his waggon if he wanted a pint of beer. Prisoner said it was no matter, let the waggon go on, and he should overtake it at Lanner. He then left witness, who took a horse and was going to acquaint Mr. Blamey with what had occurred. He met a man in Mr. Blamey's employ, and taking him behind him on the horse, he went in pursuit of prisoner's waggon, which he overtook about a quarter of a mile on. Prisoner was not up with his waggon, but the sack of flour was still in it; prisoner afterwards came up, and witness detained the waggon. *Cross-examined*.—Prisoner was a little tipsy but not very bad. *Re-examined*.—When they left Paul's beer-house, the sacks were all in Mr. Blamey's waggon.—*John Veale*, constable of Gwennap, apprehended the prisoner; told him what he was charged with, but used no inducement to lead him to say anything. Prisoner said he was very sorry this old thing had happened, but never mind, it could be no other now; but when I get out of this, he said, I will never do so more.—Mr. HOCKIN, on behalf of prisoner, cross-examined the witnesses, and submitted to the jury that the prisoner was very tipsy at the time, and that the case was one of a drunken frolic on the part of prisoner, or of a "lark" by another person. He also called *James Youren*, a constable of Gwennap, one of the mining police, who gave prisoner a good character as an honest and industrious young man. On cross-examination, he said it was only since this matter had transpired that he had heard of anything against prisoner; he added that he had heard of larking on that tramroad. The CHAIRMAN having summed up, the jury, after some consideration, found the prisoner GUILTY.

(Sentence: two months hard labour)

JAMES WILLIAMS, 35, was ACQUITTED of a charge of stealing two rabbits, the property of James Cornish Thomas, of Falmouth.

JULIA CRABB, 18, was charged with stealing several pieces of ribbon from the shop of William Henry Henwood, of Callington. Mr. J. B. COLLINS conducted the prosecution. The wife of prosecutor stated that her husband is a tailor, and that she also carries on in the house the dress-making and straw-bonnet business. Prisoner was occasionally employed in cleaning up the shop. Witness missed some ribbon from a drawer in the shop about the 8th of May, and some time afterwards saw prisoner in the custody of a constable, who produced to witness some of the lost ribbons. In reply to the court, *Mrs. Henwood* admitted that she had sold some of the same description of ribbons to persons who had come to the shop.—Other witnesses were examined, but the jury did not consider the evidence conclusive.—Verdict, NOT GUILTY.

JAMES ARUNDELL, 40, was charged with stealing, on the 14th of May, a pound weight of leather, the property of Thomas Jane, of Pentewan, in the parish of St. Austell. The leather was sold by prisoner to Henry Blight, in Richard Barker's public-house, at Holmbush. Verdict, GUILTY. The prisoner also pleaded GUILTY, of having obtained, under false pretences, from Richard Aaron Parsons, of the parish of St. Austell, one kip, two pairs of lasts, a paper of white flax, and a yellow basil, with intent to defraud Richard Aaron Parsons.

(Sentence: four months hard labour for felony; and two months hard labour for misdemeanor in obtaining goods on false pretences.)

MARY ANN HARRIS, 19, pleaded GUILTY, to two indictments, charging her with having obtained, by false pretences, on the 4th and 13th of June, a quantity of wheaten flour, butter, lard, soap, currants, and other articles, the property of Francis James, of Illogan, shopkeeper.

(Sentence: three months hard labour for first offence; and one month hard labour for second offence.)

The jury were then discharged, and the Court rose.

NO BILLS.—The Grand Jury ignored the bill against MARY ANN WERRY, charging her with felony.

CHARLES COLES, 19, and THOMAS TRAYS, 23, were charged with stealing a loaf from the shop of Thomas Williams, Kenwyn-street, Truro. It appeared that prisoner Coles went into the shop on the 14th of May and asked for a sixpenny loaf, which prosecutor's daughter gave him, and asked for payment. On this he laughed at her, and went out with the loaf and gave half of it to Trays, who was standing outside. They were afterwards apprehended. Coles now said he did the act because they were out of work, and in a state of starvation. Verdict, both GUILTY.

(Sentence: each two months hard labour)

MARIA SOLOMON, 21, pleaded GUILTY of having obtained from Catherine Best, by false pretences, on the 7th of May, a quantity of flannel, a quarter of a pound of tea, and other articles, the property of Mr. Richard Best, of St. Columb.

(Sentence: four months hard labour)

THURSDAY, JULY 3.

At the opening of the Court this morning, the sentences were passed on the prisoners [*see individual cases above*]

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Royal Cornwall Gazette 8 and 15 August 1851

5. Summer Assizes

On Saturday evening, about 6 o'clock, the Judges on the Western Circuit— Lord Chief Justice Campbell and Mr. Justice Coleridge, arrived at Bodmin from Exeter, *via* Plymouth. At a short distance from Bodmin, their lordships were met by the High Sheriff, William Williams, Esq., of Tregullow, and his official retinue; P. P. Smith, Esq., of Truro being the Under Sheriff, and T. Whitford, Esq., of St.

Columb, the County Clerk. A procession of the usual authorities and their subordinates thence escorted their lordships into the town, and to the Crown Court, where their lordships opened commission, and adjourned till Monday morning.—There was a very large assemblage of spectators in the streets, by whom the Sheriff's very neat and handsome "turn-out" was greatly admired. There was also considerable interest manifested, both in the streets and in court, in seeing the Lord Chief Justice, on this his first visit as a Judge to Cornwall. We hear that His Lordship has expressed himself highly pleased with the picturesque beauty of the scenery on the road between Plymouth and Bodmin.

On Sunday morning, their lordships attended divine service at Bodmin Church; proceeding thither and returning thence in the High Sheriff's carriage, in company with the High Sheriff, and his chaplain, the Rev. T. Phillpotts, of Feock; and attended by the usual escort.—Prayers were read by the Rev. A. R. Taylor; the Rev. J. Wallis, vicar of Bodmin, taking part in the communion service; and the Sheriff's Chaplain preached an able and impressive sermon from John, 3 ch., 19 v.:—"This is the condemnation, that light is come into the world, and men have loved darkness rather than light, because their deeds were evil."

The following gentlemen were sworn on the Grand Jury:—

The Honourable G. M. FORTESCUE, foreman.

Sir Colman Rashleigh, Bart.	R. Graves Polwhele, Esq.
Sir J. S. Graves Sawle, Bart.	R. Davey, Esq.
J. Hearle Tremayne, Esq.	W. D. Horndon, Esq.
T. J. Agar Robartes, Esq.	J. Bryant Messenger, Esq.
C. Brune Graves Sawle, Esq.	W. Hext, Esq.
Gordon W. F. Gregor, Esq.	R. Johns, Esq.
J. King Lethbridge, Esq.	Thomas Hext, Esq.
N. Kendall, Esq.	T. Pearse, Esq.
F. Rodd, Esq.	W. Morshead, Esq.
C. G. Prideaux Brune, Esq.	W. Peter Kempe, Esq.
J. Tremayne, Esq.	W. Braddon, Esq.

The following gentlemen also answered to their names:—Sir W. L. S. Trelawny, Bart., T. R. Avery, Esq., R. Gully Bennet, Esq., T. Graham Graham, Esq., J. T. H. Peter, Esq., Augustus Smith, Esq., Rev. T. Phillpotts, Rev. A. Tatham.

The Mayors of Boroughs, and the Coroners for the County, were then severally called; after which the Queen's Proclamation was read.

The learned Judge then delivered his

[CHARGE TO THE GRAND JURY – not transcribed.]

SENDING THREATENING LETTERS.—WILLIAM BARTLE, 33, was indicted for feloniously sending to Joseph Thomas, of the parish of Mullion, a letter without any signature, threatening to burn and destroy certain farm buildings, the property of the said Joseph Thomas. Our readers will recollect that this prisoner was, at the Lent Assizes, tried and acquitted on a charge of sending a threatening letter to James Randle, in the parish of Cury; and on the morning following that acquittal, on the prisoner's being arraigned on the indictment for sending a threatening letter to Mr. Joseph Thomas, (the present prosecutor) it appeared that the Judge (Chief Baron Pollock) and two of the jurymen had been addressed on the subject of the then approaching trial, by a sister of the prisoner. The consequence of this interference with the regular course of justice, was that the Chief Baron ordered the case to be remanded until the Summer Assizes, and that both the prisoner Bartle and the approver Hodge, should meanwhile be kept in custody.—The case so postponed was that which now came on for trial.—Mr. Moody and Mr. Coleridge again appeared as Counsel for the prosecution, and Mr. Collier for the defence: the attorneys being, respectively, Mr. Hill and Mr. Plomer.

Mr. Moody stated the case for the prosecution. The subject of indictment, in the present case, was the following letter, which had been received by Mr. Joseph Thomas, the prosecutor, on the 2nd of September, 1849:—

SIR,—You have not complied with the last letter I sent you to have nothing to do with The farm Godroger; on the contrary you have acted quite contrary to the wish of the party and you will do so and think yourself quite secure perhaps you will repent this when its too late you will find us energetic in what we wright I do not like to inger any person if I can help it but what I wright you first I write you again and if you persist in your menovers you will shortly be out of house and home. I believe through your greedy eye and knavish tricks that the present occupier of the form gulroger is obliged to leive Mr. Jos. Thomas the present tenant is a good neighbour and I believe A christian man and I believe a ingred man through your menovers. I understand you have taken Gulroger or about to take that form for your son if he take that form he shall not live on it thers not a hoof nor horne of cattle shall live on it nor a grain of Corn shall he take in his barn and fire shall consume the dwelling which he live in and you Mr. Thomas will share the same fate. with him everything you have shall be destroyed by fire and poison there is no land in the parish of Mullion for neither of your sons go out the parish and they may settle where the like but in Mullion they shall not there is enough of the sort here allreddy you have seven days to deside and if you do not give up that form Gulroger you nor your family will not be safe to show out of your house after dusk I am resolved with mine to bring you to if fire whant hot lead shall.

Mr Moody slated that he had the direct evidence of an accomplice of the prisoner's that he wrote that letter, but aware of the suspicion which might attach to the evidence of an accomplice, he was prepared with independent evidence such as he believed would fully establish the charge against the prisoner. The learned Counsel then detailed the circumstances of the case as they will more fully appear in evidence.—The following is is (*sic*) a copy of the letter referred to in the beginning of the preceding letter:—

SIR,—I hear that you are about to take gulrodger form for one of your tons in a clandistant mannar and would put Tha present occupier of that form Mr. Thomas out by tha hedge when tha same will come aney reasonable Terms with his Landlord and keep tha form for the term of years which he took it for provided his Landlord will prove manlike and come to his Agreement and stand to his word which he promised before J. Thomas sained the deed if Mr. Wm. Thomas do act on christian like to his neighbor he shall suffer in the flesh so as not to sleep in his Bed and you Mr. Thomas I for warn you the same if you act on Christian like to your neighbor you shall suffer and not sleep in your Bed your Property shall consume With fire you a preacher of the gospel and be a knave consider your ways and be wise I give you one seven days to consider and if you do not give up all Thoughts of Taking Gullodger I shall pay you a vesit.

Mr. Moody stated that he should adduce proof of the prisoner's hostility to " young Joe Thomas," and asserted that the motive for this hostility was jealousy concerning a young lady—Miss Randle, of Colvenor—to whom Mr. Joseph Thomas, jun., prosecutor's son, had been paying his addresses. Mr. Moody stated that the prisoner also had courted Miss Randle; but there was no evidence to this effect.—After stating other circumstances, and referring to other letters, Mr. Moody proceeded to call witnesses:—*Agnes Amelia Thomas*, examined by Mr. Coleridge; stated that she was the daughter of Joseph Thomas, the prosecutor, who lives at Trevithoe. About 7 in the morning of the 2nd September, 1849, she found under the garden gate a piece of white paper, containing two letters; one directed to her father, and the other to her uncle, Wm. Thomas. (The witness identified both letters). Without reading them, she gave them immediately to her father. The paper was folded, but unsealed. Each letter was in a separate envelope, sealed; she believed with wax, but was not certain. Her father opened his letter immediately; and the other was given to her uncle, and opened by him that day.

The letter to Miss Thomas's father, the prosecutor, we have given above. The following is a copy of the letter addressed to her uncle, Mr. *William* Thomas:

SIR,

You are better to take wit in your anger you have let the form Gulroger or about to let the form to your Brother for his son he is not to have the form you hare at liberty to farm the C Estate your self or let the form to any strainger you think proper and then you may live in peace otherways the sooner you leave the parish the better for you will have all your property destroyed you have ad proof allreddy thet its no joke you have ad one house burnt with fire and you will have all you gote destroyed unless you comply with this your wife must keep close for if she is seen out after dusk she must take the consequence I can see all your movements I wish you to understand me and do as is here laid down that your gray years may come down to the grave in peace."

Joseph Thomas, the prosecutor, stated that he was a farmer living at Trevitho, in Mullion, and had a son, also called Joseph, who, since Michaelmas, 1849, had occupied a farm in the same parish,

called Colroger. Early in September 1849, he received from his daughter Agnes, two letters, one for himself and one for his brother. Had previously, on the 20th July, received another anonymous letter. (Witness identified the three letters above quoted). On the Friday after the 2nd September, he sent a team of horses to work at Colroger. On that Friday evening, had a mow of wheat burnt on Trevitho farm. John Thomas, his son-in-law, also had a mow of wheat set fire to the same night, about a quarter of a mile off. Witness also rents premises called Vounder, in Mullion, of Lord Falmouth; there were two houses there and some outhouses; one of those houses was set fire to in March, 1850, a few days before the trial of Mr. Hendy; that was at night; part of the roof and an outhouse was burnt. In May, 1850, he also received another letter, by post, in an envelope. (Witness identified the letter). In August last, there was an attempt to fire a field of standing corn, in two places, on his farm. Witness had, in company with others, offered a reward for discovery of the offenders. Found some pieces of paper, partly burnt, at the two places where the wheat had been attempted to be burnt.—Another fire took place at Priske, Mr. John Thomas's, witness's son in law, shortly before the prisoner was arrested. Government also offered a reward. Before the receipt of any threatening letters or any fires, had known prisoner from his childhood; prisoner was a shoemaker carrying on business at Cury, about a mile and a half from witness's house, and had been employed by witness and his family. Recollects prisoner calling at his house, and their having a dispute; that was, he believed, before the receipt of any of those letters.—Prisoner came to me, said the witness, to make some explanation about his having been found in the garden at Colvenor farm, in Cury, where Mr. Randle lives. My son has been courting Mr. Randle's daughter for years. Bartle admitted that he was in the garden at the time my son was in the house courting Miss Randle, and said that the young men of Cury make it a practice to go outside windows of houses where young people are courting. I asked him what he had said to Thomas Lawrence about Miss Randle. He denied that he had said anything to Thomas Lawrence, and said that I was jealous.—*The Judge*—What! did he say that you were courting the lady? (laughter). No, my lord, (replied the witness), it was about my son. I do not know whether Bartle had been courting Miss Randle; he told me he had not—that she was above his station. I told him I disapproved of his conduct and did not wish to see him again in my house. I had never any greater quarrel with him than that. I have not seen him in my house since, and he has not done any work since that time for me or my family.—*Cross-examined*—I have heard that the prisoner was a frolicsome man.—*By the Judge*—I have no doubt that the conversation with Bartle, of which I have spoken, took place *before* I received any one of the threatening letters, but I cannot swear positively.

William Thomas, brother of the last witness—I am the owner of Colroger Farm, which had been to let, and was taken by Joseph Thomas, my nephew, son of the prosecutor. I received from my brother a letter on the same day it was found in my brother's garden.

Joseph Thomas, son of the prosecutor—I occupy Colroger Farm, which is the property of my uncle William. On the 25th of August last year, I met Bartle on the road between Mullion und Cury. I held out my hand to shake hands with him. He said, "I did not intend to shake hands with you any more." I said, "You did not?" He said, "I am a sinner bad enough; but, if all is true, you are ten times worse." I said, "Perhaps you judge rather hastily." He said, "I shall not enter on the subject today, as I intend to come over to your house during the week." I said, "if you have any business to transact with me. I shall be prepared to see you." He then said, "My character is injured; you all hate me like the devil; I believe if you could see me where old Hendy is, you would be glad to have him back again." Hendy was transported at the Spring Assizes, 1850, for sending letters threatening to burn my father's and my uncle's property." Bartle then said, "Your brothers-in-law, John Thomas, Priske, and Thomas Shepherd, hate me also." I have been courting Miss Randle, at Colvenor, for some time. One evening, about 2½ years ago, in the fall of the year, I was at Colvenor, with Miss Randle, in a room which looks into the garden. Between 10 and 11 o'clock, I looked out to see if the rain continued, and fancied I saw a shadow cross the garden. I sprang out through the window into the garden, and found the prisoner crouching down under a shrub. I tapped him on the shoulder; he did not move or speak. I then took off his hat, and said "I know you well." It was the prisoner. He did not

speak, but seemed like one petrified. Miss Randle was looking out at the window. I said to her, "Here is a person in the garden;" and she came out. She asked him what business he had there. He replied, "I beg your pardon, Miss Randle, but I came in to shelter myself from a shower and to pick a flower." I do not know that he had ever been courting Miss Randle. I have heard that my father, when a young man, went by the name "Blue breeches;" and I believe that the expression, "Long-faced Joe," was intended for me.—*Cross-examined*—It was about 2½ years ago that I found Bartle in Miss Randle's garden.

Thomas Shepherd, farmer, about 9 o'clock on the Saturday evening, the day before the letters to Joseph and William Thomas were found in Mr. Joseph Thomas's garden, saw the prisoner on a pathway leading from Clahar farm to Trevitho farm, the prosecutor's residence. He was about a quarter of a mile from Trevitho; and was going in the direction *from* his own home at Cury.—*Cross-examined*—The pathway also led into the road to the Lizard.

John Basher, colt -breaker—About 3 years ago, Bartle called on me and asked me to lay wait for young Joseph Thomas going home from courting at Colvenor, and to give him a good beating. I refused to do so.

Thomas Thomas, farmer, living in Cury. In harvest-time, 1850, I saw prisoner, and had conversation with him. Wyatt, the parish clerk, was there and said, "What ought to be done by the man that set fire to the corn at Trevitho? The man that did it ought to be burnt in the flames." Upon that, Bartle said "You knows nothing about that." As he said that, he was turned towards Wyatt. I and Bartle went to another part of the field, and as we were going on, Bartle said "if I was to see all the Thomases' corn on fire, I would not put a hand to save it." He said he meant the Thomases of Mullion. This was before the fire at Mr. John Thomas's, a son in law of the prosecutor, at Priske. After that fire, I went to Bartle's shop; he asked me whether I was at the fire last night. I said "yes; I did not see you there." He said "no; and what a fool you were." I asked him what part he had against Mr. John Thomas of Priske. He replied that it was not done against Mr. John Thomas of Priske, but it was against Mr. Joseph Thomas's family of Trevitho. He said, "there was Mr. Joseph Thomas's, at Colroger; how easy that could be fired." I said "if the fires are against Mr. Joseph Thomas's family at Trevitho, Mr. William Hendy's of Polgreen is as liable to be burnt as Mr. John Thomas's of Priske." Mr. Joseph Thomas's son is courting a daughter of Mr. William Hendy. He said "any man entering Mr. Joseph Thomas's family will be served the same as Mr. John Thomas of Priske, if it is for ten years to come."—I begged him to say no more about it, for I expected some person would be there to arrest him in the course of the day. He appeared to be very angry against the Thomases, and said if any man came to arrest him he would beat his brains out. He said he had been at Trevitho not long ago, and had some words with Mr. Thomas, and Mr. Thomas ordered him out of the house, saying that he did not wish to see him there any more.

Thomas Lawrence, the younger.—I live at Clahar. Prisoner came to my house about three weeks before he was taken up, and asked me if I had heard the news, and if I had seen a letter stuck up concerning Mr. Bluebreeches, that he was going to preach on the 3d of November. Mr. Joseph Thomas, the prosecutor, is a preacher. He said he was to preach concerning the Three Hebrew Children. He also said there had been a reward offered, and that they might offer double the reward, but it would never be found out. I saw him again in November last in his own shop. It came up about the fire at Priske. He said he was accused about the fire at Priske, and that he had been over to Priske and cleared himself. I said "have you?—whatever any man can have against Mr. John Thomas I can't tell." He said, it was not done to John Thomas as a man, but because he had married into old Joe Thomas's family. I said "however I have not been burnt in my bed, I don't know." (I had divulged secrets about him and Miss Randle). He said "I saw thee wast sorry, and I freely forgave thee."

Thomas Lawrence the elder: I am a farmer living at Mullion. Towards the end of August last, in the evening, prisoner came to me at my house, and we walked together towards Troon, about half way from my place to Mullion Church-town. He asked me if I had heard the report that he was condemned about the fire. He said he had been accused of setting Mr. Thomas's corn and houses on fire. I said I believed he was not accused by the family of the Thomases. He said he felt very much

against some party, but did not say particularly the Thomases. He said the two Joes were not friendly with him, and would pass him in the streets; and he said something about "that nasty old jealousy." We met Mr. J. Thomas the prosecutor. Mr. Thomas said "good night." Prisoner did not speak in return. I afterwards told him that he ought to have said "good night" to Mr. Thomas. He said he had nothing against Mr. Thomas, and that he wished to be on friendly terms with him, and would meet him half-way to shake hands. I advised him to get married and put an end to all this jealousy.

Serjeant Thornton:—I am a Serjeant in the metropolitan police, and am employed in the detective force. I was sent down to Mullion, by order from the Secretary of State, to make inquiries concerning some fires and threatening letters. I was at Mullion about three days on the last occasion. I had been there previously without any success. After I had been there about three days the second time, I apprehended Bartle and Hodge. I searched Bartle's house, in his presence, and found in the shop, in a box, a quantity of gunpowder, and some safety-fuze (*sic*). The prisoner had at that time been removed from the shop. I afterwards found some writing paper and envelopes, in his presence. I searched the bed-room in his presence; I saw a box that he said he kept his clothes in. In the *skibbet* of that box I found a letter which was sealed; I have no doubt he saw me take that letter; he made no remark. I searched his person, and found in his waistcoat pocket a pencil-case and a piece of sealing wax. Prisoner was handed over to the custody of Chappel the constable, and afterwards in Helston, I received a communication from Chappel, and on the following morning, I went to Mr. Hill's, and opened the letter which I had found in the *skibbet*. (Witness identified the letter, sealing-wax, and pencil-case with seal at the end). At that time, I compared the seal of the pencil-case with the seal-impression on the envelope; I have no doubt that the impression was made with that pencil-case, and the wax seems to be of the same quality as that of the piece which I found on the prisoner. I also compared the letter I found, with the three other letters, and I believe them all to be in the same hand-writing. (Witness then compared all four letters and said he believed them all to be in the same hand-writing).—I also took Hodge into custody. Hodge at first denied that it was *his* handwriting. I took Hodge to his mother's, and there saw some writing of his, and from that, I came to a conclusion that these letters were all written by Hodge; and Hodge afterwards admitted that they were in his writing, and he was sent here to take his trial. Among the letters I found at Hodge's, I found the one now produced, which is precisely the same kind of paper as that of the letter which I found in the *skibbet* at Bartle's.

John Hodge:—(This witness had been committed with Bartle to take his trial at the last Assizes, but was afterwards admitted Queen's evidence against Bartle). I come here from the gaol. I have been intimate with Bartle for some years. I am a farm-labourer, and worked for Mr. Hendy. I did live with my mother, near to Bartle, and was often in the habit of seeing him. (Two letters handed to witness). I was the writer of these two letters. The one directed to Mr. Joseph Thomas, Bartle asked me to write. I think I wrote both letters in his shop. They were written on a slate and then Bartle read from the slate, and I copied from his reading. When I had written out the letter, he put it in an envelope, and I directed it. I think I wrote the letter to Mr. William Thomas at the same time.—Three other letters being here handed to witness he said he was the writer of all three. I wrote them, he said, in Bartle's shop; I copied them from a slate in the same way from his reading. I wrote them all at his request.—I think Bartle told me afterwards that he put the *two* letters under Trevitho garden-gate.—I don't know what made me write the first letter I ever wrote for him; he asked me to write for him, and I did not know what they were about until after I had written them.—*Cross-examined*. I thought there was harm in them: I did not tell the Thomases because I was afraid; Bartle had got me under his thumb when I had written, and I was afraid to tell. When I had begun to write a letter for him, I was afraid to stop, because he had me in his power when I had written part. I did not acknowledge at first that I had written the letters, because I was not asked. I had no reason to fear him when we were both taken up; I don't know why I did not tell that I had written the letters. The letters were written on a Sunday.—I had heard of the reward being offered, before I made my confession; I knew that the reward was for any person except the person who actually set fire to the property. I have said that many a person in my situation would take the money and go to

Australia.—*Re-examined*. I made no offer to become a witness till I was applied to at the last Assizes by Mr. Hill (the attorney for the prosecution). I have never claimed any reward. I was told that I was to get nothing for my evidence.

Richard Chapple. I am a constable of Helston, and had Bartle in custody. He said to me:—"See what people do by sending letters; I was out last night till half-past 11 o'clock, and when I came to my door I put my hand to the latch of the door and found a piece of brown paper tied round with rope yarn; I looked at it and found it was directed to "Mr. James Randle, Colvenor; whoever finds this is particularly requested to take it to Mr. James Randle, Colvenor." I untied the parcel, and there was a letter inside, directed to "Mr. James Randle, Colvenor, Cury." Prisoner said he should have sent it up to Mr. Randle, if he had not been apprehended, and he asked me if the Serjeant had found that letter; for he had put it in the *skibbet* of his box. I told him that the Serjeant had found that letter. Prisoner was apprehended in November last. The last fire that took place was at Mr. Thomas's, at Priske, about harvest time last year.

Michael Maunder, silversmith of Bodmin. I have compared the wax impression on the envelope found in the *skibbet* with the wafer stamp on the pencil case; I believe the impression was made with that seal; I have counted the diamonds; they are the same on the pencil and in the impression. There is a dent on one of the diamonds, and there is a corresponding impression on the wax. I have made other impressions with the pencil case, and find they are the same as that on the envelope. There is one of the diamonds partly cut off. From the whole of my examination, I am certain that impression on the envelope was made with that pencil-case.—*Cross-examined*. Such pencil cases are made with a die, and considerable numbers might be made with the same die.

John Netting. I am a miner. The parcel produced is safety-fuze used in blasting rocks in mining. It burns very slowly: I have travelled 460 feet, walking backwards, while 2 feet is burning. It is not used by shoemakers. There is only one person in Helston who sells it for that district.

Frederick Hill, attorney for the prosecution. Neither Hodge nor any one else has claimed the reward. It was my proposal to him at the last Assizes, under the advice of counsel, that he should be a witness.

The letters were then put in and read. We have given above, a portion of them. The following are copies of the remaining two adduced in the case:—

To Mr. Joseph Thomas, Trevitho, Mullion.

SIR,—I have taking tha liberty to wright those few lines to you concernig tha present state of things it do appear that your soni-lou (son-in-law) John Thomas prisk have had a visit paid him in his fruit garden and also your son-in-low tom shappard he have had respect paid him allso very good and how is it with you have you enjoyed great peace of minde praps you have as your Mr. Thomas or in other words the poor old joe Thomas or Mr. Blue Brutches praps you may be glad to where your blue Brutches again I wish to be plain with you the party have met and have come to this determination that your Son the long face Joe is not to keep the farm Golroder but one year at Michaelmas-day next to give it up and we give you two months to deside we have said to you before that Mr. Will Thomas is at liberty to set his farm to who he please with the exception of your family if this is not done you and your famila will all share A like and what have being promest to you will be paid and will remain A gainst you and your famleys for ten years Consider well what you are doing for the pease of your famleys.

Yours truly Garlic and Unions.

—The following is a copy of the letter found in the *skibbet* of the prisoner's box:—

Sir, patience and perseverance surmount difficulties & you as a man will be placed in those difficulties which you never yet experanced in life if you dont look well at home you have heard of the fire which happened at prisk not long since to Mr Skin flent yet there have no chainge taken place in the Thomas family in respect to the golroger farm the appear to be so head strong as ever Let them go on there are greater preparations making now than ever yet have being for the distruction of the Old Mr blue britches and the long face blue britches and all the familys connected with Mr. Bluebritchas family, did you heer of Mr Bluebritches shot in the pulpit, in Cury Chapple, phraps you did, A narrow escape for his head Sir we have understood that the long-faced joe do sleep at your house when he come A curting two your Daughter A ffraid to go home if ever its known from this time that you shilter joe Thomas the young bluebritches in your house all night aney more while he remains on Golroger form you will have your house and property burnt and in flames while in your

Bed and if ever you leaves your Daughter go on Golroger form you and your sons and family will share the same fate with Mr Bluebritches."

Mr. COLLIER addressed to the jury an able and ingenious defence; after which the learned Judge carefully summed up; and the jury, with less than five minutes consultation, found a verdict of GUILTY.—Sentence, *fifteen years transportation*.

There were two other indictments against the prisoner—one for sending a threatening letter to William Thomas, and the other for arson at the premises of John Thomas, at Mullion; but neither of them was prosecuted.

THOMAS SEYMOUR, 21, found GUILTY of stealing a handkerchief from the person of Samuel Bond, at Five-lanes, on 7th of July, was sentenced to *six months hard labour*.

THOMAS BROWN, 19, stealing a gallon of beer, the property of his master, William Mathews, at Minster.—GUILTY.—*One month hard labour*.

JAMES BLUETT, 15, stealing a blue cloth jacket, the property of John Harris, at Egloskerry.—GUILTY.—*Three months hard labour*.

The Court rose at half-past six.

NISI PRIUS COURT.

MONDAY, AUGUST 4.

The learned Judge, Mr. Justice Coleridge, took his seat in this court at ten o'clock. The following was

THE CAUSE LIST.

<i>Plaintiffs' Attorney</i>	<i>Plaintiffs</i>	<i>Defendants</i>	<i>Action</i>	<i>Defendants' Attorney</i>
Hooper & Co.	Spry, Knt.	Hocking	Prom	P. Wallis.
Woolcombe & Co	Morshead & others	Cory	Debt	
Millett & Borlase	Richards,	Jacka	Prom	F. Paynter.
Rogers & Son	Doe dem. Hearle	Sampson	Eject	
Same.....	Pascoe	Treloar	Debt	Grylls & Hill
Same.....	Popham	Coates & another	Tres	Pullen
Smith and Roberts	Landeryou [S.J.]	Allen	Case	Genn.
Coode, Browne	Vivian and others, [S.J.]	Lyle	Debt	Woodruff.

RICHARDS v. JACKA.—Mr. COLLIER said the plaintiff was Mr. John Richards, and the defendant Mr. Charles Jacka. The declaration set out the use and occupation by defendant of a certain tenement called Rashleigh's, the property of plaintiff, and after making certain deductions, the amount claimed for rent of the same was £108. Mr. *G. H. Bellringer*, cashier and clerk in the office of Messrs. Millett and Borlase, of Benzaace (*sic*), who are agents of plaintiff, was called to prove the occupation of the tenement by defendant, the terms on which it was held, and the payments on account which defendant had made. There was no defence. Verdict for plaintiff for £108. Mr. Collier applied for speedy execution, which the Judge ordered in three weeks.

MORSHEAD and OTHERS v. CORY.—Mr. COLLIER appeared for the plaintiffs, who were the Rev. John Philip Andrew Morshead and others. The declaration stated that Mrs. Morshead had by indenture let certain premises to defendant for twelve years from the 25th of March, 1845. The only question in issue was with regard to the deed, which defendant pleaded he had not made. *Mr. Robert Stephens*, the attesting witness, was called, and proved that the deed was executed by Mrs. Morshead and the defendant. The action was brought by plaintiffs as the devisees in trust under a will, and the amount claimed was for rent, less some allowances for sums paid. Verdict for plaintiffs for 42l. 16s. 5d. Mr. Collier prayed speedy execution, which was granted in a week.

Doe dem. HEARLE v. SAMPSON.—An action of ejectment, in which defendant failed to appear. Judgment by default.

SPRY, Knight, v. HOCKING.—Mr. MONTAGUE SMITH and Mr. COLERIDGE for plaintiff; Mr. CROWDER and Mr. SMIRKE for defendant. This was an action on promises, and Mr. COLERIDGE opened the pleadings. The plaintiff was Sir Samuel Thomas Spry, and the defendant Mr Richard Hocking. The declaration stated that on the 21st of June, 1843, defendant made and delivered a promissory note to plaintiff for 20/ with interest at five per cent, for money lent. Defendant pleaded, first, that he did not make the note; secondly and thirdly (two pleas the same in substance), that the money was given as a bribe; fourthly, that he had paid the money; fifthly, that plaintiff had discharged him from the debt; and sixthly, that he did not make the promise. On these pleas issue was joined.—Mr. M. SMITH addressed the jury for the plaintiff. The case was a very simple one; the action was brought by Sir Samuel Spry to recover on a promissory note £20, given by defendant to him. They were perfectly aware that a person who gives a promissory note makes an admission of a debt due by him to the person to whom he gives it, and the ordinary way of proving such a debt was to produce the note. They had heard from Mr. Coleridge that there were two pleas on the record; one, that the note was for a bribe given to defendant at a certain election; and secondly, that it was not given at that election, but at some future time. There seemed to be here some inconsistency; and he believed it would be found there was no ground whatever for those pleas, but that the money was lent and security given for it in the ordinary way. Sir Samuel Spry was elected member for Bodmin in 1843, and this transaction took place four months afterwards, when there was no future election in contemplation; unless it could be said that no gentleman must be allowed to lend money to any of his constituents, there could be no possible ground for the defendant to come into court. He then called *Richard Harris*, a bailiff of Bodmin, who proved that the signature to the note was in the hand-writing of defendant. The note was then read:—21st June, 1843,—I promise to pay Sir Samuel Thomas Spry, Knight, or order, on demand, the sum of 20/., of lawful money of Great Britain, with interest at the rate of five per cent per annum, value received.—Richard Hocking." This was the plaintiff's case. Mr. CROWDER addressed the jury for the defendant. His learned friend said this was a very simple case, and so it was as he had put it; but it was not quite so simple after all, for it was a case of bribery, as he should show them, and therefore the note in question was utterly void. His friend had condescended to make one remark on the nature of the pleas, namely, that they were inconsistent, because one of them alleged that the 20/ for which the note was given, was advanced for defendant having voted at an election, whilst another alleged that the money was advanced to influence his vote at another election. He (Mr. Crowder) did not well see the inconsistency of such a statement, and in fact his friend had opened precisely what was defendant's case, namely, that the 20/ were given to him for having done his duty in giving his vote for Sir Samuel Spry in 1843, and that defendant was held liable on that note if he did not vote for Sir Samuel another day. He did not vote exactly as Sir Samuel Spry liked in 1847, and therefore the note was put in force against him. The note bore date, June 1843; it was now August, 1851, and it seemed rather late now to bring forward such a simple case of a promissory note for £20. His friend said it was very hard if a candidate could not lend a constituent £20. No doubt it was very hard, but how was it the candidate did not call on his constituent to return him the money thus lent in this ordinary way, before so long a lapse of time, for they would find that the action was not commenced till May, 1848. He believed he should be able to explain that circumstance and to show that this was as clear a case of bribery as ever existed. The only difficulty would be to find such witnesses as should distinctly prove and establish the case; for no doubt in all such cases there was some difficulty. Bribery could not be proved very readily before a jury, because they could not bring those witnesses who knew of the transaction, to depose to the facts before a jury. He should be under the necessity of calling before them a gentleman who was the agent of Sir Samuel Spry on the occasion in question,—a gentleman, however, who would, no doubt, tell the truth in reference to this matter. It appeared the defendant, Mr. Richard Hocking, was a grocer in Bodmin, and had been a voter there for a great many years. There had been several elections in Bodmin of late years; in 1832, 1837,

1841, 1843 and 1847. Before 1843, Mr. Hocking was in the habit of giving his support to the liberal interest, but he then, it seems, saw the error of his ways, and considered, no doubt, that Sir Samuel Thomas Spry, Knight, was a candidate wholly fitted to represent the borough of Bodmin. He certainly had a full right to give him his vote on that occasion. They did not find that any money was handed over before the election; not at all, but he went manfully and properly to the poll, and gave his honest and disinterested support to Sir Samuel Thomas Spry. This was on the 9th of February, 1843. Now he was a voter not to be neglected, because it was a very fit thing that he should not retrograde; having found how far wrong he had been before in the politics he had pursued, it was fit that he should remain straight in the course he had taken, finding, no doubt, that the politics supported by Sir Samuel Spry were the best suited for the interests of the country Accordingly, after this, the transaction in question took place; his friend said it was four months after, and undoubtedly some time elapsed, for such things are not done immediately; they were too gross, and would be observed by everybody. Sir Samuel Spry could not have people come to the poll for him, and go the next day to his agent's office and borrow a little money of him,—that could not well be done. It seemed, however, that in June, 1843, defendant Hocking went to the office of Mr. Commins, jun., solicitor, who was then an agent for Sir Samuel Spry. Mr. Hocking had some property mortgaged to a Mr. Pearce, who was pressing him for payment of the interest on the mortgage money, and Mr. Commins was the attorney for Mr. Pearce. Mr. Hocking offered, in the first place, to Mr. Commins, to sell this property, which was the Golden Lion Inn, to Sir Samuel Spry. Mr. Commins, however, told him that Sir Samuel Spry would not purchase the inn, but that he would lend him 20*l.*, for which, however, he must sign a paper produced, which was in Mr. Commins's hand-writing. Mr. Hocking was not called on to pay the stamp; but it was perfectly well known to Mr. Hocking what he got that money for, and it was not to be supposed that Mr. Commins did not know what he was about. The less that was said in such transactions the better. What was the use of saying, "I give you this for bribery, because you voted in 1843 for Sir Samuel Spry, and you will be so good as to vote for him at the next election, or this note will be put in force against you." There was no occasion for people to say all that, and it was not usual in such cases to say so. The paper, however, was signed, and would, he believed have remained till that day, but for the unfortunate election in 1847. In that year Sir Samuel Spry was again a candidate for Bodmin, and on that occasion the two now sitting members were also candidates. Any voter, at that time, who split on behalf of Wyld or Lacy, voted in effect against Sir Samuel's friends, against whom Mr. Hocking was one. He voted for Spry and Lacy, which was in fact voting against Spry, and he lost his election. He should show by evidence, that when Sir Samuel found how those persons were voting, he became excessively angry, and made use of some observations on the subject. The course he pursued was to petition the House of Commons against the election of Wyld and Lacy, on the ground of bribery. Sir Samuel Spry was actually the party who thought fit to petition to make void this election on that ground. The petition was heard in April, and at the close of April it was dismissed; Mr. I Wyld and Mr. Lacy were the sitting members, and could not be turned out. This took place in April, 1848, and in May that note, which had been slumbering in Mr. Commins's desk since 1843, was put in action. The declaration having been filed, the pleas were put on the record that the note was given for the purpose of bribery, and therefore was utterly void. On that Sir Samuel Spry seems to have been a little alarmed, and did not at first take any further step in the case; so that it remained from 1848 to 1850, when defendant thought fit to call on Sir Samuel to reply in the case. It ought then to have been tried last year, but plaintiff did not come to trial, and in order to bring him there proceedings were taken in the court above, so that he had been forced on by the defendant, that the latter might save himself from costs. Mr. Crowder then read the 20th section of the 5th and 6th Victoria, c. 102, which enacts, "that whereas the practice has prevailed in certain boroughs or places, of making payments by or in behalf of candidates to the voters, in such manner that doubts have been entertained whether such payments are to be deemed bribery, be it declared and enacted, that a payment or gift of any sum of money, or other valuable consideration whatever, to any voters, before, during, or after any election, or to any person on his behalf, or to any person related to him by kindred or affinity, and that shall be so

paid or given on account of such vote, or of having voted, or having refrained, or being about to vote or refrain from voting, whether the same be paid or given under the name of head money, or other money whatever, &c., shall be deemed bribery." Mr Crowder said this was a sweeping clause intended to meet every case in which bribery was resorted to for influencing voters at elections; and whether the payment for influencing a voter were made before or after an election, it was to be deemed bribery, and subject to the penalties attached. He believed they would find that this case came within the act of Parliament, and he should also show that about the time this payment was made there were other advances of money for a similar purpose. After some further observations, he called the following witnesses:—

Mr. Richard Bray, town clerk, of Bodmin; had held that office in 1841, 1843, and 1847; had the registrars of voters for those years. In 1841 defendant Hocking voted for Major Vivian and Lord Leicester; and in 1843 he voted for Sir Samuel Spry; the other candidate was then Mr. Sawle. (There was only one vacancy at that election by the death of Lord Vivian). In 1847, Hocking voted for Spry and Lacy; the candidates besides Spry were Wyld and Lacy; Wyld was at the head of the poll, Lacy next and then Spry. Witness received the speaker's warrant to attend the proceedings on Spry's petition in March, 1848: believed the petition was dismissed on the 9th of April. I know the handwriting of Mr. Commins, jun. (The note was here handed to witness) Mr. CROWDER.—Was Mr. Commins acting as agent for Sir Samuel Spry in 1843 and 1847? Witness—Yes, he interested himself for Sir Samuel Spry. *Cross-Examined* by Mr. SMITH—Mr. Commins is at present Mayor Bodmin; has lived here all his life; his father is about the oldest solicitor in the county. You say he voted for Lord Leicester in 1841, I believe he was a conservative? *Witness*—I don't know what he was, a nondescript sort of man I believe (laughter). Was not Sir Samuel Spry then of liberal politics?—Yes, he was a regular radical. And then he became a conservative and protectionist?—He did; he turned right about. Then it appears the politics of Sir Samuel Spry changed, and so did those of Mr. Hocking? *Witness*—I don't know anything of the politics of Mr. Hocking. He was formerly a grocer?—Yes, I think his trade was larger than it is; he left his house about (*twelve?*) months ago; he had some property at one time, but I have heard that it has passed to other persons. *Re-Examined* by Mr. Crowder—In 1843 was Hocking embarrassed?—I don't know otherwise than the mortgagees have since taken possession of his property. He had not been in a larger way of business than in 1843, to my knowledge; he left his house which is rebuilt, and another party has bought it; he lives now lower down the street; have known him for forty or fifty years. The agents for the candidate are generally respectable solicitors?—*Witness*—Generally they are reputable men. And they are very zealous in the town?—Yes, generally so.

Mr. Thomas Commins, jun.—I have been an attorney practising in Bodmin ever since 1828; have witnessed a great many elections, and pretty often taken an active part; have acted as under agent for Sir Samuel Spry,—used Messrs. Smith and Roberts, of Truro, Sir Samuel's solicitors. Candidates generally retain most of the solicitors in the town. I was under agent for Sir Samuel Spry in 1843 and 1847. Hocking has been a voter all the time I have known him. Don't know, without reference to the poll-(book?) whether Hocking voted for Sir Samuel Spry before 1843; he voted for him then. Could not on my oath say whether he voted for him in 1841; have not refreshed my memory, do not think he did; was not his attorney; was attorney for Mr. Pearce, who applied to me with reference to a claim he had on Hocking. Mr. CROWDER.—Did you apply to Hocking for it? *Witness*—I was constantly applying to him by Mr. Pearce's desire, for the interest on the mortgage of the Golden Lion, which was mortgaged to Mr. Pearce. Did Hocking come to your office about it?—Frequently. Did he offer to dispose of this Golden Lion to Sir Samuel Spry?—He asked me whether Sir Samuel would purchase it. Did you afterwards inform him you had some communication with Sir Samuel;—I don't recollection I had as to the sale. What did you inform him?—I told him I did not think the houses would suit Sir Samuel, because they were very old and dilapidated, and in bad repair. Did you mean that Sir Samuel was not going to set up as an innkeeper of the Golden Lion?—No, but that I should think he was not going to encumber himself with old houses; I do not recollect applying to Sir Samuel Spry on the subject of the sale of the houses. Did you then tell him he might have £20?—O

no. What passed about the £20?—He then said he could not raise the interest unless he could get the money. What sum were you applying to him for?—It might have been from £20 to £30; I think about £30 the arrears of interest were at that time; he then wished to know whether I could negotiate a loan of £20 for him, and mentioned Sir Samuel's name. Was he acquainted with Sir Samuel—a friend of Sir Samuel's should you call him?—*Witness*—At the election previously he came to Oliver's hotel, where Sir Samuel was, saw him in the parlour, and told him he intended to support him; that was the knowledge he had of him. Then he suggested to you that the loan he wished to negotiate should be through Sir Samuel Spry?—He wished to know whether I could negotiate a loan through Sir Samuel Spry, and I told him I would try. Did he leave and call again?—O yes, he must have done that, because it was necessary I should refer to the solicitors of Sir Samuel Spry at Truro, before I could lend the money; I had no money from which I could advance in behalf of Sir S. Spry. How long do you think the negociation (*sic*) lasted?—I had an interview with Mr. Smith, of Truro, then solicitor for Sir Samuel Spry, on the (9th?) of June, 1849. I suppose you informed him who Mr. Hocking was?—I mentioned the application made by Mr. Hocking, and also other matters. Did you tell him he had voted for Sir Samuel?—He knew that as well as myself; of course I did not tell him that (laughter). And what was the result?—The result was that the money was remitted to me by cheque. Did you negotiate loans for other voters at the same time? (Mr. SMITH objected to the question; it being a case of contract between two parties, contracts with other persons could not be gone into). Mr. CROWDER submitted, on the authority of *Webb v. Smith*, 4, Bingham's New Cases, p. 63, that in an action charging bribery, evidence of other acts of bribery was admissible. The learned JUDGE said it was a question of a particular contract, but the nature of the act depended on the animus by which it was done—objection overruled.) Mr. CROWDER—Were you negotiating at the same time loans for other voters? *Witness*—I spoke to Mr. Smith about other loans to voters, asking whether Sir Samuel would advance the money; I was acting as solicitor for Sir Samuel Spry. (Mr. M. Smith objected that what passed was in the nature of a confidential communication, and Mr. Commins could not be called on to state. Mr. CROWDER, however, stated the course of questions he intended to ask, and Mr. M. Smith withdrew his objection). Mr. CROWDER—After this communication—I do not want to know all that passed between you and Mr. Smith—did you advance money to other voters? *Witness*— Yes, I think to five voters altogether. (Witness here produced his written instructions with regard to the loans). The sums, he said, were £20, £25, and £20, and one was on a deposit of deeds. When you gave Hocking the £20, had you the document by you at the time? *Witness*—I cannot recollect whether I sent for it, or he went for it, I cannot (on?) my memory. Perhaps you can tell whether you had it written out all right when he called?—Oh no, I should not prepare the note of hand till I had seen the man; I went to Sir Samuel Spry just as I should go to any other client for the money; I cannot say when I got the stamp for the note; had not in my possession several stamps for £2. Mr. Pearce was then the stamp distributor; I had told Hocking that if he would give his promissory note, I would ask Sir Samuel, or his solicitors, to lend the money. Mr. CROWDER.—Then having done that, did you not prepare this note against Hocking came to the office? *Witness*—I am pretty sure I did not; I cannot tax my memory at this distance of time. You gave him the money, and he put his hand to the note, was that all that passed? *Witness*—Certainly. What became of the note?— I kept it some time till it was sent for by Messrs. Smith and Roberts. How long after?—I can hardly tell. But perhaps you can call to mind—you recollect the election of 1847?—I do. Do you recollect Hocking splitting his vote with Lacy?— Yes. And a good many others?—Yes. The contest was really between Lacy and Spry?—Yes. Perhaps you recollect being at Oliver's Hotel just towards the close of the poll, when the matter was up with Sir Samuel, do you recollect his exhibiting considerable marks of anger.—*Witness* What, at the Hotel? Mr. CROWDER—Yes, or elsewhere? *Witness*—I recollect no particular circumstances, do you allude to any freaks of passion? Mr. CROWDER—I ask whether he expressed anger towards the voters that split with Lacy?—I never recollect his speaking of any particular voters, or saying anything about their voting. Did he speak of them in the lump? *Witness*—Of course he was rather annoyed at losing the election; he spoke of it generally. *Witness* further said he remembered the petition in December,

1847; the promissory note was sent for by Messrs. Smith and Roberts in 1848; the writ was issued about May, 1848; it was not long before that the note was sent for; witness had nothing to do with issuing the writ, but it was sent to him, and he served it; never applied to Hocking for payment of interest on the note; had nothing to do with that, was not solicitor for Sir Samuel Spry in that respect; the note remained in witness's desk till it was called for; any application to Hocking would have come from Truro. When interest was paid, it was always put on the outside. The other four promissory notes were also kept in my desk till they were handed over in 1848. Did those five men all split with Lacy in 1847?—No. Did they plump for Lacy, or did any of them vote for Spry alone?—I cannot tell you, I am sure. Turn it in your mind. Without reference to the book I cannot say. Have you any earthly doubt that of these five, all split for Lacy, or for Spry and Lacy?—I think they voted for Spry. Did they vote for Lacy?—Yes. Did those five men vote for Spry and Lacy, or for Lacy and Wyld?—I think one voted for Spry and Wyld. Who was he?—I do not know that I am bound to disclose. Is that all you can say?—You cannot expect me to explain the whole of the poll book. As to the other documents in your desk?—I do not know of interest being received on those documents. *Examined by Mr. Smith*—Did not know of Hocking applying to any one else for the money, have no doubt I canvassed Hocking at the election in 1847. At that election was there any promise made to him of any money for giving his vote? —*Witness*—Not the slightest. On any application he made to you, was there any allusion made by him to any promise having been given.—None whatever ; I should be very sorry to hold a conversation with him on any such subject. Was anything said at all about any future election at the time this loan was applied for?—Nothing whatever; it was absurd. Was anything said by you or him about the money being given as a retaining fee for a future election?—Certainly not. Had you any authority to lend, but on what you thought good security?—Certainly not; those were my instructions to the very letter. At that time you lent this money did you consider the promissory note was good security for the amount?—I did; he was possessed of houses and fields at that time, and I considered him quite responsible for £20. I am not now solicitor for Sir Samuel Spry and have not been for some time; Messrs. Smith and Roberts, of Truro, are not now his solicitors. In the four other cases of loans, I believed I had good security; one was paid off afterwards. *Mr. M. SMITH*—I ask you whether in either of those cases there had been any previous promise to repay money, or expectation held out that if they voted for Sir Samuel Spry, the money would not be called for? *Witness*—Not in the slightest, not a word passed on the subject. One has paid the loan, on one there was a deposit of deeds, and against one there was an action; the party was served with a writ and paid debt and costs at the same time as Hocking was served. *Mr. Wallis*, defendant's attorney, was attorney for Bray in the last action. *Mr. Wallis*, being stamp distributor, is prevented from taking a very active part at elections. *Re-examined by Mr. Crowle*—You have been asked about making promises to a (voter?). I suppose you never did in your life? *Witness*—I should be very sorry to be instrumental in speaking (to a voter?) in any way about giving his vote from a corrupt ?--e. You have been agent at the elections since 1832?—Yes. Bodmin is the purest place in England, we have heard—did you ever make, or hear of any promise being made to any voter?—Never myself or otherwise. Have you no notion of anything, or heard anything—do you convey no imputation on Bodmin? *Witness*—No, nor on Liskeard either (laughter). *Mr. CROWDER*—Yes, that is a very good joke; perhaps you can tell us whether ?--- against whom the action was brought was one of the ?---.—No. Then we may drop that, as well as about Liskeard. Was an action brought against either of those five after Sir Samuel Spry's petition was dismissed in 1848? I think not; there were only actions in two cases out of the (rest?) of the five, one lived in one of the parishes, the others in the town.

Mr. M. SMITH replied, contending that there never was (case?) which had more completely failed in point of proof. He remarked on the evidence, observing that it was Hocking who went to the Hotel in 1843 and told Sir Samuel Spry that he would vote for him. It was said that lending any money under the circumstances was wilful and corrupt (injury?); but must a man in Sir Samuel's situation not be allowed to do a kindness to any man on earth, except the one who had voted for him? It required strong proof, he said, to bear (out?) a charge of bribery; whilst in this case there was

nothing but insinuations. Hocking having mortgaged his property to Pearce who was pressing him for the interest, what was more natural or common than that he should go to a solicitor, and ask him to raise the money for him? Hocking knew that Sir Samuel was considered to have money, but he does not in the first place ask for money, he asks if Sir Samuel would be likely to buy the house. Now, if Sir Samuel Spry, or any person connected with him, had promised Hocking money at the election, he would have applied for it at first. Then when the loan had made good security, as Mr. Commins believed, was seen and there was also the declaration of Mr. Commins, who was the mayor of the town, and in whom they could place the utmost trust, that he would not be instrumental in any case of bribery. As to the interest on the loan not having been called for, how many notes had laid (open?) this way, because friends had so chosen to do, or because the circumstances of parties had been changed. His friend would have them suppose that all the five loans were money transactions; but one of them was on a deposit of deeds, which was a perfectly regular transaction. With regard to the delay in bringing the action, if a man's circumstances were altered, it was always worthy of consideration whether he was worth powder and shot, before proceeding with an action. There was no obligation on the part of plaintiff to go on with the action, as had been stated, but plaintiff chose to proceed, though at the risk of getting nothing for costs.

The learned JUDGE, in summing up, said the burden of proof lay on the defendant, and his case must be made out beyond a mere guess or suspicion. There was nothing to prevent either a candidate or a (normal?) member from being friendly and in an ?--- and friendly way acting towards persons who chose to vote or had voted for him. There was nothing to prevent him giving money, or lending money honestly, only it must not be under cover of future votes at an election, or past services. Any one of common sense might understand that the situation in which such a man was placed, naturally induced persons to ask him for kindnesses, and that he might be more disposed to grant kindnesses, than if that relation did not exist between them; and they must not, on mere suspicion turn every honest transaction into a corrupt one. He then commented on the evidence, observing that Mr. Crowder had said with justice that there was no necessity for corrupt words to pass, for they could not expect that one man should say to the other, "I will give you £20 for your vote." They had, however, the transactions now before them. It would not do to assume because one was a candidate and the other a voter, that everything which passed between them was corrupt. If they believed that which passed was not corrupt, the plaintiff was entitled to their verdict; on the other hand, if they thought this was a bribe, or a colorable loan, then their verdict would be for the defendant.—Verdict for the plaintiff, damages £27.

PASCOE v. TRELOAR.—For the plaintiff, Mr. Serjeant KINGLAKE and Mr. BEVAN; for the defendant, Mr. CROWDER and Mr. SMIRKE. The trial lasted a considerable time, but was only of interest to the parties concerned. Mr. John Pascoe was the plaintiff, and Mr. Thomas Treloar the defendant. Plaintiff had been clerk to Messrs. Grylls and Hill, of Helston, from 1834 to 1850; defendant was a clerk in the same office. It had been the custom of Messrs. Grylls and Hill to allow one of their clerks to take a license as an auctioneer, and to act in sales in which the firm was concerned, the proceeds of the fees at such auctions going to increase the clerk's income. The senior clerk of Messrs. Grylls and Hill, named Dobb, had, prior to the end of 1841, held this office of auctioneer; getting on in years, he then resigned, and plaintiff (as alleged by him) was appointed by the firm to succeed him as auctioneer and defendant to be the assistant at the auctions. In 1842 and 1843, there were some extensive sales of the Duke of Leeds's property, and the auctioneer was entitled to a per centage on the purchase money. The sums, however, were paid to defendant Treloar from time to time, and it was to recover what plaintiff alleged to be due to him that the present action was brought. On the other hand, Messrs. Grylls and Hill, the partners in the firm, gave evidence for defendant, that the arrangement made by them, and of which Pascoe was distinctly informed, was that the office of auctioneer should be held jointly between Pascoe and Treloar, this being particularly Mr. Grylls' wish, who considered the latter being the senior clerk, had the prior right to the prerequisites of the office. Messrs. Grylls and Hill also gave evidence that the arrangement was that the two clerks should share the fees and perquisites arising from the sales, equally between them. About one-half

of the proceeds (with the exception of some small sums) had been paid over by Treloar to Pascoe, but the latter claimed the whole, and brought this action to recover the remaining moiety. There was evidence given by Mary Ann Pascoe and William James, that they had heard Treloar say about Christmas, 1847, that he had about 100*l.* in hand, and was ready to pay it over to plaintiff, but Mr. Grylls would not let him. This evidence, however, the learned Judge thought was open to the interpretation that Treloar was referring to the proceeds which had accrued subsequently to Pascoe's giving up the office, and that he was willing to go on again in conjunction with Pascoe, equally sharing the proceeds. Plaintiff's claim, that the whole of the auction perquisites were paid over to him amounted to about £90, but the learned Judge directed the jury that if they believed the partners, Messrs. Grylls and Hill, he thought they must find a verdict for defendant. It appeared that plaintiff had applied to the partners on the subject, but had failed to succeed to his satisfaction; and that he was now secretary to North Basset mine, and to Mr. Lyle.—A verdict was given for defendant.

During this trial, the jury were allowed to leave the room for five minutes. One of them, named Saunders, did not return with the rest, and after waiting for him a short time, the trial proceeded with eleven jurors, and on Saunders making his appearance, he was fined by the Judge forty shillings.

POPHAM *v.* COATES AND ANOTHER.—Mr. CROWDER, Mr. BEVAN, and Mr. M. SMITH for the plaintiff; Mr. CARTER for the defendants. The plaintiff was Mr. Christopher Wallis Popham, of Trevarno, in Sithney; and the defendants were Mr. William Coates, of (London?), and Captain Nicholas. The action was brought with respect to Pengelly mine, of the sett of which defendant Coates had sought to obtain a license from Mr. Popham. The circumstances connected with the case were fully reported in this paper, when a trial in relation to Pengelly mine came before the Court of Stannaries. The present action against defendant was for trespass, and seizing and taking some tin ore and tin-stuff, for which plaintiff claimed to recover £174 11*s.* 4*d.* The witnesses examined for plaintiff were *Capt. Samuel Adams*, his toller, *William Davey*, pay clerk on the mine, *John Old*, and *John Pascoe*. Some deductions being made from the amount claimed, the jury returned a verdict for plaintiff for 159*l.* 3*s.*

The Court then rose.

NISI PRIUS COURT.

Tuesday, Aug. 5.

(*Before Mr. Justice Coleridge.*)

CRIM. CON.—LENDERYOU *v.* ALLEN.—In this case the following gentlemen were sworn a special jury:—

Graham Thomas Graham, Esq., foreman

Richard Bowhay, merchant.

J. A. Cocks, do.

Alfred Fox, do.

R Lean Hocking, the elder, do.

Augustus Morcom, the elder do.

G. W. Webber, Esq.

Josiah Wright, merchant.

William Vivian, do.

J. Dyer Bryant, do.

Thomas Davey, do.

R. R. Langford, do.

Serjeant Kinglake and Mr. Montague Smith were counsel for the plaintiff; attorneys, Messrs. Smith and Roberts. Counsel for the defendant, Mr. Crowder and Mr. Karlake; attorney, Mr. Genn.

Mr. MONTAGUE SMITH thus opened the pleadings:—

John Lenderyou, the younger, is the plaintiff, and Robert Allen the defendant. The declaration states that the defendant debauched and carnally knew Harriet Ann, the wife of the plaintiff. The defendant has pleaded "Not Guilty."

Serjeant KINGLAKE then opened the case to the jury. This was an action brought by the plaintiff, an innkeeper residing at Truro, against the defendant, Mr. Robert Allen, for one of the most serious injuries that can be inflicted by one man upon another; and if in this case the charge against the defendant should be made out, it would prove to have been a most cruel and most wanton aggression on the happiness of the plaintiff, and unaccompanied by any circumstances of mitigation. It would not, he apprehended, be attempted, on the part of the defendant, to allege there was any neglect or misconduct on the part of the plaintiff towards his wife ; on the contrary, it would be shown that the plaintiff lived on terms of the closest affection and endearment with the woman who had gone astray from her duty towards him; and it was an aggravation of the defendant's misconduct, that it was as a friend of the plaintiff, that he passed over the threshold of that friend's door, leaving in that house only misery and disgrace.—The plaintiff in this case was an innkeeper, and carried on a respectable business at the Red Lion, one of the principal hotels in Truro; to which he removed in October, 1849, with his wife and family, from the King's Arms Hotel, at Falmouth, where he had carried on business from the year 1843. In 1842, the plaintiff, being then about 24 years of age, married his present wife, then Miss Harriet Ann Brown, who was then 20 years of age; and then took the King's Arms at Falmouth. There are two children of that marriage—a son and daughter; one seven years old, and the other six. The defendant is a native of Falmouth; he is about 28 years old, is also a married man, and is the father of four children. His place of residence has been, for some time past, at Falmouth, where he carried on the business of malting and brewing; and he lives in a part of Falmouth very near the King's Arms. In 1843, the defendant was living at Oporto, whither he had gone out and where he had become connected with the wine business; he there married his present wife in 1844, and returned with her to Falmouth, where he has since carried on business. An intimacy subsisted between the plaintiff and himself, arising, probably, from his supplying the plaintiff with wine and other commodities for the purpose of his trade. In addition to the business of a publican, the plaintiff had a farm in the neighbourhood of Falmouth. To this fact, it was necessary to call attention, because it would be shown that the defendant had full knowledge of the plaintiff's habits, and on all occasions of the plaintiff's absence from the inn, sought the company of his wife. It appears that Mr. Lenderyou was in the habit of sitting up late at night, allowing his wife to go to bed early; while in the mornings Mrs Lenderyou came down stairs earlier than he did. It would be proved that the defendant was frequently at the King's Arms under circumstances of great suspicion, as early as 7 o'clock in the morning; and also visited the house frequently after breakfast when the plaintiff was absent at his farm, and would remain there several hours at a time in the company of the plaintiff's wife, and circumstances would be shown in connection with those visits which would leave no doubt of a criminal intercourse having taken place between these parties.—The learned Serjeant proceeded to describe the premises at the King's Arms, for the better understanding of the case. There was a front door facing the main-street. From that door was a passage leading to the outer bar, the tap-room and the common ordinary bar. At right angles with that passage was another passage which communicated with the street, at the *side* of the house. By this side of the house were stables where Mr. Lenderyou generally took horse when he rode to his farm; and Mr. Allen's house was so situated that, with little care, he could easily see when the plaintiff was leaving his house at that side.—After describing some other arrangements of the rooms on the floor, the learned Serjeant stated that immediately opposite the bar was a small passage which communicated with a little room called the nursery, but which had not been used as such for a long time; it was appropriated by Mr. and Mrs. Lenderyou for their private use, and for themselves and family to take their meals in. The door of that room was fastened only by a latch on the inside; and there being no handle to that latch on the outside, the room would be inaccessible if any person inside put down the latch. The room was a small one, and in it were a sofa and easy chair, with other chairs. There was but one window which looked out to the side entrance where the stables were, and in a line with the side door which had been alluded so; and to that window there was a blind.—After describing the localities of the premises, the learned Serjeant proceeded to state the circumstances of the case, concerning the alleged proceedings of the defendant and Mrs.

Lenderyou at the King's Arms, Falmouth. In September, 1849, Mr. Lenderyou removed to the Red Lion, Truro; his father continuing the business at Falmouth till the end of the term, which expired in the following year. The plaintiff, with his wife and children, went to Truro in October 1849, and took possession of the Red Lion Hotel, where, it would appear, Mr. Allen sought to renew his intercourse with Mrs. Lenderyou. He took stores at Truro, for the purpose of carrying on the wine trade, and slept at the Red Lion. The learned Serjeant then stated the circumstances which he proposed to prove as having occurred at the Red Lion, connected with the charge against the defendant; stating that until the 14th of April in the present year, the plaintiff had lived on terms of perfect affection with his wife and entertained not the smallest suspicion of any infidelity on her part towards him. She had his complete confidence, and up to that very day the affection with which he treated her was apparently returned by her with equal affection. It might be said that such ignorance of his wife's conduct, for a long period of time, was strange. But it would be within the experience of most persons that servants and other parties left at home would see a wife's misconduct before the husband; and indeed, the husband, fully confiding in his wife, was often the very last to suspect that she had lent herself to others and proved unfaithful to him. Serjeant Kinglake proceeded to detail the events of the 14th of April, and expressed his confidence that the evidence he should adduce would fully satisfy the jury that an adulterous intercourse had subsisted between the defendant and Mrs. Lenderyou for a long period antecedent to that date.—On the authority of an opinion expressed by the present Lord Chancellor, strengthened by the opinion of another eminent Judge, the learned Serjeant impressed on the jury that it was not necessary to have actual proof of an act of adultery; if they had reason to believe, from other circumstances, that the passion existed, and that opportunities occurred for the gratification of that passion, it was a fair inference that the parties had that improper intimacy to which such passion would lead.—In conclusion, the learned Serjeant urged, that though the injury sustained by the plaintiff could not be measured by any amount of damages, yet it was the duty of the jury to express their sense of the wrong done, and the only way in which they could do so was by measuring out such damages as would teach the defendant that he could not act as he had done with impunity—that the English law was a law of morality, and that they, the jury, were determined to carry it into effect, by marking their sense of the serious injury which had been inflicted.

The following evidence was then adduced:—

Thomas Hicks. I am parish clerk of Kenwyn, and have been so many years. I was present at the marriage of John Lenderyou and Harriet Ann Brown. I produce the certificate of their marriage on the 14th September, 1842. Mrs. Lenderyou is the daughter of a farmer in Kenwyn, who lives on his own freehold.

Elizabeth Peters, single woman living at Truro. Some 5 or 6 years ago I went to live with Mr. Lenderyou at Falmouth as child's-maid at the King's Arms Inn. He had two children then. I remained between 2 and 3 years in the service. I know the defendant. He lived near the King's Arms, at the corner of Killigrew-street. When I first went to Mr. Lenderyou's, for the first 12 months I did not take any notice of Mr. Allen coming there; I was chiefly employed upstairs. After that I noticed his coming to the house as another customer. About 12 months before I left, I noticed that his visits became more frequent. In the forenoons, Mr. Lenderyou used to go to the farm and other places. He went away straight up the Moor passing Mr. Allen's house, at the corner of Killigrew-street. The side entrance to the King's Arms looked up Killigrew-street; the front entrance faced Ludgate-hill. Mr. Allen would come to the house after Mr. Lenderyou went to the farm; sometimes he would go into the bar, and sometimes into the nursery. I had that room as a nursery for the first 12 months after I went there; and then it was used as a room for the family to take meals in. When I have seen Mr. Allen go into the nursery, I have seen Mrs. Lenderyou come out of the bar, and also go into the nursery. I have also known her to be in the nursery when Mr. Allen has come in; and I have seen him then go in and close the door; the door has also been closed when Mr. Allen has gone in first and Mrs. Lenderyou followed. These visits were every day when Mr. Allen was in town. When Mr. Allen and Mrs. Lenderyou were in the nursery, the blind was always drawn down; the blind was never

down at other times in the day time; I have some times seen Mrs. Lenderyou draw down the blind before Mr. Allen came, and then Mr. Allen would go into the nursery. I have known Mr. Allen and Mrs. Lenderyou to be there an hour or an hour and half; they were then alone; the children were in a nursery upstairs. I knew the blind was down, because I went out at the side door to look.—I knew Miss Edmonds, the bar maid; when Mr. Allen and Mrs. Lenderyou have been in the nursery, I have seen Miss Edmonds walking up and down the passage that commanded the side door, and the view up Killigrew-street and the Moor; and at such times Mr. Lenderyou has been out.—I have seen Mr. Lenderyou come home from the farm, shortly after Miss Edmonds has been walking in the passage; and just before master came in, Mr. Allen and Mrs. Lenderyou have come out of the room, and he would go into the bar, and Mrs. Lenderyou would go up stairs before Mr. Lenderyou came in.—Some time—about 6 months—before I left, I was going into the nursery for a hair-brush; Miss Edmonds stopped me, and said I was not to go in there; I then went out round to the side door to see if the blind was down; it was down; this was just after 10 in the morning; I then went up stairs and waited by the railing till I saw Mr. Allen come out and go down the passage; I did not see Mrs. Lenderyou come out.—On another occasion, not long after what I have just stated, in the evening, the Boots came and told me something; I then went into the pantry, nearly adjoining the nursery; I waited there a bit, and then went out to see if the shutter was up; I saw that the shutter was closed, and that there was no light in the room, this was about 10 in the evening, in the fall of the year. I then went into the pantry again; Mrs. Lenderyou came from the nursery, and closed the pantry door; she saw me but did not speak; I went and opened the door again; in a short time Mrs. Lenderyou came and closed it again; I opened it again; then Mrs. Lenderyou came and sent me on an errand to the kitchen. I went part way, and looking back, I saw Mr. Allen come out of the nursery and leave the house, and Mrs. Lenderyou went up-stairs. She came down in about a quarter of an hour, and called me to the bar window, and gave me a glass of gin and water. Mr. Lenderyou was on this occasion lying down in the room up-stairs. There could not be a kinder husband than Mr. Lenderyou was during the time I lived there—On *cross-examination*, the witness admitted that she had herself had two children, and she supposed this made her rather suspicious; she had had misfortunes herself, but had no husband to injure; she said she was not very curious nor yet over-particular (laughter). She denied ever having had a glass of grog given her by Mrs. Lenderyou except on the occasion referred to, and that she did not ask for; mistress called her to the bar window and gave it to her.

Rebecca Crispin. I am wife of Robert Crispin who lives at Falmouth, and a daughter of James Roberts who managed a farm for Mr. Lenderyou. I was in Mr. Lenderyou's service as child's maid; I went there when Elizabeth Peters left; and I remained there 12 months. I attended Mrs. Lenderyou and assisted her in dressing and matters of that kind. She dressed her hair herself; she dressed it in curls, and was in the habit of dressing it smart and well. While I was there Miss Edmonds was bar-maid; the bar-window faced the side entrance of the house. Miss Edmonds and Mrs. Lenderyou were very much together; I have seen them walking about the house, arm-in-arm, together.—Mrs. Lenderyou generally got up about 7 in the morning, before her husband. In the mornings after breakfast, Mr. Lenderyou used frequently to go to his farm, about a mile off; sometimes he would go there every day. While I was there, I have seen Mr. Allen come to the house about 7 in the morning; he would go into the nursery, and Mrs. Lenderyou would go in there; then the door was closed. I have seen that often. Sometimes Mr. Allen would remain there an hour or more; Mr. Lenderyou would then be in his bed; on such occasions, the blind of the nursery was down; I have seen that so about 20 times; when they were not in the room, the blind was up. I have also seen Mr. Allen there in the forenoons, after Mr. Lenderyou had gone to the farm. Sometimes Mr. Lenderyou would ride to the farm; he would take his horse at the stables near the side entrance. On such occasions Mr. Allen and Mrs. Lenderyou would go into the nursery and remain there, with the blinds down, and the door sometimes closed and sometimes not.—Mrs. Allen sometimes took tea with Mr. and Mrs. Lenderyou; and sometimes Mr. Allen would be there with them. When Mr. Allen and Mrs. Lenderyou have been in the nursery, Mrs. Allen was not in the house. I have sometimes gone to the

nursery, and have knocked; Mrs. Lenderyou came to the door, and I saw Mr. Allen there; the blinds were down. On going to the room, I have sometimes seen Mrs. Lenderyou sitting on Mr. Allen's knee on the easy chair. I have seen that several times. When I have so seen her, no remark was made by her; sometimes I have gone in and sometimes not; her hair on such occasions, was tumbled very much.—The bar window is a bow window looking out into the passage; not long before I left, I was passing and saw Mr. Allen and Mrs. Lenderyou in the bar; I came quickly on the window, and saw Mr. Allen kiss Mrs. Lenderyou. I saw that distinctly.—There is a room up-stairs called No. 2, over the side-entrance door; that room looks up the Moor; I have known Miss Edmonds go to that room and look out of the window, when Mr. Allen and Mrs. Lenderyou have been in the nursery, and master was expected back from the farm. I have seen Miss Edmonds then come down from that room, and then Mr. Allen would come out of the nursery and go into the bar, or he would go out at the back door; and Mrs. Lenderyou would go up-stairs. I have then seen Mr. Lenderyou return from the farm. Before Mrs. Lenderyou came out of the nursery, I have seen her draw up the blind.—*Cross examined*:—The families of Mr. Lenderyou and Mr. Allen were well acquainted and on very good terms. The nursery was the only room in which Mr. and Mrs. Lenderyou could see their friends. The door was sometimes shut when other visitors were there, besides Mr. Allen. I have myself sometimes drawn down the blind and left it down. I never watched to see what was the state of the blind, except when Mr. Allen and Mrs. Lenderyou were in that room. I have drawn down the blind sometimes when the sun was there; I was the only person who did so; no other person had a right there. Miss Edmonds had been there some time, and occasionally took her meals with Mr. and Mrs. Lenderyou; she had the command of the inner bar and took the money. Mr. and Mrs. Allen dined sometimes with Mr. and Mrs. Lenderyou; and Mr. Allen supplied beer here. Mr. Allen's premises were at a short distance from the Inn, and he was in and out there most days. All the time I was there, Mr. Lenderyou and Mr. Allen were very friendly indeed; Master used to call Mr. Allen "Bob," and Mr. Allen called master "Farmer." I have seen them sometimes drinking together. When I saw Mr. Allen kissing Mrs. Lenderyou it was in the forenoon; the kiss was very quick (laughter.)—When the door of the nursery had been open, not knowing any body was there, I have gone in, and have seen Mr. Allen and Mrs. Lenderyou; sometimes he would be sitting down and she standing by him, and at times she would be sitting on his knee; I am sure I have seen her sitting on his knee twenty times; I have then taken what I wanted from the room and gone out; these occasions had always been in the day-time. Mrs. Lenderyou sometimes worked in the nursery; her work-boxes were kept in the bar. I sometimes took the children into the nursery. Mr. Lenderyou used to go to his farm and return at different times of the day. I have seen Miss Edmonds look out of the window, of No. 2, the upstairs room, it may be 20 times;—that would be towards the time when Mr. Lenderyou was returning, and when Mr. Allen was in the house. No. 2 was a room for customers; I have seen Mr. Allen and Mrs. Lenderyou there; and I have known Mr. and Mrs. Lenderyou take their meals there.—*Re-examined*. When I saw the kiss I was passing from upstairs to the kitchen, and my way was by the bar-window. I am sure it was a kiss (laughter). It was a common talk among the servants about Mr. Allen going so often into the nursery; we used to call him "Bob Omnibus" (laughter). Boots put that name upon him for a joke; I do not know the meaning of it.

Susan Harris.—I am now barmaid at the Charlestown Inn, St Austell. I lived with Mr. Lenderyou, as barmaid at the King's Arms in Falmouth. I am a cousin of his. I went there in 1843, a fortnight or three weeks after his marriage, and I remained there till he left to go to Truro. When I first was at the Inn, Mr. Allen came as a customer; afterwards, about 3 or 4 years since, his visits became more frequent; sometimes he came 4 or 5 times a day, sometimes less; it depended on his business. Mr. Lenderyou went to his farm, generally every day, if the weather was fine; sometimes after breakfast, sometimes after dinner; generally before breakfast. Mr. Allen generally came when Mr. Lenderyou was away, and would go sometimes to the bar, sometimes to the nursery; when he went to the Bar he would inquire for Mr. Lenderyou; if he heard he was away, he would immediately retire to the nursery, and Mrs. Lenderyou always joined him there; they were there always alone; when they were there, the door has been partially open, and, after they had been there about twenty minutes

the door has been closed; the blind has always been drawn when they were there; I went outside for the purpose of seeing. Mrs. Lenderyou and Mr. Allen stayed in the room, sometimes an hour, sometimes more. When they were not there, the blind was always up except when the sun was fervent; when Mr. Allen and Mrs. Lenderyou were there the blind was always down whether there was sun or not.—Miss Edmonds attended to the inner bar; she was there all the time I was there. When Mrs. Lenderyou was absent in the nursery, Miss Edmonds attended in the bar. Mr. Lenderyou stayed away sometimes two hours at the farm. Sometimes Mr. Allen and Mrs. Lenderyou have been in the room when Mr. Lenderyou returned, and they were apprised of Mr. Lenderyou's return by Miss Edmonds. I have seen Miss Edmonds watch from the inner bar door, and she frequently coughed, and sometimes laughed aloud, as a signal; and I have seen them then come out of the nursery; and in a few minutes Mr. Lenderyou returned. I have known this happen frequently. I have known Mr. Allen and Mrs. Lenderyou to be in the nursery at night; sometimes after 12 o'clock. Mr. Lenderyou was very often from home. They have remained in the room two or three hours at a time, and no light there; I could see that from underneath the door. I recollect going to the room one night when the door was fastened inside; I could not open the door on the outside; this was about half-past 11 at night, about a year and nine months before they left Falmouth; I knocked at the door and got no answer; I tried the door and could obtain no admittance, and I called Mrs. Lenderyou and got no answer. There was then no light in the room. I then returned to the bar; and in about a quarter of an hour, saw Mr. Allen come out and go into the bar; and Mrs. Lenderyou followed him there; I was standing in the passage which commanded a view of both bars and the nursery.—I recollect Mr. Lenderyou being at the Truro Cattle Market about 8 months before he left Falmouth; he came home that night a little after 12. Mr. Allen was then in the nursery and had been there 4 hours alone with Mrs. Lenderyou. When Mr. Lenderyou came to the side entrance he rang the ostler's bell; and Miss Edmonds, who was standing at the bar door, immediately coughed; then Mr. Allen came from the nursery, rushed into the bar and took a pipe and sat down smoking. Mr. Lenderyou, before he came into the house, went to the stable to give directions to a servant.—I saw Mrs. Lenderyou come from the nursery with her collar hanging partially over her neck and her hair disordered; she went upstairs and remained about 5 minutes: as she came down she met her husband; they embraced and went in to supper; her hair and dress were then in order.—My bar had three windows, one of which looked into the passage towards the side entrance. I have known Mrs. Lenderyou out in that passage when Mr. Allen was leaving the house; I have seen them whispering and shaking hands before parting for the night; that has been very often; sometimes at half-past 11, 12, or as late as half-past 12; sometimes they remained there 10 minutes.—I have heard Mr. Allen and Mrs. Lenderyou whispering and kissing at night; I could hear distinctly, because there were two panes of glass broken; it was kissing to the best of my knowledge.—During the time I was there, Mr. Lenderyou treated his wife with the greatest of kindness and affection, and she appeared to receive him in the same way; I never knew an angry word between them.—*Cross-examined.* The kissing I heard was loud kissing (laughter). I have known it last from a minute and a half to two or three minutes. It was generally close by the bar window. I am sure I know the sound of a kiss (laughter). I might have mistaken it for something else. I don't myself know what kissing is (laughter). On some occasions I think I may have mistaken the sound; on others I did not. When Mr. Lenderyou and his wife met, after his return from Truro, they embraced— they kissed; I don't know any distinction between kissing and embracing (laughter).—What I have stated as to the nursery has reference to a period of two or three years; I have gone out as often as five or six times to see if the blind was up; five or six times, or more. I did not inform the plaintiff of what I found was going on. I thought there was harm in the kissing in the passage; but I did not tell the plaintiff, because I did not like to wound his feelings. Other persons knew it as well as myself. I did not say anything to him about it, because I knew he would not believe it; Mr. and Mrs. Allen, and Mr. and Mrs. Lenderyou were intimate friends; the families were constantly together. Any persons going in or out of the nursery might be seen by persons in the bar. Miss Edmonds did not tell me that her cough or laugh was a signal; but I charged her with it, and she did not deny it. On the occasion I have spoken of, when Mr. Lenderyou

returned from Truro at night, Mr. Allen went into the bar and had a glass of brandy and water served him by Miss Edmonds. There were several other people there. After the intimacy between Mr. Allen and Mrs. Lenderyou became known and talked of, the female friends of Mr. and Mrs. Lenderyou did not visit them as they had done. This was two or three years ago. It was generally thought that people's suspicions were correct. I suspected it two years ago; I was there a full year after my suspicions were aroused. There was no change of servants during the time I was there.—*Re-examined*. When Mr. Allen has come in and inquired if Mr. Lenderyou was there, I have sometimes heard Miss Edmonds say " No, he is gone to Truro." Then he would go into the nursery, and Mrs. Lenderyou followed him. The occurrences I have mentioned were matter of conversation among the servants; every one in the house knew what was going on, except Mr. Lenderyou. When I charged Miss Edmonds with making signals, I asked her who she had been looking for and watching; she told me "for no one." Mrs. Allen may have been there sometimes when Mr. Lenderyou was from home; but not generally speaking.

Alice Richards, widow; I was employed as a char-woman by Mr. Lenderyou at the King's Arms. Mr. Allen's family were friendly with Mr. Lenderyou. I went there about 12 months after Mr. Lenderyou took the Inn, and remained till Mr. Lenderyou left Falmouth. I saw Mr. Allen would go to the nursery when Mr. Lenderyou was absent; sometimes before breakfast, as early as 8 o'clock, and sometimes at other times of the day. He would come to the bar and then go to the nursery, and Mrs. Lenderyou would follow him. I have frequently seen this: I was there only three days a week. When Mr. Allen and Mrs. Lenderyou have been in the nursery, I thought it was not right, and I have more than once or twice gone outside to see if the blind was drawn; and I saw the blind was down. The matter was talked of among the servants. I never saw Mr. Allen come there when Mr. Lenderyou was home.—It was about 2 years and 9 months before they left Falmouth, that I had my suspicions, and went three or four times to look about the blind.—*Cross-examined*. I never went to look about the blind when they were not in the nursery.

William Hayman, innkeeper of Falmouth. I lived as ostler at the King's Arms in October 1847, and stayed there till Mr. Lenderyou left Falmouth. I was also boots there. Mr. Allen came to the house nearly every day; sometimes more than once; the more frequently when master was away; master generally went to his farm every morning; he very often rode; he mounted his horse at the side door. After master went to the farm, Mr. Allen would come to the house; sometimes he went direct to the bar, and sometimes to the room called the nursery. He generally went into the nursery first, and Mrs. Lenderyou would go in after him. The window of the nursery looked into the stable yard; when I was at work in the stable yard I could see the window; the blind was always *down* when Mr. Allen and Mrs. Lenderyou were in the room; when Mr. Allen left the house, I have seen the blind pulled up, sometimes by Mrs. Lenderyou and sometimes by the maidens. When master has gone away, I have seen Mrs. Lenderyou pull the blind down, and then Mr. Allen would come in and remain in the room with Mrs. Lenderyou. They have remained there from one, two, or three hours; they always managed to leave the room before master came home. I observed this up to the time Mr. Lenderyou left Falmouth.—*Cross-examined*. Old Mr. Lenderyou stayed at the King's Arms 12 months after his son left.—As soon as master was out of sight, Mrs. Lenderyou very frequently pulled down the blind; master was very seldom out of the house two or three minutes before Mr. Allen came in. Master most frequently went to the farm in the forenoon.

Samuel Bryant, ostler at the Dolphin Inn, Truro. I lived as boots at the King's Arms from March, 1848, to July, 1849. Whilst I was there, I saw Mr. Allen at the King's Arms, often; as early as 7 o'clock, before Mr. Lenderyou was down; sometimes he would go into the bar and sometimes into the nursery; when he went to the bar he would immediately go into the nursery, and Mrs. Lenderyou would follow him immediately; when they were there the door would be sometimes closed. Sometimes Mr. Allen has come when Mrs. Lenderyou has been in the nursery, and immediately go in there. I have seen Miss Edmonds go into the room with Mrs. Lenderyou and stop a minute or two, and then come out again. I have seen Mrs. Lenderyou pull down the blind soon after Mr. Allen and she went into the room. I have never known the blind up when they were there. I have known them

remain there two or three hours, and they would leave just one after another. I have seen Mr. Allen come into the house and go into the nursery; and Mrs. Lenderyou would come out of the bar and go in to him. When master has been away to the farm, they have remained in the room two or three hours. I know the room No. 2, upstairs, the window of which looks up the Moor, the way to the farm. I have known Mr. Allen and Mrs. Lenderyou in that room for two hours. When master has been away for the day, I have seen Mr. Allen in the house two or three times a day; he would generally go into the nursery. I had occasion, once, about 7 months after I had been there to go to the room No. 2 upstairs, and found the door closed; I unhasped it, and opened the door partly, and someone inside pressed the door close against me. I went down stairs and asked Miss Edmonds if there was any one particular in the room; she went up and fetched the coat and whip that I wanted. Some half-hour after that, I saw Mr. Allen and Mrs. Lenderyou come out of that room; Mrs. Lenderyou went into a bed-room near, and Mr. Allen went to his home.—Some three or four months before I left, one morning, I was sweeping the passage outside the bar window, between 7 and 8 o'clock; I saw Mr. Allen come into the house and go into the bar; Mrs. Lenderyou was there alone; the bar window opens by a sliding casement; at that time the window was partly open; Mrs. Lenderyou was cleaning some glasses; Mr. Allen went in and sat down; and I saw him take Mrs. Lenderyou on his knee and kiss her. When I asked Miss Edmonds if there was any person particular in No. 2, she did not mention the name of any person, but said she would go up and bring the things down.

James Pearce.—I live with Mr. Lenderyou as post-boy at the Red Lion, Truro, and have been there since Mr. L. came to that inn. Mr. Allen often came to the house, and sometimes slept there. Last Christmas there was a Freemasons' dinner; Mr. Allen dined at that dinner, and slept at the hotel that night. The next morning I assisted the waiter in clearing the room. About half-past 7, I was leaving the door of the room with some glasses on a tray; on leaving I passed a bed-room facing the stairs. Mrs. Lenderyou opened the door, and was in the act of coming out, and I saw Mr. Allen standing behind her. When Mrs. Lenderyou saw me, she directly went back into the bed-room, and slammed the door home. Mr. Allen had neither coat, waistcoat, nor braces on; but whether he had on trowsers I don't know. There was a pair of man's shoes lying at the door.—*Cross-examined*. I did not tell master what I had seen. I believe Mr. Allen always slept at the Red Lion, when he did not go to Falmouth; he kept his horse at the Red Lion; he took stores at Truro soon after master came to Truro to live.—Mistress was inside the room when I saw her slam to the door. I went down stairs and remained a quarter of an hour taking a cup of coffee. The next time I saw mistress was in the bar, the same morning She must have seen me when I saw her slam the bed-room door. Master was in bed I suppose; his bed-room was at the top of the house. After this, Mr. Allen came to the house as usual.

Edward Carnie.—I lived at the Red Lion Truro; I went there in October, 1849, when Mr. Lenderyou came to Truro. While I was living there, I remember Mr. Allen having a bed-room there. I was second boots at that time. I recollect taking a pair of slippers to the front dining-room for a gentleman, between half past 9 and 10 o'clock one evening; I took another pair of slippers for Mr. Allen in the adjoining room. He had been there keeping in that room for some days with a bad leg. I went to Mr. Allen's room, and on opening the door saw Mrs. Lenderyou there with Mr. Allen. Mr. Allen was lying on his back on the sofa; and Mrs. Lenderyou was standing with one leg on the floor, and the other leg with the foot upon the sofa, near Mr. Allen's head. I asked Mr. Allen if he would have a pair of slippers, and he replied "No, sir." I then turned and went out of the room. *Cross-examined*.—I went into the room several times while Mr. Allen was there; he was generally lying on the sofa. I never saw Mrs. Lenderyou there except on the one occasion I have spoken of.

Richard Brewer, waiter at the Red Lion Inn. I have been waiter there since Mr. Lenderyou has kept it. Mr. Allen has frequently come to the house. I remember the Freemason's Dinner. Mr. Allen slept that night in No. 8 room; I saw him there. I recollect the 14th of April last; in the afternoon, about 4 or 5, I heard Mr. Lenderyou call out to me—He called "Brewer," and "Mary Crowgie" to come to him; he called three or four times passionately; I went to him, as soon as I had put down some

glasses from a tray, and saw him at the door of No 9. sitting-room. It was about three minutes from the time he called, when I got to him. I thought I heard a noise as of a door forced; when I came up, he was standing with the latch of the door in his hand, and some one inside appeared to be pushing against him. He said to me, "Brewer, I have called you to witness that I have caught Robert Allen and my wife; he then pushed open the door and I saw Mr. Allen and mistress rather behind him. Master called him a d—d rogue and kept blowing him up. He called Mrs. Lenderyou a whore, and she said, "No such thing, John; you did not catch us." Both Mr Allen and Mrs. Lenderyou came out of the room together, but mistress was just behind him, and appeared as if she was afraid of master. When they came out, master blowed them up, and ordered them both out of the house immediately. Mr Allen said, "Stop a minute; I want to speak to you, John; hearken to reason." Master would not allow Mr. Allen to speak to him at all, but called him "villain" and "rogue;" he said, "you have ruined me and my family," and kept ordering Mr. Allen out of the house. I went down stairs. Mr. Allen was not willing to leave the house, but wanted to speak to master. Mr. Allen and mistress both went into the bar; they were both looking very much frightened; Mistress had no cap; her hair, which she wore in curls, was looking rather shaky. Mr. Allen did not leave the house for 10 minutes or a quarter of an hour after he came down stairs. When he had left, I went up stairs and looked at the lock of the door of the room; the lock was not injured, but the staple was sprung back; it appeared that the door had been forced and had sprung back the staple. In this room No. 9, there are two windows, one of which opens against Mrs. Heard's house, and the other against a blank wall; the blind of the window open against Mrs. Heard's was down; the other was up. Mrs. Lenderyou went upstairs for her bonnet and things; she left the house and I have not seen her there since; Master still keeps on the house.—*Cross-examined*. Master had gone out to go to the field; I did not know that he had returned till I heard him call up-stairs. His father was in the bar. From the bar it is possible to see a person go in or out of the room No. 9 up stairs. I had been in No. 9 a few days before; I had not noticed the state of the lock and staple after Mr. Pearn had had some shawls and silks locked up there. In the room all the furniture was three tables and some chairs. When master accused Mr. Allen, I cannot say that I heard him reply to master, "you are a d—d liar." Mr. Allen said several times: "hearken to reason, John; I want to speak to you a moment."—*Re-examined*. Master returned in the afternoon much sooner than if he had gone all the way to the fields. When I went up stairs, master had one foot against the wall opposite the door pushing the door inward, and some one inside was resisting.—The plaintiff had not been out to go to the fields more than a quarter of an hour, before he returned.

Mary Crowgie; I am chambermaid at the Red Lion; and have been there 16 months. On the 14th April, while I was about the house, I heard master call me from below; I was in the higher plat. When I got to where master was, I saw him standing in the doorway of the room; he said "look to my wife and Robert Allen." The door was opened, and I saw Mr. Allen just inside the door, and Mrs. Lenderyou in the room. Mr. Lenderyou said to Mr. Allen "You have ruined my wife and family," and called him a wretch. Mr. Allen said to Mr. Lenderyou:—"Listen to reason; it is no such thing." I heard master call his wife a whore. She said, "it is no such thing; you did not catch us." Her fore hair was rather tumbled; I did not notice her back hair. The blind of the window opposite the neighbour's, was down; I had seen that blind several times before during the day; it was then drawn *up* for the day. The last time I saw the blind was about an hour before the transaction; it was then up. The room was a rather dark one, at the back of the house. The next day I went to the room to look at the lock; I went inside and bolted the door, and my fellow-servant stood outside and burst it open against me; the brass that held the bolt gave way as if it had been forced open. When I had previously seen the door, the lock was all right; I cannot say how long that was before the 14th of April.—*Cross-examined*. I heard my mistress say to master, "Tis no such thing." Then master said, "I have caught you"; and she answered, "No, you did not catch me."

Mary Bullen, wife of Mr. Thomas Bullen, manager of Woodworks at Truro. I lived with Mr. Lenderyou as barmaid, from October to the 22nd of July last. I remember the 14th April last. In the afternoon of that day Mr. Allen was in the house. Mr. Lenderyou went out of the house in the

afternoon, and afterwards returned; when he returned he first went to the bar; this was about 4 o'clock; he asked me where Mrs. Lenderyou was; I told him she was here a few minutes ago. Mr. Lenderyou then left the bar and went up-stairs, and in a few minutes I heard him calling "Richard" and "Mary" "come here." I did not go up. Shortly afterwards Mrs. Lenderyou and Mr. Allen came into the bar just together; Mr. Lenderyou was just by them between the bar and the bar parlour. Mr. Lenderyou was reproaching Mr. Allen, and saying "You bad man, what, have you been doing?" Mr. Allen said "I am innocent." Mr. Lenderyou said "you have ruined me and my family." I did not hear Mr. Lenderyou say any thing of what he had observed. Mr. Allen said he was innocent, Mr. Lenderyou said, "you are not; you have been up with my wife, and have disgraced my wife and family." He then said to me, "Miss Bullen, I have caught Allen and my wife together in the blue room." Mr. Lenderyou then went to the commercial room to write a letter, and Mr. Allen followed him, saying he was innocent. Mr. Allen then came back into the bar, and Mrs. Lenderyou asked me to pour out a glass of wine for Mr. Allen, which I did not do, and she drew it herself, and Mr. Allen drank it; she then poured out one for herself and drank it, and then said "My God, Bob, what shall we do?" He said, "I am sure I don't know." She then said "Can't you send for John Brown?" (John Brown is her brother). He said "what good is that?" Mrs. Lenderyou and Mr. Allen then went into the inside bar, and stayed there four or five minutes alone; I being in the outer bar. Old Mr. Lenderyou made a nod towards the bar. I then walked into the inside bar, and they walked out. Then young Mr. Lenderyou came, and Mr. Allen went out to him, but Mr. Lenderyou pushed him away. Mr. Allen again said he was innocent, and came again into the bar. Old Mr. Lenderyou reproached Mrs. Lenderyou, and she said, "it is not worse than you have done; see what you have done yourself." The old man called her a very bad woman, and said, "see what you have done for your husband and children." Mr. Allen was then at the door of the bar, within hearing. Then Mr. Allen walked away at the backdoor, and I saw no more of him; the old man walked away after him. Mrs. Lenderyou remained in the bar a few minutes, and then went up-stairs. Mr. Lenderyou also went up-stairs, took her by the two shoulders, and told her to go to doors. She did go away that evening, and has remained away ever since. Up to the 14th of April, Mr. Lenderyou was always very attentive and affectionate to his wife.—*Cross-examined*. During the time I was at the Red Lion, Mr. Allen was frequently there; sometimes three or four times a day; he always dined and supped with the family, and slept there when he did not return to Falmouth. Mrs. Lenderyou always appeared to treat her husband with affection. On that very day, the 14th of April, old Mr. Lenderyou and Mr. Allen had been drinking grog together in the bar; and Mr. Allen dined with Mr. Lenderyou (the son) and two gentlemen. I did not hear old Mr. Lenderyou speak to his son when he asked where his wife was; and I don't know why the son went to the blue room rather than any other. He had to pass by that room to go to his bed-room. I could not have seen the door of the blue room from the bar, even if I had looked for the purpose.

Edward Bullmore: I live near Falmouth, and know the plaintiff and defendant. I knew the plaintiff and defendant during the whole time they lived in Falmouth. I visited them constantly. The plaintiff and his wife always appeared to live together very affectionately; he appeared to be a very kind and affectionate husband. I have since visited them at Truro; they appeared still to be living on the same affectionate terms. Mr. Allen carried on business as maltster and brewer, at Falmouth, in partnership with his brother George. At Truro he carried on, on his own account, the business of a wine & spirit merchant. I should think the defendant is from 28 to 30 years of age; he is a tall powerful man. I know Mr. Allen's business in Truro has been given up; I believe it was given up three or four months since.—*Cross-examined*. I never heard that Mr. Lenderyou recommended Mr. Allen to open business in Truro.

Mr. CROWDER then, with zeal, energy, and ingenuity, addressed the Jury for the defence, which he based mainly on alleged improbabilities, inconsistencies, and exaggerations in the statements of the witnesses for the plaintiff; asserting that their evidence was insufficient to warrant the conclusion that an adulterous act had been committed by the defendant and Mrs. Lenderyou; although he admitted that the conduct of these parties shewed levity and impropriety.

The learned JUDGE summed up with great care and impartiality.

At ¼ to 6 o'clock, the jury retired for consultation; and the Court being then adjourned to the Judge's lodgings, in about 20 minutes they proceeded thither, and delivered a VERDICT FOR PLAINTIFF, £350 DAMAGES.

TUESDAY, AUGUST 5.
(Before Lord Campbell.)

EZEKIEL HARRIS, 15, pleaded GUILTY of stealing a pair of boots, the property of William Collins, of Lostwithiel. Sentence *three months' hard labour*.

SHEEP STEALING.—JOHN RICHARDS was indicted for sheep stealing in the parish of Breage. This prisoner was convicted at the last Spring Assizes, and Chief Baron Pollock passed on him a sentence of twenty years' transportation. The law, however, only admits of fifteen years' transportation for sheep stealing, as the extreme limit of punishment for that offence. The mistake having been discovered, Messrs. Grylls and Hill, solicitors for the prosecution, to obviate an application for a writ of error, applied to the Chief Justice, Lord Campbell, at Exeter, who granted a writ of habeas corpus, under which the prisoner was brought from the Bath gaol (where he had been taken as a transport on his way to undergo his sentence) and was brought again to these assizes, to be tried on the remaining indictments against him. The prisoner was now placed at the bar, and by the advice of his counsel, Mr. COLLIER, pleaded GUILTY to a charge of stealing a ewe, the property of Henry Polkinghorne, at Breage, in November, 1850. He also pleaded GUILTY to another indictment for stealing a ewe, the property of Stephen Davey, of Breage, on the 15th of November; also GUILTY of receiving, knowing it to have been stolen. Mr. COLLIER made an application on behalf of the prisoner, stating that some money was found on him, and that £10 had been given up to him at the last assizes, by order of the Chief Baron, to defray the costs of his defence. He had another sum of 147*l.*, which was in no way connected with the robbery, and Mr. Collier applied that this be given up to him, as although he had pleaded guilty, considerable expense had been incurred on his behalf. The learned JUDGE said he could not make the order applied for. Mr. COLLIER said it was understood between his friend on the other side and himself, that the sentence passed at the last assizes should not be enforced, that therefore no writ of error would be applied for, but the prisoner would be subject to the sentence that his lordship might pass at these assizes. In passing sentence, the judge said, John Richards, you were convicted at the last assizes on the clearest evidence, and sentenced to transportation. There was an error in point of form as to the validity of the sentence, but if a writ of error had been brought, the Court has the power to pass a right sentence. It appears you have carried on these practices to a considerable extent, and have been robbing farmers of their sheep one after the other, until at last the law has overtaken you, and you stand to receive sentence for the offence of which you have confessed yourself guilty. The sentence of the court is, that you be *transported beyond the seas for the term of fifteen years*.

STEPHEN JOHNS, 25, was found guilty of stealing, on the 29th of July, at the parish of St. Ive, a bag; and between two and three pecks of wheat, the property of Samuel Wenmoth. *Henry Bullen*, constable of Callington, was called to speak to the prisoner's previous good character.—Sentence, *Six months' hard labour*.

ARSON.—WILLIAM HARRIS, 26, was charged with feloniously attempting to set fire to certain straw lying on the ground near to a stack of barley, the property of Mr. Brendon. Another count charged him with setting fire to a stack of barley. Mr. Collier for the prosecution called *George Sargent Brendon*, who occupies a farm in the parish of Lawhitton, and has a linhay, a mowhay, and a mow of corn. Has no dwelling-house on the farm. On Monday, 9th of June, went to the farm between one and two o'clock in the day. Saw a stack of straw there on fire; it was close to the hedge, and only a few feet from a mow of corn, and about a foot from the linhay. Witness extinguished the flames.—*Henry Congdon*, a labourer in the employ of Mr. Brendon, was on Monday morning on his farm at Lawhitton. Saw prisoner about a quarter before twelve at the gates leading to the Lawhitton farm, about twenty-two yards from where the straw was afterwards seen on fire. Prisoner was lounging on the gate. Witness went to his work in another field; afterwards saw the

reed burning, but on going to the place no one was to be seen.—*Benjamin Sambell*, policeman of Launceston, saw the reed on fire at Lawhitton on the 9th of June. Before that, had taken the prisoner in custody at Launceston, because of what prisoner told him. Prisoner said, about half a mile or more from Launceston, he had set a farm place on fire; he did not know to whom the place belonged; he said, "I set fire to one end of the reed that is furthest off from the barley-mow." He said "when I came on the hill, I saw it burning very fast." Witness locked him up and went to the fire; the end furthest from the lincay had been set on fire, as prisoner had said. When witness came back, he asked prisoner why he set fire to the place. He said, my father left me a good deal of money, and I have lent it to my father-in-law, he will not pay me the money or take me into his house; I set the premises on fire to be transported, as then I should be sent out of this country." The prisoner offered no defence.—Sentence, *Ten years' transportation*. There was another indictment against him for setting fire to the lincay, but on this no evidence was offered.

MARY BENNETT was found GUILTY of stealing a pint and a half of gin, the property of John Hoare, of the Jubilee Inn, Launceston.—Recommended by the jury to mercy.—*One month's hard labour*.

THOMAS SYMONS, 20, was indicted for a burglary in the dwelling-house of John Slade, at Penryn. Mr. Cole conducted the prosecution. Mr. Slade is a watchmaker at Penryn. On the 17th of June, between 9 and 10 at night, he closed his shop and dwelling-house. Between 4 and 5 in the morning, he was alarmed by a neighbour, and found that a panel had been removed from the shutters of the shop, and a pane of glass broken. There had been taken away four watch-cases, a sugar-tongs, and a locket, which were in the shop window. On the 18th of June, prisoner offered the stolen watch-cases for sale to a buyer of old metal at Penryn, called Dyson, who having heard of the robbery, gave information to the prosecutor. A former conviction at the Quarter Sessions in October last, for stealing a duck, was proved against the prisoner.—Sentence, *Ten years' transportation*.

WILLIAM SANDERS, 25, was charged with stealing a pair of trousers on the 18th of June, the property of Philip Bunney, of Penryn. *Six months hard labour*.

JOHN BENNETTO, 16, was charged with stealing at Truro, on the 10th of July, a crown, four half-crowns, four shillings, and a piece of calico, the property of Thomas Clift. The money was stolen from under a box in a stable where prosecutor had placed it. GUILTY. *Twelve months' hard labour*.

ELIZABETH EVANS, 25, was charged with stealing a pair of shoes, belonging to William Mills. Mr. BEVAN for the prosecution. The shoes were stolen from prosecutor's stall in St. Day market, on the 12th of July. GUILTY. *Six months hard labour*.

SUSAN GREEN, 27, was indicted for stealing from the person of James Quintraill, farmer, a bag containing half a sovereign, and nineteen shillings in silver. Prosecutor stated that on the 30th June, prisoner followed him from Mr. Soddy's passage, at an inn at Camborne, to the horse fair; when there, prosecutor was talking to a man, and prisoner stood alongside of him four or five minutes. Prosecutor felt her hand in his pocket, and she ran away. *By the Judge*.—I was not drunk or fresh, had only two pints of ale that day; prisoner offered me 30s. to make it up.—*Policeman Prideaux* stated that he apprehended the prisoner; there were three men with her, who ran away. Verdict, GUILTY.—*Twelve months hard labour*.

DANIEL DAVEY, 26, was indicted for stealing at Callington, in May last, a cloth coat, the property of Mr. Jasper, coach maker, Callington. Prisoner, when apprehended at St. Neot by constable Bullen, was wearing the coat. GUILTY. *Six months' hard labour*.

WILLIAM BARBARY, 18, was charged with stealing a duck, the property of Martin Skewes, an inn-keeper, at Chacewater. A second count charged the prisoner with receiving the same, knowing it to have been stolen. Verdict, GUILTY of stealing. A person called Tiddy said the prisoner was of rather weak mind, and had had too much indulgence. Sentence, *three months' hard labour*. Another indictment was not proceeded with, which charged the prisoner with stealing two ducks, the property of William Worrall, of Kenwyn.

CHARLES SYMONS, 14, was indicted for an offence against the order of nature. *Charles Hawke*, of St. Day, Gwennap, was called to give evidence in the case. Verdict NOT GUILTY.

JAMES BARNECOAT, 19, was indicted for an unnatural offence. The charge was proved by the evidence of *Elizabeth Statridge*, of St. Ives. Verdict, GUILTY. The JUDGE—Let sentence of death be recorded against him. By the law of England, the abominable offence of which he had been found guilty remains a capital crime. The sentence will not be carried to its full extremity, but he certainly will be sent for life beyond the seas.

NICHOLAS COCK was indicted for feloniously ravishing Mary Thomas, at Redruth, on the 2nd of August, and John Johns was charged with being present and aiding and abetting him. Mr. HUGHES for the prosecution, and Mr. HOLDSWORTH for the defence. *Samuel Richards*, post-boy at Andrew's hotel, Redruth, spoke to having seen the offence committed by prisoner Cock, between nine and ten on Saturday night last, in an unoccupied garden adjoining a lane at the back of the hotel stables. Johns was there also, with three other men.—*James F. Andrew*, brother of Mr. Andrew who keeps the hotel, gave evidence to the same effect, and said he gave Cock in charge to constable Lanyon. *Absalom Sims*, engineer, saw Cock at the place, and aiming to strike the woman.—*Sarah Bodilly* saw Cock strike Mary Thomas twice on her face, whilst she was on the ground; she is a poor widow woman, supported by the parish, and sixty-one years of age.—*Cross-examined*. Many persons were present; but no one interfered when Cock struck the woman. By the Judge—Have heard reports about her; have heard she was given to drink, but do not know it.—*John Charles Lanyon*, high constable of the eastern division of Penwith took Cock in charge in the garden, who said he would not go, he had done nothing; he went on some way and then struggled to escape; I called on those about the place to assist me. He said the blood on his clothes came by his nose bleeding.—*Cross-examined*. I have no doubt he had taken something, but he was not drunk.—*Mary Thomas*, the prosecutrix, said she has a daughter living near the Brewery at Redruth. On going from her daughter's house on Saturday night towards Mr. Runnalls's, a butcher, to buy meat, she was passing through the lane at the back of the stables when she met five men; two of them (the prisoners) she knew; they dragged her into the garden, and both prisoners committed the offence complained of. The witness further detailed their ill-usage; she only knew the two prisoners; if assistance had not come, she should have died there; was put home by Mr. Cocking, the overseer. Cock made bruises in her face, by striking her when she screeched murder. *Cross-examined*—Had had nothing to drink that night. *Jane Nicholls*, daughter of Mary Thomas, said her mother was at witness's house that night; had had no beer there; was perfectly sober when she left.—*Charles Tregoning*, policeman of Redruth, spoke to the state of prisoner Cock's clothing, and also that of prosecutrix on the night in question. *Cross-examined*—Had never seen Mary Thomas intoxicated.—*Thomas Hodge*, constable at Redruth, apprehended Johns, and described the state of his clothing.—*Robert Blee* (who took the affirmation as a Moravian), is a chemist at Redruth; on the night in question, from information, went to the garden; saw Mary Thomas there; described the situation in which she was found, her face bruised, swollen, dirtied, and bloody; got some cold water, and sprinkled and washed her face, which seemed to recall her senses in some slight degree, so that she was able to hear questions, and give some incoherent answers, which some of the by-standers wrongly attributed to intoxication; such incoherency would be produced by blows on the head. Afterwards examined her at her house. (Described the result, and also what was observable in the garden next day). Also examined and described the state of Cock's clothes. Mr. Blee, in giving evidence, said he had avoided as much as possible all technicalities, on which Lord Campbell said, "I much approve of the sensible manner in which you have given your evidence, in thus avoiding technicalities, and I believe you the more to be a man of education and of science."—*Mr. Harris*, surgeon, Redruth, said he had also examined prosecutrix, and agreed with what had been described by Mr. Blee. (A strong feeling seemed at times to be excited in court by the atrocious character of the case, the details of which are of course unfit for publication). Mr. HOLDSWORTH addressed the jury for the prisoners, and was complimented by the Judge for the propriety and ability of his defence. The jury returned both prisoners guilty of rape. They both, however, asserted that they were not guilty of the crime. The JUDGE said—The evidence against you leaves no doubt on my mind of your guilt. It can be of no service to you now to impute wrong to the witnesses, and the only atonement you can make to the

laws of your country, will be with repentance, contrition, and reformation. But a few years ago, you would have forfeited your lives to the offended laws of your country; for in a case of this sort the last sentence of the law would inevitably have been allowed to take its course. The legislature has thought fit to mitigate the punishment inflicted for this offence; the reason is, that the degrees of guilt in this offence vary so much that it is difficult to say that death should be inflicted in all cases; but in such a case as yours, if it could have been selected and characterised, I am sure the capital punishment would have been still retained. The learned Counsel who addressed the jury very ably on your part, pointed out truly that there was something unnatural in your brutality. An old, infirm woman became the victim of your unnatural lusts, and you, to gratify those lusts, resorted to violence almost unparalleled (*sic*); and I say it is alarming and shocking to find that we live in a country where such outrages are perpetrated. But justice has speedily overtaken you. You committed this outrage only on Saturday night last, and now the sentence of the law is pronounced upon you, which is, that for this offence you be severally *transported beyond the seas for the terms of your natural lives*.

The court then rose.

The Grand Jury were discharged at about two o'clock this day, Lord Campbell saying, in the name of the country I thank you, gentlemen, for your attention, and your very valuable services.

NO BILLS.—The grand jury ignored the bill against JAMES HORN BROOK, charged with having stabbed and wounded Thomas Bennett, at Torpoint, with intent to do him some grievous bodily harm. Also the bill against PHILIPPA SANDOE, for forgery.

CROWN COURT.

WEDNESDAY, AUGUST 6.

(Before Lord Campbell).

Mr. COLE made application for the allowance of prosecutor's expenses in a case of forgery, the Grand Jury having thrown out the bill. Mr. Cole stated the circumstances under which he made the application; but the learned Judge said he could not interfere in the case.

CHARGE OF MURDER.

ELIJAH TEAGUE, charged with the murder at Silverwell, in this county, was then placed at the bar. The Court was crowded to excess in every part, the gates of the hall for a considerable time previous to their being opened, having beer, completely besieged by a large number of persons anxious to hear the trial. The prisoner walked into the dock with some alacrity, but appeared immediately to be struck with the scene before him, and the situation in which he was placed. He is a young man of about 17 years of age, of dark complexion, and somewhat of a sullen expression of countenance; throughout nearly the whole proceedings he appeared to be utterly unmoved, though sometimes listening to the witnesses with close attention. In person, though not tall, he is of good size for his age, and rather strongly built. He was respectably attired in black clothing.

The CLERK OF ARRAIGNS—Elijah Teague, you are indicted for the wilful murder of William Kendall, on the 19th of April, in the parish of Kenwyn, by striking and beating him with a hammer, giving him a mortal wound in the head, of which he died. Are you guilty or not guilty? The prisoner replied, in a firm voice, without the least emotion, "not guilty," and repeated the same when he was charged with the murder on the Coroner's inquisition.

The following were sworn on the jury:—Samuel Lobb, foreman; John Verran, Wm. Ayre, Henry Blake, Thomas Stephens, James Hodge, William Rosewarne, Paul Burrall, Edward Quick, George Haine, Francis Verrant the younger, Richard Nicholas.

The witnesses on both sides were ordered to leave the Court, and to remain in the Nisi Prius court till called for. Counsel for the prosecution, Mr. STOCK and Mr. COLERIDGE; attornies, Messrs. SMITH AND ROBERTS. For the defence, Mr. COLLIER and Mr. KINGDON; attornies, Messrs. CARLYON and PAULL.

Mr. STOCK stated the case to the jury. He impressed on them the solemn and important nature of the inquiry on which they were entering, one of the most solemn and awful in which men could

engage. The case was one of more than ordinary difficulty, as it consisted entirely of circumstantial evidence. There could, however, be no supposition that the deceased had committed suicide; it was clearly a case of murder, and the evidence, he thought, would lead to the conclusion that the deed was committed by the prisoner at the bar. He then described that the deceased, William Kendall, was a small farmer, renting from year to year a tenement called Deer-park, in the parish of Kenwyn, about five miles from Truro, on the road to St. Agnes, to the right of which Deer-park is situated. It was a neighbourhood where the population, though not scarce, is scattered, and there were no villages or collections of houses near the place. He said deceased at the time of his death was about sixty-eight years of age: and after some description of his family relations, he proceeded to read the statement of the prisoner, Elijah Teague, who was one the sons of deceased's wife by a former husband, and who made the statement referred to before the coroner at the inquest on the body. The learned counsel represented the improbability of that statement, and its inconsistency with the truth. He said evidence would be given to show that deceased did not come to his death at the spot prisoner had stated; that the blood found there had been placed there; that the wound in deceased's forehead had not been inflicted by the kick of a horse, as prisoner had said, but by a hammer, which had been found; that there were no marks of a heavy body having been dragged over the ground, as prisoner stated he had dragged deceased into his house; and further he referred to the conduct of prisoner on the night Mr. Kendall came to his death, that conduct, he said, being like that of a man with the consciousness of crime, going in different directions doubtful what to do, and unprepared at the moment with a statement to exonerate himself from suspicion. He characterised the conduct of the mother, and of the neighbours in not entering the house as extraordinary, and only to be accounted for by the supposition that they were partially conscious of some painful and fearful mystery which they shuddered at, and abstained from entering into. He confessed that the principal difficulty in the case, as regarded the prosecution, was the inability to show an adequate motive on the part of the prisoner, and after some remarks on this point he proceeded to call the following witnesses:—

Nicholas Whitley—I am a land-surveyor, and made the plan I produce. There is a road marked on it leading from Truro to St. Agnes, the distance is about eight miles; it is two miles from Truro to Chevelah, just beyond which is a new house, I believe belonging to Captain Hamley. Beyond Chevelah it is nearly a mile to where the road diverges to St. Agnes and Chacewater. From John Hore's house, on the St. Agnes road, it is about a mile and a half to Chacewater, by a read across the country. About a furlong further on, on the St. Agnes road, there is a lane called Butt lane, which is an ordinary country road. (Mr. Whitley described this lane as leading to a croft, across which there were paths, one leading to an occupation road, and he pointed out the direction of Kendall's house, distant about three furlongs from Grose's house). There is only one door to Kendall's house; on the ground floor there is a kitchen and a small parlour, nearly 11 feet by 8; opening the outer door you go into the kitchen, and then into the parlour by a very narrow door. *Cross-examined*—The road which crosses the croft from Kendall's house is a very rough road, but from the gateway to Kendall's is a stone road in tolerably good repair, but not so good as a turnpike. There were not deep cart ruts in the road; there might have been a few marks of wheels, but the road was generally in a good state. The window of the parlour is not a large window, merely a cottage window.

William Chenhalls, a miner living at Penstraze. I know Deer Park where old Mr. Kendall lived; it is about a mile from my house; I live near the road leading from Chacewater to Deer Park. On Saturday the 19th April I saw old Mr. Kendall about a quarter past 8 in the evening opposite my house in the road leading from Chacewater to Deer Park. He was going towards his home from Chacewater, riding on a light bay pony: he was going a little jog-trot; when he came opposite my house, he pulled up and I spoke to him; I said "Mr. Kendall, how are you this evening?" he said, "pretty well thank you; how are you?" I said "just the same"; I said "I suppose, sir, you are coming from market at Chacewater;" he said he was; he was sober, and seemed to be very well, in his usual health. Going at that jog-trot pace, it would take from between 10 minutes and a quarter of an hour to get to his house.

Ruth Bawden, daughter of Richard Bawden, labourer, living in the parish of Kenwyn. I live with my father near the Truro and St. Agnes turnpike road; on the 19th of April I was coming home from Truro market, and came across the common to my home; I saw Mr. Kendall; he rode across the road that I was passing on, at Penstraze Moors; he was coming in the direction from Chacewater to the Truro and St. Agnes Road; I stopped for him to pass; he was riding a pony; some little time after he passed me, I turned and saw him still riding towards his home: when I last saw him he was near the turnpike road riding on at a gentle trot. Mr. Kendall had passed William Chenhall's house when I saw him. After I had seen him I went home, and I got there about a quarter past 8.

John Carlyon, coroner; I held the inquest on the body of the deceased Wm. Kendall, beginning on the 21st of April, and continued, by adjournment, on the subsequent day; prisoner was one of the witnesses examined; I took down his examination; he signed the evidence he gave on the first day, after it was read over to him. I took down myself the evidence he gave on the Tuesday, and that also was read over to him; he made no objection to what I took down.

The prisoner's depositions before the Coroner were then I put in and thus read:—

"Elijah Teague deposed as follows:—I am about 17 years of age, and have been keeping a school lately at Mount Oram, in this parish. The deceased was my father-in-law. He was a small farmer, about 72 years of age, and married my mother about 4 years ago. I resided with him and my mother up to about January last. I then went to live with Henry Grose and his family. I went there because my mother could not attend to two men—her husband and me. It was too much work for her. I had no quarrel with either of them at the time I parted from them. I have frequently gone to assist them in their work ever since, and I helped the deceased in putting in all his corn. I saw him in the croft last Friday or Thursday morning. He then told me he had several jobs to do, and asked me to help him as last Saturday. I went there accordingly on that day and thrashed for him, and boiled some turnips. I don't recollect at what hour I thrashed. It might have been between 5 and 6 o'clock in the evening, but I cannot say exactly. I thrashed about 12 sheaves of oats. It was after I had thrashed the oats that I brought in some turnips from the garden, and boiled them. Deceased was not there when I was thrashing. He had gone to Chacewater. When he went away I was building a wall in his court. He asked me to go to Chacewater, because he said he wanted to thrash, and had a good many jobs to do, but he complained of being poorly, and I told him I would thrash, and he might take his horse and ride into Chacewater, which he did. No one lived in the house with him besides his wife. After I had finished boiling the turnips, I started to go home and my mother went with me; this was about 8 o'clock. After we had gone a little way my mother told me to go back and drive some sheep out of the seedling grass. I went back to do so and she went on to Henry Grose's by herself. I found four sheep in the seeds, and drove them out. After I had driven out three of them, I heard some horses up at the gateway screaming and making a noise the same as I had heard at other times, and I also heard a gate fall; one was an entire horse and the other was a mare. After I had driven out the four sheep, I went up to re-place the gate, for fear the horses might break it. I then saw 3 horses there, near the gateway; the third was the one deceased had rode to Chacewater. I did not know till I saw it there that deceased had returned from Chacewater; the saddle was on him and and (*sic*) the bridle on his head. I looked on one side and saw deceased lying on the ground; I was frightened at seeing him there, but I went forth to him and took hold of him by the collar of his coat and called to him, but could get no mouth speech from him; there was no one else present. I saw he had a large wound on his forehead. The 3 horses were a short distance from him; one of them (the dark bay mare), we generally keep fettered; I saw that she had one end of a fetter fastened to her fore leg, the other end was loose. I did not stop to fasten the other fetter, but got hold of deceased and carried him into his house as well as I could. I lifted him up with his back towards me and put my arms under his and dragged him into the house; I could not lift him off the ground, and his heels were dragging on the ground; the distance was about 80 yards. When I got him in, I placed him on a chair in the parlour, and went out to see for some one to assist me, when I met my mother in the doorway; she was then returning from Henry Grose's. I told her she must go for a doctor, or I must and she stay there, as deceased was very poorly. She asked what was the matter. I told her the mare threw to

him. I supposed this to be the case from seeing the loose fetter. I would not allow her to see him because I was afraid it would bury her; she called in to him, and I heard him say something, but I don't know what. In about 5 or 10 minutes she went away and left me there by myself. I thought she was gone to send in one to assist me. After she was gone I boiled some water which I poured into a tub, and then put deceased's feet into it. After waiting a long time, perhaps an hour or more, but I cannot say how long, no one came, and I lighted a piece of candle which I left burning in the parlour, and went out intending to go to Truro to bring out my brother and brother-in-law and a doctor. When I left the house, I locked the door and put the key over the stable door where it was usually kept. When I got near Chevelah in my way to Truro, I fell in with a woman who told me she was going to Truro, and I asked her to tell my brother and brother-in-law, that deceased was very ill, and that they must come out. I don't know who she was. I told her the horse had thrown to deceased; this I am positive of; I did not say anything to her about a doctor, because I thought I could get one from Chacewater sooner, and I went there for one and called on Mr. Moyle, and desired him to come out; I told him I believed the mare had thrown to deceased. He said that he was waiting upon a patient, but that he would come over as soon as he could. He told me to put some wet clothes upon deceased's head, I then returned to deceased's house, and found everything there as I had left it, except that the candle was burnt out; I took down the key from over the stable door and went into the house, and put a wet cloth over the deceased's head as Mr. Moyle had ordered. I thought I could perceive a little breath in him, but I cannot swear that I did; I remained about a minute or two and then went down to Henry Grose's and got him to return with me. We both went into the room where deceased was; he was still in the same position; I don't know whether he was dead or alive; we remained in the house 3 or 4 hours; I did nothing more to deceased than put a wet cloth over his head and his feet in warm water twice. In the morning about 6 or 7 o'clock, my mother and Mary Grose came to us, and I went again to Chacewater to fetch Mr. Moyle, and Henry Grose went to Truro with the pony to tell my brother and brother-in-law to come out. We left my mother & Mary Grose in the house.—*By the Jury*. The deceased left the house to go to Chacewater between 5 and 6 o'clock on Saturday evening, but he had been there before in the morning I believe. I don't know which way he came back in the evening. There are two roads he might have taken. He generally came back by the Butt-lane. The trousers produced are mine. I wore them all last week. The two shirts, neck tie, coat, and pair of shoes also produced are mine. I don't know which of the shirts I wore last Saturday, but I wore one of them and the other clothes. The waistcoat I wore is at my mother's where the jury saw it. From the time I parted with my mother to drive out the sheep, until I discovered the deceased on the ground might have been a quarter or half an hour; I can't say exactly how long it was.—*Elijah Teague re-examined*:—I put the deceased's feet in warm water the second time after I returned from Mr. Moyle's. When I returned from Mr. Moyle's his feet were in the tub, but the water was nearly cold; I took some of the water with a little wooden dish and washed his face with it, and then threw the water out of the dish into the court. The dish would hold a large teacup full of water. I then put my hand under deceased's legs to lift them up and take away the tub, but I did not lift them high enough, and in taking away the tub I spilt some of the water about the room. I immediately after that added some warm water to what was left in the tub, and put deceased's feet into it again. I think he was alive at this time, but I am not certain. I could not perceive any life in him. I had put the wet cloth over his head the first thing after I had washed his face and before I had attempted to remove the tub; at least I believe so; I am not certain. I removed the wet cloth before I went to Henry Grose's. The other span was fastened to the hind leg of the horse on Sunday morning about 6 or 7 o'clock. John Cocking held the horse by the head whilst I did it, and Mr. Moyle was also present. I had the cramp in my legs four or five times in my way to Truro to fetch my relations and a doctor, and on those occasions I was obliged to rest against a hedge. I fell in with the woman going to Truro, in the valley between Captain Hamley's new house and Chevelah. After I had spoken to her, and she had promised to tell my brother and brother-in-law what had happened, I turned to go to Chacewater. After I had gone a short way, a carriage drawn by two horses overtook me, and I got up behind it. It went on the Saint Agnes road. I got off, near John

Hore's, and walked from thence to Chacewater by the great road. Sometimes the deceased fettered the horse, and sometimes I did. I have fettered it before now without any one holding its head, but not when the other horses were near. When I returned from Mr. Moyle's I lighted the candle with a lucifer match. I think the fire had gone out, but I lighted it again. I don't know whether this was before or after I washed deceased's face. At the time mother returned the first time from Henry Grose's I saw no other person with her, nor did I hear any other person outside. My sister's child, Elizabeth Jane Kean Dunstan, slept at Henry Grose's on Saturday night. When I and my mother went out to go to Grose's on Saturday night, I don't recollect that my mother said she was going there to bring her back. She might have told me so or she might not. She lived at Truro and she is there now, but I don't know when she went back. I never left the deceased down after I took hold of him to get him in. When I got to the door I had him on my right arm, and opened the door with my left hand. The door was locked. I am not certain whether the key was in the door or on the corner of the hedge. I am sure it was not over the stable door when I went out to go to Grose's, but whether I left the key in the door or put it on the corner of the hedge I do not recollect. It was sometimes put on the corner of the hedge, and sometimes over the stable door. The deceased did not bleed much after I took him up from the ground."

Mr. John Carlyon cross-examined. The prisoner was not cautioned on the *first* day, before he was examined. He was cautioned the second day; he did not show any unwillingness to give his evidence. The Inquest began on the Monday; I arrived at the premises about 10 in the morning; there were then a good many people about the premises; I saw a hammer in Mr. Moyle's hand. From the way in which the hammer fitted the wound I had no doubt that Kendall was killed with that instrument; I had a conversation with Mr. Dunstan, a brother-in-law of the prisoner, after the Inquest was over; I do not recollect his saying to me that it was quite ridiculous to suppose that the wound was made with the hammer. I don't recollect saying to him that I did not think that that hammer made the wound, but I might have said to him that it was not material whether that was the instrument or any other; I have no recollection of having said to Dunstan that I did not believe that the wound was made with a hammer of that kind; but I will not swear that I did not say so; I have no recollection of having said to Dunstan that I had great doubts about the wound being made with a hammer. *Re-examined.* When I said it was not material whether the wound was made with that hammer, I meant it was not material whether it was with that hammer or any other; Dunstan had said there were four or five hammers on the premises.—*By the Judge.* I saw the hammer that has been spoken of put into the wound; there appeared to be a correspondence between the wound and the hammer.

Mary Kendall, widow of the deceased William Kendall, appeared clad in deep mourning of respectable character, and her appearance excited much interest. She was allowed to sit.—She stated:—I am the widow of the deceased Wm. Kendall; I was married to him four years ago last June. I had been married before; my first husband's name was William Teague; I had eight children by him, six of whom are now living; four of them in this county; I have one son at Calstock, and a daughter in Truro married to William Dunstan; the prisoner is my youngest living child; soon after my marriage four years ago, I went to live with Mr. Kendall at Deer Park; we had generally a boy there, not always. Kendall had a family by his former wife, but none of them lived there. None of my family lived there except Elijah to and again; he went there when I first went there, and afterwards lived some times with his brother at Calstock and some times at Deer Park. He was learning the butcher's trade at Calstock. After a time, Elijah went to lodge at Grose's; that was, I believe, in the beginning of January last; he went to Grose's, because I had been very ill all the winter and could not attend to him. Sometimes my husband and Elijah had words; but they were very comfortable when Elijah went away to Grose's; they had had no words shortly before that; I cannot say for how long. They had no words after he went to Grose's, to my knowledge. Elijah worked regularly at Mr. Kendall's after he went to Grose's; I used to go down and attend the school, while Elijah did come up and help Kendall. Elijah kept a school for children a short distance from Deer Paik, and near Grose's house on the south side, at a little chapel called Mount Oram. I remember my husband going to Chacewater on Saturday, the 19th April between 5 and 6 in the evening; he rode the yellow pony I

believe; he had three horses at that time – a mare and two entire horses; one had been shod and the other had not; he rode upon the one that had been shod; one of these colts was coming three and the other coming two; the one that he rode was coming three; the mare was not the dam of either of them; I saw these horses seven times that day, just outside the town-gate; there is a corner outside the town-gate, with a small house there; on the evening of that day, before my husband returned from Chacewater, I went to Henry Grose's between 7 and 8 o'clock—near 8 I think, but I can't say positively. I went out at the town-gate and through the short cut there, and then across the croft; when I came out ?--- -off, Elijah was in a corner of the field right under the town gate; he asked me where I was going; I said I was going down to Grose's; he said he was too, directly along ?---. I went about half way and I looked over the hedge and I saw the sheep in the seedling grass; Elijah was then coming on after me; I told him to drive out the sheep from the seedling grass; he did not do so directly; I went on; he then came on with me two-thirds of the way through the croft, talking about the threshing; I told him he had not turned out the sheep; and he went back to do so. I went on to Grose's, and there found Mrs. Grose. I had a grand-daughter at that time staying with me; she was at Mrs. Grose's that evening, before I went there, and had been there two or three hours; when I got to Mary Grose's, the little girl three was out with the children; I stayed at Mary Grose's, about half or three-quarters of an hour; I went to Grose's to bring home the little girl, and I did bring her home. On my way home, I don't know that I saw or heard any thing particular; when I got home I found Elijah there, in the passage, just inside the front door, which opens into the kitchen; the little passage is just made by a screen; I looked into the kitchen; the little girl was in before me; Elijah was in the kitchen, or rather in the passage coming out from the kitchen; I asked him whether Kendall was come or not; he said "Yes"; I asked him where he was; he said "in the parlour." I then went towards the parlour door, and Elijah put his hand on the door and said "you must not see him, mother, not yet; it will frighten you so; the mare has *throwed* to him." I did not try to go into the parlour, but I called two or three times "My dear Kendall, can you speak to me?" I thought I heard something, but I am not positive whether I did hear him or not; I stopped for a minute or two, and then I came away with the child. During this time, Elijah was standing by me, and he said "You must not go away; you must stay here, or go for the doctor." I held up my hand, and I went out, and I said to the little girl "we will go to Truro, my dear, if we can, and get a doctor." Then we went right on, and down through the croft—the little girl and me, and when I got to the lane I was faint; I stopped there a minute or two, and was so unwell that I could not go to Truro, and went up round to go to Grose's. When I went away, I left Elijah in the kitchen. When I got to Grose's that second time, I found Grose there and his wife; I told them to go up; Mary Grose and her husband went out in the direction to William Sandoe's. As soon as I recovered myself a bit, I went back to my own house; when I came there I did not go to the door; I went inside the gate and heard the Groses and the Sandoes coming; they came up, and then we went on towards the house; when we got to the door we could not open it; I believe it was locked; I looked for the key, just over the stable door; I could not find it there; sometimes the key was kept there when the house was left, if we went out at the west; if we went out the other way we used to put the key under the holm-tree; I entreated them to go out for a pick and heave the door a bit; they did not appear willing to do so; I then told them to take out a pane of glass and open the hasp of the kitchen window; they did no so (*sic*). I told them I would open the door if I was strong enough. Then we all went away, down to Butt Lane, to meet Elijah; we went down to the road, and I entreated Grose to take one of our horses and go to Truro; after I had entreated him several times, he and Wm. Sandoe left Mary Grose and me and went back to get a horse. After Grose and Sandoe went away, Mary Grose and I stayed there until they brought down the yellow colt from our place— the "coming-three" colt, that my husband had rode to Chacewater. When they came back with the horse, the Sandoes went to their home, and the rest of us went to Grose's; Grose would not go to Truro, but said we had better wait for Elijah. The horse was put in Grose's stable. I had left the little girl at Grose's. I stayed there till Elijah came; this was between 12 and 1, I think; I don't think it was later than that; when Elijah came, he said "Hallo ; have you seen mother?" They said "Yes." He said, "I suppose mother have told you what has happened."

Then they told him what his mother had said; and he said, "I thought she was gone on to Truro;" they said "No; your mother was not able to go;" he said he had been over for the doctor, Mr. Moyle, and expected him to be there in a few minutes; he said Mr. Moyle said he had been attending a woman, and would come as soon as possible. Then I entreated Henry Grose to go with him; and they went away together. I stayed there, for I was very ill; Some hours after that, I and Mary Grose went up to the house; I think it was between 4 and 5; not quite 5 I believe; when we got up there, we met Henry Grose coming from the house, and I learned from him that my husband was dead; I then went on to the house; when we got there, I found Elijah in the kitchen, and nobody else there; I did not go into the parlour. When I was before the Coroner, there was no hammer shown to me that I know of; but Mr. Carlyon asked me different times how many hammers we had.—*Cross-examined*—I had been very unwell indeed, in a nervous state, some time before this transaction: it was in consequence of my being too ill to attend on my husband and Elijah, that Elijah left to lodge at the Grose's. I had some time before that sent for a medical man at Truro—Dr. Bullmore. I had formerly employed Mr. Moyle of Chacewater; I discontinued Mr. Moyle and employed the Truro gentleman instead.—Elijah did not know that I was going to fetch the little girl; but she always slept at my house. Elijah had been boiling turnips that evening. I had said to the old man, "you go on to Chacewater, my dear, and the boy will do the thrashing."

At this point of the examination, Mrs. Kendall, for the first time apparently since she had been in the witness box, saw her son the prisoner. It is very probable that she had not seen him before, as both he and she were sitting, and there were several persons standing and sitting between them. On her seeing him, she began to cry loudly and bitterly, exclaiming to him, "Oh, my dear, I have not seen you before now; and then saying to the Court "I have never seen him since"—referring, we presume, to the time of his removal from his home to prison. After she had composed herself, the cross-examination proceeded:—When I returned back from Grose's I was very nervous; I was not certain whether I felt the key above the stable door or not; I was very nervous, and my hand was shaking. The time when I first returned from Grose's was about 9 o'clock.—The mare was kept fettered with an iron *span* because she kicked very bad.—*Re-examined*. The mare was quiet in harness, but kicked at other times if a person would go near her; the boy we had was obliged to run from her some months before; she never kicked any body very bad, but she would throw to any body who went near her; my husband knew that; the boy could not do any thing by her; the mare was bought of David Chenhalls.—*By the Court*. The mare was given to biting; she bit the boy's face, once or twice.—*By Mr. Stock*.—The doctor at Truro did not come to see me very often: I believe he was only once to me at Deer Park; I had medicine from him different times.

Elizabeth Jane Kean Dunstan.—(This witness was a grand-daughter of Mrs. Kendall, and was only 7 or 8 years old. On her being brought into Court, Mr. STOCK said he put her into the witness-box because she had been before the grand jury, but he did not propose to put any questions to her.—Mr. COLLIER, for the defence, said that he had nothing to ask her; she seemed to be too young to be examined.—The learned JUDGE, however, said he had examined her before she was taken before the Grand Jury, and had found her a very intelligent little girl, extremely well instructed in the truths of religion. His Lordship thought it very desirable they should know what she had to say about the transaction.—Mr. STOCK then asked his lordship if he would be kind enough to examine her.—The little witness was then sworn, and was at first placed on the table, a female relative standing near her. She appeared, at first, considerably frightened, and the JUDGE desired her to be placed close by him. It having been rumoured that her testimony would be most important against her uncle the prisoner, the appearance of the little girl excited considerable emotion in Court, especially among the ladies, some of whom shed tears.—The following was the result of her examination by the Judge:—She remembered being on a visit to her grandmother at Deer Park and also the when Mr. Kendall met with some misfortune. On that day she went from her grandmamma's to Mrs. Grose's after dinner, and she played with the children there. Her grandmother came to Grose's to fetch her; they dressed her and she went home with her grandmother. When they got there, she saw uncle Elijah near the parlour door. She and her grandmother went in to the kitchen and not into the

parlour, because uncle Elijah said the horse had kicked Mr. Kendall and they must not go in, because it would frighten grandmother. Afterwards, her grandmother went to Mrs. Grose's and took her with her, and she (witness) slept there that night, and did not see her grandmother or uncle Elijah again that night That was all she knew about it.

The little girl was then removed from the Court; the learned Judge kindly shaking hands with her.

Mary Grose:—I am the wife Henry Grose, and live not half a mile from Mr. Kendall's. Since January last, Elijah Teague has been lodging at my house. On the evening of the 19th April, he came home to our house, between 12 and 1; he and my husband went out together after that, and I did not see either one of them again till day-break. Before Elijah came, I had been twice to the house with Mrs. Kendall; Mrs. Kendall first came to my house about 7 o'clock, and took away the little girl; she came there a second time about a quarter before 9. I left her there and went to Sandoe's house with my husband, and I and my husband and the Sandoes went to Kendall's house; when we got there, we found Mrs. Kendall near the house; I attempted to go into the house; the door was locked; Mrs. Kendall and I both searched for the key over the stable door, but did not find it; after that, all of us went home again. We afterwards, all of us, went up a second time to Kendall's; before we got to the house, we fancied we saw a light in the house; we thought it was the men up there with a lantern and candle; I believed I saw a light in the house, at the kitchen window; I can't say where it was a light or not. It was a gloomy night. When I got to the house I could see no light. I had seen nothing like a light the *first* time of our going there.—The prisoner's clothes are kept at my house; I believe he put on clean clothes on the Sunday; I did not observe any thing particular on his clothes on the Saturday night when he had them on, on the Sunday morning in the room.—*Cross-examined*. It was on the Monday morning that I saw his clothes off in the room; there was no attempt to conceal them. Above the stable door at Kendall's where the key was kept, there were wedges and other things kept, so that it required a good feeling to find the key.—*Re-examined*. The prisoner's clothes were taken by the constable on the Monday.

Henry Grose, husband of last witness. Prisoner was at my house on the Saturday morning; I did not see him again till after midnight, when he came to our house, between 12 and one o'clock; I heard my clock strike one soon after he came. He said "Hallo." My woman said "Is that Elijah?" He said "Have you heard what has happened to Kendall?" We said we had heard it from his mother. He said he was kicked by the horse and hurted (*sic*). I and he went together to Sandoe's almost directly; Sandoe's is about a quarter of a mile from my house; we found that Sandoe and his wife were gone to bed; we called to them, and told them that Elijah had come, and what he said. Sandoe did not get up. I and Elijah went to Kendall's; Elijah went forth and unlocked the door; I can't say where he took the key from. We went into the kitchen first, and lighted a candle; I saw nothing particular there; the little parlour door was about a foot abroad, and I put it abroad wider; I looked into the parlour and saw the deceased in a corner in an elbow chair; he was sitting up rather leaning back in the chair; I did not go to him; afterwards, in about 3 quarters of an hour, I went to him, and then he was dead and stiff. When I first put the door abroad and looked into the parlour, I cou'd (*sic*) see he was dead. When I afterwards went in to him, there was a wound in his forehead; there was nothing on his head; no covering or clothes; when Elijah came to me at midnight, he said he had been home since he had been to the doctor and put a wet cloth to Kendall's head. Mr. Kendall had his coat and trowsers on, when I looked in, and also his shoes and stockings; his feet were not in water when I first looked in; I saw no water nor any tub or vessel for holding water, when I first came in. When Elijah came to me about midnight, he did not tell me anything about his having put Kendall's feet in water. After Kendall was dead, and I went back into the kitchen, I saw Elijah warm some water and put deceased's feet in it.—*Cross-examined*—I and Elijah lighted a fire. When I first looked in, I did not go and examine deceased. I only thought he was dead. Then it was that Elijah and I lighted a fire, and Elijah put the deceased's feet in hot water. When I first saw the deceased, I took no particular notice of him; I know'd (*sic*) he was dead; I did not go up to him, for I felt very much hurried. Elijah and I stayed at the house till just when day was breaking, when the others came up. *By the Judge*—When Elijah was taking the hot water to the deceased's feet, I said, "Elijah, how are you going to do this?"

He said, "I must do it ; the doctor told me to do it." I said "He is dead." He said, "do you think he is ?"
I said, "Yes, I am sure he is dead."

William Sandoe.—I live near Butt Lane. Henry Grose and his wife came to my house a little past nine o'clock on the Saturday evening; I went with her to Deer Park; I found the door locked: a search was made for the key; Mrs. Kendall and Mary Grose searched for it; they put their hands into a hole over the stable door; they did not find the key. We then all went back to Grose's; I went up with Henry Grose a second time; the door was still fastened; I had a lantern with me then; I went to the window of the parlour and looked in; I could see the whole of the parlour distinctly, by putting the lantern from one side of the casement to the other, and I did see the whole room; I saw a pair of bellows near the fire place against the end wall between the front wall and the fire-place; I afterwards saw the room when the deceased was in it; the chair on which the deceased was then lying was on the spot where the bellows had been at the western side of the room. I then went home and went to bed. After that Grose came and called me up; I said "Is that Henry?" He said "yes, we have found Elijah." I asked where Elijah had been, and Elijah himself spoke and said he had been as far as Gloweth, intending to go to Truro, and that he met with a woman there, and sent a message to Truro by her, and returned to Chacewater to Dr. Moyle's. I asked if Dr. Moyle was coming directly; he said Dr. Moyle was called to a woman, but was coming shortly. Elijah said that Dr. Moyle had ordered him to put a wet cloth round Kendall's head, and he said he had been up and done so. Henry Grose then said they were going up to see how it was going on with the old man: and then they left; just as they left our house, the clock struck two ; the clock keeps pretty good time.

Cross-examined—I was not hurried particularly when I made the examination with the lantern; I was in a state of alarm at first. The lantern was a horn lantern; I opened the door of it. The window in the parlour is about 3 1/2 feet by 4 feet, I suppose; I believe it is a casement window, not opening up and down. The window must be more than 3 feet wide; the wall is about 22 inches thick. *Re-examined*—The panes of glass in the window are oblong, in a wooden frame. If there had been a body then in the room in the place where I afterwards saw the deceased I must have seen it.

Henry Grose recalled. When I looked in and saw the old gentleman in the chair lying, the chair was in the south-western corner.

Jane Sandoe, wife of William Sandoe. On the night of the 19th of April I went up with my husband and the Grose's to Kendall's, at twenty minutes past nine. When we got up there we found Mrs. Kendall there; the door of the house was locked; search was made for the key, by Mrs. Kendall first, and then by Mrs. Grose; they searched over the stable-door; they did not find any key there. Late in the evening my husband and Grose went after the horse; we three women then went up to Kendall's again; while we were going up to the house we thought we saw a light there in the kitchen window; that was just before we went into the town-gate; we afterwards went to the house, and we concluded that what we had thought was a light was the shade of the whitewash; when we got close to the house, we could not see any light. It was a cloudy night, with a little moonlight. Between the door and the window, the house was whitewashed. When we went up the first time to Kendall's, there was no light there, There was moonlight, but it was very cloudy when we went up the first time; the second time there was better moonlight, and there was greater reflection on the whitewash.—When Grose came to my house the second time, he said "we have found Elijah." We said, "where has Elijah been?" Elijah said he went as far as Gloweth, and there met a woman, and sent word by her to Truro; he said he went back to Mr Moyle's and Dr. Moyle had bid him put wet towels to Kendall's head, and to put his feet in warm water; and that he was going to do so. Then they went away, and the clock struck two.

Jane Hobbs, wife of Matthew Hobbs, shoemaker, living at Castle Hill, in Truro. On the 19th of April last, I had been to St. Agnes with some shoes. I left St. Agnes a little after 8 to come home to Truro by the road; the distance is about 9 miles. I came along the turnpike road; just as I got by Capt. Hamley's, at Chevelah, a young man came up to me at my right arm. That was about 1/2 past 9. I had looked back the moment before and had seen no one. He came suddenly at my right arm; it rather excited me, and I said "oh." He asked me whether I had seen a woman go by; I said I had not, then a

carriage passed; I walked a step or two and saw a man coming towards me. The young man asked this man if he had seen a woman going in to Truro; the man said he had not. The young man then went back to follow the carriage and I went in to Truro very fast, and when I got there, I heard the clock strike ten. I don't know who the young man was that I met. I met no other young man, and saw no other carriage. I cannot say that the young man did or did not give me any message to take to Truro. I was very much excited and might not have noticed every word that was said.

David Chenhalls. I was one of the jury on the coroner's inquisition. On the Saturday night, I was on the road leading from Chacewater to Kendall's; I was going towards Kendall's, and towards my home, and while on that road, I was overtaken about ½ 12 by Elijah Teague; I had known him before many years; he spoke to me; he said what a *wisht* (*sic*) thing had happened; I asked him what was the matter; he replied "the old mare which we had of you have been, and kicked Mr. Kendall" or "threwed to him," I can't say which. I asked him where she had kicked him; he told me "in the forehead." He said " what a *wisht* place I've got to go home to, haven't I ?" I said "who is at home?" or "is there no person at home?" He said "there is no person at home." I asked him where his mother was. I can't recollect what answer he made to that. I said, "perhaps your mother will be home against you get there." He said "she can't get in, for I have locked the door. "I believe that is all the conversation that passed, only that I bid him "good night"; and we parted.—I had let Kendall have that mare in exchange, upwards of twelve months before that; while I had the mare, she was very quiet to work and to handle ; I had the mare about twelve months.—*Cross-examined.*— I have never known the mare kick; I knew her one time kick up her heels against me, or try to; my wife told me that she had *lapped* up her heels against her once.—*Re-examined.*— These two lappings of her heels against me and my wife were on the same occasion, when I went to drive her out of some grass.

John Moyle, a surgeon, practicing at Chacewater. I have practised there fifteen or sixteen years. I recollect Elijah Teague coming to my house on Saturday night, the 19th of April, from five to ten minutes after twelve o'clock; he requested me to visit his father-in-law, Mr. Kendall, who, he supposed had received a kick from the old mare while in the act of fettering her. The man asked me if I had not seen his mother; I told him I had been from home the whole of the day, and had not seen her nor had I heard of her having called; he then said, "then I suppose she is gone to Truro." He then spoke of my visiting Mr. Kendall; I told him I had a previous engagement, but I would come over and see him as soon as possible ; he then said "I hope you will; he appears to be stunned, and has a slight cut in his forehead." He indicated with his finger on the right side of my forehead towards the temple what I supposed was the seat of the injury. Supposing it in reality to be a slight case, I told him to go home and apply a cloth wetted with cold water to the wound; I did not give him any other instructions; I never desired him to put Mr. Kendall's feet in warm water; when I told him to go back and apply a wet cloth to the head, he said he was afraid to go home—that he had locked the old man in; and to the best of my belief he added that he had the key in his pocket, but I am not positive as to that expression. He asked me if Mr. Kendall died, whether the old mare would be knocked in the head or not; I told him I did not know. He then told me he kept a school at Mount Oram, and asked me if there had not been an election for guardians of the Truro Union; he then said he had had half a score of voting papers brought to him for the purpose of filling them up for parties in the neighbourhood; he told me he had filled up half a dozen of the papers for certain parties; but he mentioned no names; he asked me if my father had been elected; I told him not for Kenwyn parish, but for Kea. After some further conversation he went away. Early in the morning, between five and six o'clock, I saw him again at my house; he said that "Old Kendall" or "Mr Kendall" was dead, and that he wished me to go over; I immediately rode over on horseback, by way of Butt Lane. When I got to the North-west corner of Butt-Lane, after passing through the croft, I met the prisoner and John Cocking. Cocking drew my attention to sundry spots of blood in the outer lane; without stopping to examine the spots, I went into the house and found Mrs. Kendall sitting on a bench by the kitchen table, and Mrs. Grose sitting near. I went into the parlour and found the dead body: the head resting on a chair in the south west corner of the room, the body stretched diagonally across

the room, with the legs stretching out towards the door; the hands resting on the upper part of the thigh near the groin. He had two coats thrown over him; on removing one of them I recognized Mr. Kendall. The wound was in the centre of the forehead; externally it had the appearance of being two wounds, but in reality it was but one wound; it was one wound which had been inflicted by more than one blow. The wound was of nearly a circular figure, with a band of integument passing vertically across it; the band was scarcely bruised; on the right side of the wound it was very much contused, lacerated, and broken through, so as to enable me to insert my finger in the right side of the wound to the depth of an inch. On the left side, it was very much bruised and jagged, but the integument was not broken through; by integument I mean the fleshy covering of the skull: the skull was broken through beneath the integument. I gave it as my opinion to Cocking and to Elijah Teague, who were both in the room, that the wound could not have been given by the kick of a horse; that opinion I still entertain. I believe the wound was inflicted by some heavy instrument. The next day I was shown a hammer; I believe the wounds might have been produced by that hammer; I believe the first persons to show me that hammer, were a wheelwright named Hocking, and Rickard, a painter; when I first saw the hammer, it was on the top of the garden hedge; I took it off from thence myself, and examined it and took a hair from it; I then compared it with the wound; the result of that comparison was that the wound and the small end of the hammer bore a striking resemblance to each other. I had the hind shoes of the old mare taken off; and also one hind shoe of one of the colts, at the request of the prisoner's mother; I compared all these shoes with the wound in a variety of ways; they bore no resemblance to it. (A constable Richard Tiddy, here produced the hammer, which Mr. Moyle identified and stated his belief that the wound was made with the small end). Previous to the inquest I made a regular examination of the wound. When I had turned back the integument, I made a diagram of the shape of the wound before removing any of the pieces of bone; I then removed sixty to sixty-one large pieces of bone, and from forty to fifty smaller pieces, which I now produce in a bottle. After the pieces of bone had been removed, I made a second diagram. (Both diagrams were produced and handed to the Judge). There were no fissures radiating from the wound; I examined that particularly, and I infer from that that the blows were sharp and forcible. The wound was one inch and a quarter deep from the surface of the skull, after the pieces of bone had been removed. The large blood-vessel of the brain in the longitudinal sinus was not broken. I think the injury was produced by two or more blows. Either of the blows of which I saw traces would have been quite sufficient to cause death; I have no doubt they did cause death. The effect of the first blow must have been to produce insensibility and unconsciousness. He could not have spoken in five minutes afterwards, in my opinion. He might have continued to breathe for two hours or a much shorter time. When I first took the hammer, I found a short white hair on the end of it; when I first saw that hair with the naked eye, my impression was that it was human hair; I have since examined it with a microscope of 250 power linear, and on the 23rd July, with a microscope of 600 power linear, and my judgment is confirmed that it is a human hair; it possesses all the characteristics of human hair, especially as regards the bulb. There are distinguishing marks between the hair of human beings and that of animals when examined with a microscope, as clear as are the outer distinguishing marks between the different animals to which they belong. I have also taken hairs from the eye-brows of the deceased; they agree with this hair entirely; some of those taken from the old man's eye brow are of a darker colour; but others are as light as this single hair. The room in which I found the deceased appeared to be disordered rather; in the middle of the room near the deceased's feet, there was a tub containing water; the water did not appear to be soiled; there was a broad wet spot on the floor, rather under the deceased's feet, and near the tub. There was a slight shading of blood on the north side of the spot; I found one small spot of dark coagulated blood towards the back of the room; the shoes said to have been worn by the deceased the previous day were near this dark coagulated spot; on the outside of the shoe from the left foot was a small spot of blood; that spot appeared to have fallen from above down upon the shoe; on the inside of the right shoe near the heel I found a small quantity of dark coagulated blood mixed with sand; there were no spots of blood on the clothes of the deceased, nor did they appear to be disordered;

they were not soiled or dusty; I observed on his coat some furze prickles. I went afterwards with Cocking and Teague to the spot where the prisoner told me the accident had taken place; I saw there five isolated spots of dark coagulated blood, about two table-spoonfuls altogether, I should suppose; the spots were isolated, the collection of them forming somewhat of an oval. I made an observation, in the prisoner's hearing, as to my surprise at seeing so little blood from so large and deep a wound. Prisoner said nothing in reply. From the size and appearance of the spots my opinion is that the blood must have been nearly cold and coagulated before it was put there, because I lifted one of the spots off the road with my knife without leaving any stain underneath;—I put my knife underneath horizontally. If the blood had flowed freely from a fresh wound, some of it would have been absorbed by the mould underneath, and the ground beneath the surface would have been stained. The nature of the ground at this spot was stone with earthy matter; there was not very much dust where I saw the spots of blood. Between that place and the house the road was composed of the same material, but the earth covering the surface was finer. Prisoner told me that when he found the old man on the ground he took him in his arms by placing his arms underneath the old man's, and that he pulled or dragged him into the house. Deceased was not a very large man; he was, I think, between 7 and 8 score. The ground did not present the appearance of having had the old man dragged on it the night before; there was no trace of any body having been dragged along there; in the state of the road at that time there must have been traces if a heavy body had been dragged along. I desired Cocking to cover the spots of blood with a gate and some furze, and I saw him do it. Then I went to the house of the constable William James; and I also saw Tiddy. On the Monday morning I went again to the house when the jury were there; I stripped the body in their presence; there were no marks of violence except on the head. (Tiddy, the constable, here produced the mare's shoes and one of the colt's shoes). I applied those three shoes to the wound, in various ways; they did not correspond at all; the mare's shoes are about four inches wide at the widest part, and about three inches at the heel; the colt's shoe is smaller, but nearly the same width at the heel.—On Tuesday I observed in the kitchen, spots of blood mixed with water, on the front wall at the east end of the kitchen table, between three and four feet high; there were also some spots of pure blood on the kitchen table; they were rather recent spots; in fact they might have been animal blood.—I have seen the mare's fetter; I have no doubt that it could not have inflicted the wound. *Cross-examined.*—With the exception of the longitudinal sinus, there are very few and small vessels at the place of the wound; therefore if the longitudinal sinus was not broken, there might not have been much external bleeding. I think the wound could not have been produced by one blow of an instrument fitting in shape to this diagram; because behind the vertical band of integument, I found remaining a long piece of bone running the whole length of the opening and not depressed so deep as the bone on either side of it. It is possible that such a wound might have been produced by a stone having two projections with a hollow between them. Fractured wounds often differ in shape from the instrument with which they are made. Very frequently an instrument produces a wound larger than itself; I think it cannot produce a fracture smaller than itself, if the instrument passes through. A large piece of stone might make a small fracture if there were a convexity on the stone. In the course of a rather long examination by the learned counsel with reference to opinions expressed in "Taylor or Medical Jurisprudence" as to contused or lacerated wounds, the witness said, with respect to the present case, that he thought he was justified in stating that the jury (*sic*) inflicted on Kendall's forehead, could not have been caused by a fall. There might be cases in which it would be difficult to pronounce whether a wound was produced by a fall or a blow. His reason for believing that the wound in the present case was not produced by a fall was that it was not probable that the bone would, in that case, have been driven to so great a depth, and there would have been radiating fractures from the circumference of the wound. The absence of radiating fractures indicated that great force had been used. If great force were caused by a fall, it would depend on the height from which the person fell and the nature of the body with which he came in contact, whether or not there would be radiating fractures. Probably he had known instances of a person falling from a horse on a sharp stone with great force, and breaking the bone of the skull into several pieces, but he did

not say there were radiating fractures in such instances. The number of pieces with which the bone was broken would vary according to the speed with which the person was riding when he fell. Witness said—it is not impossible that a man by a fall from a horse would meet with such a blow as that on the deceased's forehead; but I think it is greatly improbable that he should smash his forehead without touching his nose. I examined the hammer; there was no blood on it; I heard that several persons had examined the hammer before me; a man called Rickard spoke to me about the hammer. I took the hammer off the hedge myself. I believe Rickard was one of two persons who pointed it out to me. I observed the hair immediately I took up the hammer; there were two hairs on it. I had never made any researches previously concerning the construction of hairs; I never looked at one through a microscope before. I am not aware that any difference of opinion exists among scientific men as to the structure of hair. Human hair and the hair of animals present very striking differences; I have proved that myself by experiments and observations made on human hair, and on the hair of the horse, dog, cat, sheep, and goat, or kid. I never made experiments as to how deep blood will stain stones or dust; but when I have drawn a tooth and the patient has spat blood on the ground outside my surgery, I have observed that it will stain to some depth.

Alfred Lord.—I am clergyman of Mithian district, in which Kendall's house stood. I was present on the Monday at the *post mortem* examination, and also at the inquest. I was formerly a medical man, and practised nine years at Islington; I received my medical education at St. Bartholomew's Hospital in London. I was present at the examination of the wound made by Mr. Moyle, and I came to the same conclusion respecting it that he did. I was present when the hammer was taken off the hedge by Mr. Moyle; I saw Mr. Moyle take a hair from the hammer. I know the spot which the prisoner pointed out as the place where he found the body; the road leading to the house was rather dusty on Monday the 21st of April when I saw it; I believe rain had fallen on the Sunday; I observed no track as of a body having been dragged along the road. In my judgment, if the body of the deceased had been dragged over the road, there would have been marks of it. There might have been marks there which the rain and traffic might have effaced against I came there on the Monday.—*Cross-examined*—It is 7 years since I practised; but I have administered medical and surgical relief since to my parishioners, and very extensively so in Scilly. It is my positive opinion that the wound in deceased's forehead could not have been caused by a fall, or by a kick from a horse; but I will not swear that it was impossible to have been so caused. A blow given with the shoe of a horse would have extended over a larger surface, and would have driven in a larger portion of the skull, if it had driven in any, and would not have comminuted the bone so much; it would also have broken the transverse partition, or *septum*, as it were, which now exists between the wounds. A stone with two projections struck forcibly against the forehead, would not with one blow, have produced that wound, because of the *septum* not being so much smashed as the bone on either side of it. A stone with two projections, to have produced such a wound, must have been driven with wonderful accuracy. The wound was very deep; a portion of the skull had fallen to the depth of three-quarters of an inch and was exceedingly comminuted. I don't think that *one* blow with any instrument would have produced such a wound and made so much comminution; nor would a fall have caused sufficient force to have so comminuted the bone and to have driven in the bone to such a depth. It is my decided opinion that no fall could have produced such a wound; there is a concentration of power shown there such as, in my opinion, could not have taken place from a fall.

Richard Quiller Couch. I am a member of the College of Surgeons, and live at Penzance. I have been for ten or twelve years past in the habit of using the microscope; I have examined some thousands of specimens of human hair; the human hair differs from the hair of other animals in a manner easily appreciable with a microscope by persons who have been accustomed to examine it, and I have been accustomed to examine it in comparison with hair of other animals. I had a hair given me by Mr. Moyle in July to examine it; I examined it under a variety of powers of the microscope. I had no doubt at first that it was a human hair; but still as it was given me with a doubt, I examined it under a variety of powers for the purpose of testing it. That hair was broken in the outer part, as if it had been squeezed between two blunt edges; that led me to examine it minutely with the higher powers

of the microscope; I then found that it had been bruised and partly divided. Human hair differs at different parts of the subject; the hair of the head differs materially from that of the eye-brows; I thought, and think still, that this hair was from the eye brow of an old person; it was white. Secondary hair—that which grows with age, in the human subject, differs from the hair of any other animals. *Cross-examined*—In reply to a variety of questions, the witness described the structure and composition of hair, and spoke of the state of scientific knowledge on the subject. The hair of the eyebrows is generally conoidal, or pyramidal, broader at the base than at the apex, and is very elastic; while that of the whiskers is of nearly equal diameter throughout. *By the Court*—I think that with a microscope of 600 linear, human hair may be easily discriminated from that of other animals; and the hair from the eyebrows may also be discriminated from that of the beard and whiskers.

John Cocking. I live in Kenwyn, about 200 yards from old Mr. Kendall's house. On Sunday the 20th of April, Elijah Teague came to my house about five in the morning. He desired me to go over to Mr. Kendall's to keep company with his mother, whilst he went to Chacewater for Mr. Moyle. I went up to Deer-park, and found Mrs. Kendall and Mary Grose there. Elijah came from Chacewater about six in the morning; he asked me to go to the place where the accident happened. I went with him, and whilst there, Mr. Moyle came up. I saw five spots of blood there; it appeared to be clotted blood; there was dust there; I saw Mr. Moyle move the blood with a pen-knife, and I saw it had not soaked into the dust. The road between that place and the house was dusty at the time. I saw no marks of any heavy body having been trailed or dragged along this road. In my opinion if the body of Mr. Kendall had been dragged along there the night before, there must have been appearances of it. I was at Kendall's house between 7 and 8 on Monday morning; was alone with Elijah Teague, and had some conversation with him. He asked me whether I was not to be one of the jury. I said I believed I was, for they had placed my name in the paper. He said he supposed I should be the first on the jury; I said I did not know anything about that, because I was never into a jury. He said he thought I should bring it in as an accident. *Cross-examined* Did he not say, I think you will bring it in as a (*sic*) accident? *Witness*—Yes, he said so. On Sunday morning, I saw the mare; there was a fetter hanging to her fore-leg; cannot say whether it was an iron fetter or not. I held the head of the mare, whilst Elijah Teague put on the fetter that morning. I think there were goats kept on the farm; did not see a goat's skin on the hedge near where the hammer was; might have seen dogs there that Sunday morning; would not swear to that; did not see a dog playing with a goat skin on the hedge near where the hammer was found.

William James—I am a constable of the parish of Kenwyn; was at the inquest on the 20th of April; went with prisoner to Grose's for prisoner's clothes, at the request of the jury; prisoner went with me. He pointed out these as what he had worn on the Saturday, (trousers, coat, and necktie produced). I was sent a second time for the shirts; prisoner owned them as his, but could not say which of the two he wore. There was no blood on either of them. I went with Richard Tiddy, the constable, on the 19th of July, to Kendall's house in the night, about a quarter after ten; it was a darkish night. (Witness and the other man went to make an experiment, to try if they could see into the parlour from the outside.) I had a candle and lantern, and looked in from outside the parlour window. I first held the lantern up, then took the candle out and held it; could see into the room plainly, all the four corners; if there had been a man sitting in a chair in the room we must have seen him. I was on the premises on Sunday morning the 20th of April; I unfettered and fettered the mare; she was very quiet. I observed the state of the road on Sunday; do not know there had been rain on the Saturday night ; there were no tracks of any body having been drawn along, on the Sunday morning. I looked for tracks, but could find none.—*Cross-examined.* There were foot-marks, because other people had been there before me, but no marks of dragging were to be seen.

Richard Tiddy, constable of Kenwyn. I went to Kendall's premises the after part of Sunday 20th of April. Was there also on Monday, when the inquest was held; received a hammer from Mr. Moyle; it is that I have produced to-day; also produce the horse-shoes I received, and the shoes of deceased (shoes produced). I went with William James on the 29th of July to try the experiment with the lantern; if the deceased was situated in the south-west corner of the room, as I saw him on Sunday

the 20th of April, I must have seen him when I looked in with the lantern. I could see all the room if the parlour door was closed; that door did not affect the south-western corner. *Cross-examined.* Could see, I believe, within a foot of the corner. Saw no goats about the premises: there may have been a dog or two. *Re-examined.*—Could see into the room better with the candle in than out of the lantern; the back serving as a reflector.

Edward Michell—I live at Tregavethan; can walk from there to Kendall's house in about eight minutes. Elijah Teague came to my house on Sunday evening the 20th of April between 6 and 7. At that time I had heard of the accident. I asked him why he had not sent for me or some person else; he said he did not know what to do. I asked him where he was when it happened; he said down in the lower field driving the sheep out over the hedge; he said he heard a racket with the horses, he went up to see what was the matter, and saw three horses there, and Kendall lying on his side on the ground; he spoke to him but could get no answer. I asked him how he got the corpse into the house; he said he put his arms round his waist and put him into the kitchen, and placed him in a chair near the fire-place; he found he was slipping from thence, and took him into an elbow chair into the parlour. That is all I heard that day. I also saw him in the evening of the day after he came from the inquest; saw him first in Kendall's house, between seven and eight o'clock. He asked me to go out to hold the candle whilst he was putting his brother's horse into the gig. I went out with him. I said, "Elijah how can you stand all this, for I believe you are guilty." He said, "what's the use to take fear before fear comes." I said "I would not be on the jury on any account, for my mind tells me you are guilty, and I believe you are guilty." He made no reply to that. I said "I heard the body was almost drained dry, scarcely any blood left in it." He said "he lost a great deal of blood whilst he was in the chair, and I dipped it up in a tub." Then I said to him "how did you come to leave that old hammer where you did." He said "it was under no concealment, and that mattered nothing." I said "there was the very hair, I heard, that came from his eye-brow found about the hammer." He said, "that might be goat's hair." *Cross-examined*—There may have been goats on the premises; there was one killed on the Friday. I was on good terms with Elijah as with my own son. I had some time before accused him of killing a fowl of mine; he said my son did it; this might have been a month or five weeks before. My son went to his school at Mount Oram, and continued to do so after this affair of the fowl happened. *Re-examined*—I was not on very friendly terms with the old Mr. Kendall, but was with Mrs. Kendall; she and Elijah used to come to my house. Witness was asked further questions by Mr. Collier, but he persisted in saying that he had no ill-feeling against the prisoner; he never said, after the affair about the fowl, that he would serve him out.

Nancy Michell is daughter of last witness, and lives with him. Recollected old Mr. Kendall's marriage four years ago; did not know Mrs. Teague or Elijah Teague before her marriage; became acquainted with them after that. Mrs. Kendall occasionally came to my father's house; Elijah came also. The old Mr. Kendall did not come more than once that I recollect. My father was not on very good terms with him. Elijah has spoken of old Mr. Kendall in my hearing at different times; he has often said that he and Mr. Kendall could not agree, that the old man was very cross to him, and they used to have words sometimes. I do not recollect that he said more. Before and after Elijah went to Grose's I heard him talk in this way. I think I have heard Elijah say that he went to Grose's because he and Mr. Kendall could not agree. Recollect Elijah coming to our house between six and seven in the evening of Sunday the 20th of April, the day after the old man's death. He asked me to go to Kendall's to be company for his mother, and I went; my father said I might go. Elijah and I then walked together to Kendall's house; we talked together as we went along. I asked him how he found the old man? He said he was driving out some sheep from the field, and heard a noise as if a gate had fallen down, and he went to where he heard the noise; when he came there he saw three horses, he said, and saw a body lying on the ground; he did not know whether it was Kendall till he got forth to him; he spoke to him, but he could not answer; he lifted up his head, and he appeared to be almost dead; he saw his head was cut very bad; he did not know what to do; he lifted him up and carried him in, and put him in the chair in the kitchen, he could not sit still in the kitchen, and he moved him into the parlour into an elbow chair; he said he did not appear to move any more after

he had put him there. I asked him how he could stop there with him so long, and no one else there? He said he did not know what to do; his mother came in, and he desired her to go and get some one, or to stop there, but she said she could not stop there, and left the house, and he did not know where she was gone. He said he stopped there a good while, he could not tell how long, it might be an hour or two; he stopped till he could stop no longer; he was by himself and did not know what to do; he could not tell whether the old man was dead or alive for some time before he went away; he thought he was dead. He said there was no light or candle in the house; he said he put his hand over his head to see whether he was dead or alive; but he did not move, and he thought he was dead. He then said he left the house and locked the door; he did not know what he had done with the key, whether he put it up over the door or had it in his pocket. He said he went to Chacewater for the doctor; he said nothing about going anywhere else; he said he did not know where he put the key, but when he came back he found it in his pocket. I asked why he did not call some one; he said he did not know what to do. I asked why he went for the doctor after he thought Mr. Kendall was dead? He said he thought he must go, or people would lay blame to him. He said he must go home to sleep to night (*sic*), (at Grose's) he could not stop up, for he supposed he should have a good bantering tomorrow with the jury. *Cross-examined*.—I was first examined last Wednesday night about these conversations, by the attorney for the prosecution; I was not examined before the coroner.

This closed the case for the prosecution. On the application of prisoner's counsel, Mr. COLLIER, who said he was suffering from indisposition, the Court was adjourned for half a hour, the examination for witnesses having lasted between eight and nine hours. On the re-assembling of the Court, *Mary Kendall*, the prisoner's mother, was recalled, at the request of Mr. COLLIER, and said in reply to him that there were two goats' skins lying on the hedge where the hammer was found, one of them an old one, and the dogs had been playing with one of them. *By Mr. Stock*.—One of the skins was in holes; they were put out there in the beginning of April.

Mr. COLLIER then proceeded to address the jury for the prisoner, but had not been speaking a quarter of an hour, when he addressed the Judge, saying he felt so faint and ill that he could not proceed. His Lordship said "if you are too ill to go on, and wish the court to be adjourned till tomorrow, by all means let it be so; God forbid that the course of justice should from any cause suffer." Mr. COLLIER having expressed his desire for a postponement, the Court was adjourned till Thursday morning at eight o'clock.

THURSDAY, August 7.

The Court opened this morning, at 8 o'clock; and Mr. COLLIER resumed his address to the Jury for the defence.—In the course of his speech, he referred to the circumstance of the finding of the deceased's hat, this fact, it appeared, having been mentioned in the depositions.—The JUDGE told Mr. Collier that he was not at liberty to speak of circumstances that had not been proved in evidence; but, in most ready compliance with a request from Mr. Collier, his Lordship consented to receive evidence on the point, and the following witnesses were recalled:—

John Cocking, examined by the Judge and Jury:—About 6 o'clock on the Sunday morning, I saw the deceased's hat on a bush in the hedge near the place where it was said Mr. Kendall's body was found; the bush was from 2½ to 3 feet high; Elijah Teague was with me when I found the hat; I don't know that he showed it to me, but I can't say that he did not; I let it remain on the bush.

William Sandoe:—On the Saturday night, the second time I went to Kendall's with Henry Grose, I saw a hat on the ground in the road. I said "Henry, here is a hat"; and I took up the hat intending first to carry it into the house; a thought then struck me whether it would be proper for me to take the hat into the house, and I placed it on a bush by the side of the road. This was about half past 10 o'clock. I left it on the bush: I did not know whose hat it was; I saw it again there the next day; it was the same I had seen on the Saturday night; I did not perceive any bruise on the hat.

Henry Grose:—I saw a hat on the Saturday night, near the place where it was said the deceased was taken up; this was near 11 o'clock, I think. The hat was lying on the ground, a little off from the hedge; William Sandoe put it on a bush; I had then heard that William Kendall had met with a kick from a horse; I did not observe any mark or bruise on the hat; I did not look particularly for it.

Mr. Collier then resumed his speech, which lasted altogether nearly three hours.—The learned JUDGE then occupied about two hours in summing up the case. His Lordship concluded at 10 minutes to one.—The Jury then retired, and at 20 minutes past one, returned into Court, and gave their verdict, NOT GUILTY. We shall report the defence and summing up in our next.

This case concluded the business of the Assizes.

The Charge of Murder at the Cornwall Assizes.

In the case of Elijah Teague, charged with the murder of William Kendall, we gave last week the evidence adduced at the trial, which ended in a verdict of acquittal. We now report the address of the counsel for the prisoner, and the summing up of the learned Judge, Lord Campbell, which will, no doubt, be interesting to our readers.

On Thursday morning, the second day of the trial, Mr. COLLIER addressed the jury in behalf of the prisoner, in an able speech, of which the following is an abstract. He said,—In the present state of the administration of justice, no man is condemned lightly, or on mere suspicion, when the consequence is the forfeiture of his liberty; still less when it is the forfeiture of his life. But even in these times, when juries are so cautious, mistakes sometimes occur; the innocence of the accused is discovered after they have been convicted, and they are liberated from imprisonment, or recalled from transportation; but there is one sentence, and one only, which, after its execution, cannot be recalled, and that is the sentence of death. These observations would render the gentlemen of the jury most cautious in the discharge of the responsible duty which had fallen upon them. The counsel for the prosecution had stated that there were great difficulties in the case, and that one of the great difficulties was the absence of any motive for the commission of the crime. Now men do not commit great crimes without a motive; even hardened ruffians, whom long crime has made callous, shrink from the shedding of human blood; and it is not likely that a youth unstained by crime before, would commit his first crime in so atrocious, so cruel, so incredible a manner. Why should he murder the old man? Had he anything to gain by his death? Nothing; so far from that, the old man was his employer. The prisoner was an industrious young man, who had endeavoured to obtain his livelihood partly by keeping a school, and partly by occasional employment as a workman. He was working for this old man whom it is alleged he murdered. He must have been rather a loser than a gainer by his death. But then a witness is called who says that deceased and this young man had had words and were cross. Why friends have words, fathers and mothers have words, brothers and sisters have words, but they do not murder each other. The prisoner's mother, when giving evidence, was overcome by her feelings; she had the deepest affection for the old man; she said, "he went out, and I never saw him again alive." If she believed him murdered, she would not have withheld any evidence she could give as to the murderer. Her statement was, that Elijah went to lodge at Grose's in consequence of her illness, because she was in a weakly state and could not attend to both the men. The jury saw her in the witness-box, and it was clear that she is in a weakly, nervous state. She said, at the time of the old man's death, Elijah and he were on perfectly friendly terms, and he was working for him that day. No motive, therefore, could be possibly assigned for the commission of this crime by the prisoner. There was an old saying, that no man on a sudden becomes desperately wicked. Wickedness proceeds by slow degrees, and it is long before a man reaches the crime of murder. But there is a youth perfectly unstained by crime before, who is said to have committed this horrible crime. Look at him,—does he look like a murderer? He is not rude, not brutal, not uneducated. He had read and taught the contents of the sacred volume, and read and taught the commandment, "Thou shalt do no murder," and why should he break that without a motive? I hope it will never happen to you or to me to be placed in the awful circumstances in which this youth was placed that night. Who shall say how he would conduct himself under such circumstances; and give an accurate account of what he did every hour of the time, and of what occurred, so as to bear the scrutiny of a counsel some months after? I can conceive of no position

more awful, than in the still hours of the night to meet with a man who has experienced some violent injury, especially if there is some doubt, from appearances, whether it be the result of an accident, or proceed from the hand of a murderer. Who knows that under such circumstances he should do what is most prudent? Who knows that he should go to to (*sic*) the first place to get assistance, or ramble somewhere else? The counsel for the prosecution speaks of distraction of mind being evidence of guilt. Is there then no distraction produced by other causes? If distraction shows only guilt, God help the innocent and the afflicted. I have always understood that great calamities, sudden afflictions, "wisht" occurrences, tend to distract a man as much as guilt. Is it to be supposed that because this young man was distracted, he is guilty? And when it is pressed against him, whether he took the key of the door and put it in his pocket, and that he is not quite right to half an hour as to where he went, and that he said something which is not consistent with what is said by other witnesses—it is bearing rather hardly on him. Who shall say how he would conduct himself under such trying circumstances? It may be that many persons against whom suspicion has arisen, have taken exactly that course which leads to suspicion. A suspected person, though innocent, may sometimes state what is false. An innocent man has not always the boldness, the resolution to state the whole truth. That has been evidence against him, and on that ground juries have sometimes been mistaken, and confounded the innocent with the guilty. The distraction which may be produced by calamity, by affliction, by guilt, may be produced also by a false accusation, which tends to confuse the mind, so that a man does not know what he says or does.—Mr. Collier then said the prisoner had made a statement before the coroner without any degree of unwillingness; and that statement had been confirmed in almost every material circumstance. He contended that almost all the points on which the prosecuting counsel relied, had failed; and that if a verdict of guilty could be returned at all, it must be founded entirely on the evidence of the medical witnesses. He did not attribute to those witnesses any improper motive, but still they might be mistaken. Elijah Teague had never varied his account of the occurrence in any material way. His learned friend might be able to point out some minute differences between the story he gave to one person and to another. But that was what might be expected. If any one of them gave an account of an occurrence to half a dozen different persons, he would not tell the story to all alike; he would add something to one which he did not tell to another, or he would omit something. So it was, no doubt, in the present case. But supposing Elijah Teague had given precisely the same statement to different people as he had given in his deposition; his learned friend would then have said, he had manufactured his story and repeated it by rote. At present, however, his statements were just those of a person who was agitated, and could not give to every person a perfectly satisfactory account of what had occurred, but stated to the best of his knowledge and belief. Mr. Collier then read over the statement Elijah Teague made before the coroner, with the view of showing that it was confirmed by the other witnesses, and was a true account of what had happened. The account of his being sent back by his mother to drive out the sheep from the seedling grass, was confirmed by the mother's own evidence. Now if Mrs. Kendall had not sent him back he would have gone on with her to Grose's, and would not have been home when the old man returned from Chacewater. He thought this circumstance would make a strong impression on the minds of the jury. There was evidently no lying in wait for the old man, to murder him; it was by a sheer accident that Teague was there when the old man returned; and he had every reason to believe his mother would soon come back from Grose's, she having gone there for the little girl. It was also an entire accident that the old man went to Chacewater at all. From Mrs. Kendall's evidence, it appeared that it was necessary some one should go to Chacewater, and that she said to the old man, you had better go to Chacewater, and Elijah will stay at home and thrash; otherwise Elijah would have gone to Chace water, instead of the old man. It was therefore an accident that the old man went to Chacewater, and an accident that Elijah was at home when he returned; he would not have been there if his mother had not sent him back to drive out the sheep. Then see what a graphic account he gives of the occurrence; an account bearing all the impress of truth. You can almost fancy yourselves in his situation, hearing the neighing of the horses, and the gate fall. And it was at that gate the accident no doubt occurred,

though probably not by a kick from one of the horses. Nor does Elijah Teague pretend to say that he saw the old man kicked, but seeing the mare unfettered which had before been fettered, he naturally comes to the conclusion that the old Mr. Kendall had been kicked. But the accident may have happened otherwise. He may have come galloping up at a great pace, and the other horses rushing down to the gate, he may have been thrown with great violence on the ground, thrown on a sharp stone, or on two stones together, as I put the case to the witnesses. Mr. Moyle examined some of the stones in the road for the purpose of seeing if there was blood on them; but I asked him if he had compared any of them with the wound, and he said, no. Have you brought any of the stones here?—no; so that the stone which produced the wound may be actually now to be found in the road. This road is only a farm road, and I have been walking about the roads in this neighbourhood, and can say they are very different from the macadamised roads to which his lordship has been accustomed. I have been struck now and then with the appearance of a stone in the road, which might have produced such a wound as was made in Mr. Kendall's forehead. Mr. Moyle thinks the wound could not have been so produced; and the medical witnesses say, "Oh, the wound was produced by great force." But who knows with what force he may have fallen? He was seen trotting, and he may have come galloping up to the gate, and been thrown to the ground with immense violence. I do not know whether you, gentlemen, have ever known of such an accident, as that of a man having fallen in that way, and had the bones of his face smashed; if you do not, evidence of such a case can be produced before you. You are not, therefore, to be bound by the opinions of the medical men; the verdict is yours,—you may be right and they wrong, and you may save the innocent. If Elijah Teague's account of what occurred is not true, it would have required immense talents to concoct his story, and I quite agree with my learned friend, that he has had some education, but it is not of that order as would enable him to concoct a story of this kind. Elijah Teague, in his statement, says he did not stop to fasten the other fetter, and that is quite likely. But then my learned friend lays great stress on another point, and when so much stress is laid on such a point, it shows the weakness of his case. The point is that there are no marks seen of a heavy body having been dragged over the road, as Elijah Teague states. But in fact a heavy body was not dragged over the road. The man was only six or seven score, and what he did was to lift him up and carry him as well as he could, his heels dangling down, sometimes touching the road and sometimes not. In this way, the road being in some places dusty and some places stone, I exceedingly doubt whether you would see any track at all; if the old man's heels had touched on the road constantly, they would not leave much of a mark. Besides, the surveyor says there was furze and grass by the side of the road; and who knows whether he did not take the old man partly over this furze and grass? Mr. Moyle says there were some furze prickles sticking to the old man's coat; and that tends to explain this matter; he dragged him by the side of the road, and the old man came in contact with the furze. My learned friend would have you suppose that this old man came home sound and well, and that this young man went and deliberately murdered him in his house. But he came home on horse-back, and one does not see why he should have furze on his coat, unless in the way I have described. It is a trifling circumstance, but if my learned friend relies on trifling circumstances to affect this young man's life, I am entitled to rely on trifling circumstances to show his innocence. As to marks being expected on the road, it must also be remembered that there were half a dozen persons going about the road that night, Mrs. Kendall, Grose and his wife, and Sandoe and his wife, the whole party distracted, looking for colts, mistaking whitewash for a light, going backwards and forwards not knowing what they were about; so that if distraction were evidence of guilt, they are all guilty. With all these people going backwards and forwards, if there had been marks in the road they would have been rubbed out. Mr. Moyle himself had ridden over the place, horses had been running about; so that you see how cautious a jury should be before they find a verdict on such slight and equivocal evidence. What would be your feelings if you should convict this young man, and find out afterwards that you have been mistaken? Where would he be? His body gone to the earth,—his soul gone unprepared, possibly to his last account, and there would be no revelation. I beseech you to weigh cautiously these slight circumstances to which I draw your attention. A drop of

blood, it is said was found in some sand, in the heels of the old man's boots, and it is very possible that as he was partly pulled, partly carried on, a drop or two of blood may have fallen into his boots, and the sand have also got into them in that way. Teague says the distance he took the old man was about eighty yards, and the place he points at turns out to be seventy-two yards from the house. Elijah Teague says he would not allow his mother to see the old man in the parlour, because he was afraid it would hurry her. You have seen this woman in the witness-box, and it is evident she is in a delicate state of health, and highly excited; she was taken from this court, and conveyed to her bed. This young man knew that the sight of her husband with the wound in his forehead, would have terribly excited his mother, and he prevented her from going in; if she had gone into the room, she would have probably fainted, and he would have had the trouble to attend to two instead of to one. When the wound was spoken of in court, it greatly affected the poor woman, and how much more would she have been affected if she had seen it. The suggestion on the part of the prosecution was, that Elijah Teague had murdered this old man, and then kept his mother out of the room that he might first put all right there. But he (Mr. Collier) was much struck by one expression the mother used in her evidence. She said, "Elijah was standing by me, and he said, 'you must not go away, you must stay here or go for the doctor.' " Thus he gave her the option either to go or stay, and if she had recovered from her fright, and kept house whilst he went for the doctor, this young man would never have been at this bar. It was because of her going, that these suspicious circumstances arose against him; and every man was open to suspicion who was found near the body of a man believed to have been murdered. Another point pressed against the prisoner was his going so far as Truro for a doctor when he might have gone to Chacewater; but that had been explained. It appeared Mrs. Kendall used to employ Mr. Moyle, of Chacewater, but for some reasons had changed her medical man and employed Dr. Bullmore, of Truro, who, though he had only visited her once, had often sent her medicines. The going to Truro, it appeared, was suggested by herself; so here was an end of any suspicious circumstances arising from that. It would no doubt have been better to have gone to Chacewater under such urgent circumstances; but who can tell how he might himself act when placed in a similar situation? The little girl who had been called, confirmed Elijah Teague and his mother's statement; she said, Elijah said "you shall not go in, mother, for you will be frightened." Now Teague might not have known the extent of the danger, but he knew the old man had met with a terrible accident, and could they wonder that he could stand it no longer, and should say, after waiting an hour or two, he went out. In moments of intense anxiety, minutes and hours are not counted; every minute you are considering your verdict will be like an hour to the prisoner. But he goes out, and not seeing his mother, he goes in the direction of Truro, because they employed Dr. Bullmore. Another point on which great, great stress was laid, was that prisoner says he met with a woman on the road to Truro, and told her to desire his brother and brother-in-law to come out. His learned friend said the woman would state that he gave her no such message; but she had been called, and it appears she was so confused and agitated, she does not remember whether he gave her the message or not. She heard him ask another man, whether he had seen a woman going to or coming from Truro, and he then meant his mother; he thought she had gone to Truro, but she changed her mind and went to the Groses. His learned friend said there was a discrepancy as to the time, and so there would be between witnesses; you cannot rely on a matter of that kind, you cannot say yourselves the precise hour at which a thing happened a week or two ago,—you cannot say to half an hour. The witness, Hobbs, said he came up to her in the road to Truro about half-past nine, and that she left St. Agnes some time past eight: but she was not likely to walk eight miles in less than two hours; and in all probability the clock at Truro, when she arrived there, struck eleven instead of ten as she supposed. But what does it matter, gentlemen? You are not going to sacrifice a man's life, on the difference between a clock striking ten or eleven. Teague says he lighted a candle in the house when he left ; but it may have been a short piece, and have burnt out. He says he locked the door, and put the key over the stable door, where it was usually kept; but very likely, as he afterwards told Nancy Michel], he did not know whether he put the key over the door or in his pocket, but that he found it afterwards in his pocket. What was more natural than his conduct? It

was not usual to leave the house without any person in it, without locking the door. He does that, and thinking his mother was gone on to Truro, and expecting her back, he goes to meet her. He thinks he must meet her, and not expecting any other person to come there, he has no idea that he is locking any person out. Then as to the light, it was said by the counsel for the prosecution, that there was a light in the kitchen window, which went out as persons approached the house, and that that was a very suspicious circumstance. But the three women had been called, who fancied they saw the light, and they had come to the conclusion that it was the whitewash on the wall which they had mistaken for a light; or it might have been the men with a lantern who had gone on before to catch the horse; or it might have been moonshine.—It appeared that Teague called on Mr. Moyle and desired him to come out. Now a man who has murdered another is likely to be the very last person to call a doctor to come to the person he has murdered. And it was not the prisoner's fault that Mr. Moyle did not come at once. He says Mr. Moyle told him to put a wet cloth on the old man's head, and Jane Sandoe says he told her Mr. Moyle gave him directions to put his feet in warm water. Mr. Moyle says he gave no such direction; but he may have done so and forgotten it, or this boy may have thought it was a proper thing, and that Mr. Moyle had recommended it. When he put the old man's feet in hot water, he did not know that he was dead. Mr. Moyle said Teague did not describe the wound so considerable as it was; yet we find he told other people that Mr. Kendall had met with a terrible accident. He also went the second time to fetch Mr. Moyle; and he made no concealment of his dress; according to his learned friend's statement, there was one drop of blood on his trousers, and very probably in taking the old man home, he would have bled slightly. No doubt the notion of people in general would be, that from a man killed in that way a great deal of blood would flow, and that somebody in this case must have disposed of the blood. That seemed to have been the witness Michell's opinion; for he thought Elijah Teague guilty, because he had heard that the whole of the blood had come out of the old man's body, and he thought Elijah Teague must have put it somewhere. It appears, however, that there are a number of small vessels in the forehead, and if a blow does not break the longitudinal sinus, there would not be much blood. In this instance it was not broken; so there is an end of the suspicion arising from more blood not having been found. Mr. Collier further dwelt on the probability of other parts of the accused's statement being true; for instance, that he spilt some of the water when he was putting the old man's feet into the tub; and that he had the cramp in his legs on the way to Truro, and was obliged to rest against the hedge, which was very likely, after running about in an agitated state. He said he had fettered the mare by himself, but not when the other horses were near; and this was very likely, because they were then fractious, and the former owner of the mare said she had turned up her heels at him once or twice. Mr. Collier contended that the prisoner's statement, made voluntarily before the coroner, bore the impress of truth; and if there was some difference between that statement and what he had told the witness Michell, he submitted that men who intend to report conversations accurately, often make mistakes; but when it was related by a man who had evidently some feeling against the prisoner, they would be doubly cautious in receiving what he said. As to the witness Sandoe looking in at the parlour window, with a lantern on the night of the old man's death, and saying he must have seen the body if it had been there, it is possible he might not have seen it. The window was a casement, the wall some twenty inches thick, and the constables (who tried the experiment afterwards) peering about as they did, could not see into the corner of the room within a foot. Mr. Moyle, next morning, did not recognise the old man till he had the coats taken off him. Sandoe says, "if he had been at the same place in the room where I saw him next morning, I must have seen him." That may have been so, but by that time he may have been removed a little further out from the corner. On the side of the prosecution, it is suggested that when Sandoe looked in, the body was in the kitchen; but at all events, when Mrs. Kendall was there, before that time, the old man was in the parlour, for if in the kitchen she would have seen him. Sandoe then must have been mistaken. He (Mr. Collier) contended that prisoner's statement was thus confirmed by the witness in a great number of its circumstances, and that he was also confirmed by the appearances of nature, namely, by the drops of blood lying on the road where the old man met his death. It was suggested

by the prosecution that the prisoner put these spots of blood there. Mr. Moyle said he put his penknife under a spot and took it up, and he concludes because it did not stain the stones underneath, that it had been placed there; yet he has made no experiments as to how deep blood will stain, but he says he draws his conclusions from observing how deep the blood has stained which persons have spat outside his surgery after their teeth were extracted. Very likely those persons spat water with the blood, which would sink deeper, and outside his surgery it may not be the same description of soil as in this road. I believe the blood must have been liquid when it fell there, or it would not have been in the shape of a drop; but surely, gentlemen, you are not to convict a man on loose speculations like these which the prosecution has put forward.—Mr. Collier went on to state that according to the depositions before the coroner, a hat was found in the road. The learned JUDGE said they must confine themselves to the evidence, but if Mr. Collier desired it, he would call any witnesses to examine them as to the hat. The witnesses *John Cocking*, *William Sandoe*, and *Henry Grose* were then recalled, the evidence of the two latter being, that about half-past ten or eleven o'clock on the night of Mr. Kendall's death, as they were going to his house, they saw a hat lying in the road, and Sandoe put it on a bush. John Cocking said he saw Mr. Kendall's hat about six o'clock the next morning (Sunday) on a bush in the hedge, near the place where prisoner said he found Mr. Kendall's body. Mr. Collier observed that this added probability to the fact that the old man was going at a great pace when he fell, and that his hat went off as he came down; if he had been murdered, they might have expected more damage to the hat than there was. He next argued that the evidence of the medical men was not conclusive any more than the other circumstances. The hammer with which it was supposed the old man was killed, was not at all concealed, and numbers of persons had been handling it before Mr. Moyle came to it. There was no blood about the hammer; how was that?—for if it had been washed, the hair would not have been found at the end of it; the hair would have been washed away. It is on that hair this man's fate depended; he had heard of late hanging on a hair, but had never expected to see it verified in experience. If the prisoner was supposed by his learned friend to be so ingenious and clever as to concoct the story he had made, would he have left the hammer that inflicted the injury unconcealed, and to be found by any body? There was rust on the hammer, but no evidence of rust being found in the wound; and having compared the hammer with the diagram of the wound made by Mr. Moyle, as far as he (Mr. Collier) could see, and he believed the jury would see the same, the two did not correspond. It seemed to him rather, that the wound was of that irregular shape which would be made by a stone. He then reviewed some of Mr. Moyle's evidence, and said he did not believe Mr. Moyle would go the length of saying that such an injury could not have been produced by falling on a stone. Mr. Lord said a fall would not be forcible enough to produce a wound; but of course the force in such a case would depend on the rapidity of the rider, and the velocity with which he was thrown. It was well known that with a horse going rapidly, a man might be killed by only falling on the turf; and by falling on a large stone of a particular shape, no doubt a man might smash his forehead without injuring the rest of his face. He then read from Taylor's "Medical Jurisprudence," as follows:—"A medical witness is rarely in a position to swear with certainty that a contused wound of the head must have been produced by a weapon and not by a fall." Again he says, "We may often be in doubt with respect to lacerated or contused wounds, whether a weapon has been used or not." Mr. Taylor also says, "When the question is, whether an injury has resulted from homicide, or accident, there are many difficulties which medical evidence, taken by itself, cannot suffice to fathom." In illustration of this, Mr. Collier was proceeding to state a case which was tried at the Warwick Spring Assizes in 1808, (quoted in Taylor's work), but was stopped by the learned Judge, who said he was not to rest on the authority of Taylor as a medical witness, unless he placed him in the box.—Mr. COLLIER said he had before known extracts read in court from this very book; he understood that extracts might be read from a work of authority. The learned Judge told Mr. Collier he might proceed, but observed that the general rule was, that extracts may not be read from a book, if the author be living, and may be placed in the witness-box.—Mr. COLLIER next urged that if eminent men like Mr. Taylor were thus cautious in giving an opinion as to the cause of a wound, how very cautious should the jury be in

receiving the medical opinions advanced at that trial. Mr. Moyle and Mr. Lord differed in their opinions in some degree, and if a third medical witness had been examined on the same points, he might have differed from both of them. He went on to say that nothing could be inferred from the hair found at the end of the hammer. Many persons had the hammer before Mr. Moyle, and there was no evidence that any of them saw the hair. Teague said it might be goat's hair, and it appeared there were a couple of goat skins lying on the hedge, and the dogs had been playing with one of them. But it was said this was a human hair, and Mr. Couch says it is a hair from an eye-brow, which he (Mr. Collier) thought was going rather far. But even if it was a human hair, nothing could be concluded from that; they find hairs everywhere—in puddings, in bread, in books, in rooms, and they get about in all sorts of places. But who could determine what kind of hair it was? Scientific men, he said, are not agreed as to the structure and composition; and if recent discoveries had been made, were they to be governed by them?—there might be yet other discoveries, but was this man man (*sic*) to be a martyr to science? After all, this hair might be goat's hair, or if a human hair, it may have belonged to somebody else, and not to the deceased, for if rain fell on the Sunday night, as had been stated, any hair on the hammer before that would have been washed off. He then recapitulated the points he had set forward, and put it to the jury, that if they should be of doubt whether the man came to his death by accident or otherwise, but should find this to be a mysterious transaction beset with difficulties, that they would not find a verdict which entails death, but would take their escape from those difficulties, by pronouncing as the law allows, a verdict of not guilty.

The learned JUDGE summed up the case to the jury.

Gentlemen of the Jury,—The prisoner at the bar, Elijah Teague, stands indicted for the wilful murder of William Kendall. He pleads he is not guilty, and it is for you to say, on the evidence, whether you think he is guilty or not of the crime with which he is charged. Gentlemen, it is quite clear you are bound to say he is not guilty, unless the evidence clearly and satisfactorily brings home to your minds that he is guilty; for, as the learned Counsel for the defence says, though there may be some mysterious circumstances in the case which will not be revealed till all secrets are made known, yet unless on the evidence before you you can safely find a verdict of guilty, it will be your duty to acquit him. At the same time it is my duty to tell you, that if on the evidence you clearly think him guilty, and think you can safely act on that evidence, then it is your duty to find a verdict of guilty.—The learned counsel for the prosecution, who opened his case in a very candid and lucid manner, submitted this as his case:—That William Kendall certainly died by violence,—about that there could be no doubt. Then the question is, how that violence was committed. If Elijah Teague, the prisoner at the bar, had not been examined before the coroner, and had not given any account of his share in the transaction, there would have been great difficulty in making out any case against him. But it is submitted to you that he has given an account which is proved to be false; and as he had the opportunity of committing the deed, you are asked to draw an inference from the false account he gave of his share in the transaction, and to come to the conclusion that he is the guilty party.—On the other hand, you have heard the able address of the counsel for the prisoner. He says, everything which has been proved in evidence is consistent with the innocence of his client; and he very properly observes, that even should there be some discrepancies and some mis-statements, it would not be a sufficient foundation for you to find a verdict of guilty. There was only one observation made by the learned gentleman who addressed you for the prisoner, which I feel it my duty to say I do not entirely approve of; that was his observing to you, that in former times judges and juries recklessly proceeded to convict on insufficient evidence. In former times, no doubt, our criminal code was, I may say, most bloody, and by no means creditable to our country; but now it is much mitigated, and the punishment of death is only reserved for murder and crimes of the greatest enormity. As far, however, as my experience and belief go, the judges and juries of former times were just as scrupulous as now; and I believe your fathers, sitting in the jury box you now occupy, were just as anxious as you are to arrive at the truth, and just as fearful to find a wrong verdict. I can say the same of the judges who have been my predecessors, that they have been equally scrupulous and anxious. (Mr. COLLIER—I did not express myself quite properly, my lord.) The JUDGE—But,

gentlemen, it is quite right what the learned counsel urges upon you, that you—and I wishing to assist you—that we should be most cautious not to be led away by mere suspicion, but that there must be clear evidence of guilt before you should find a verdict of guilty. I should be sorry, however, to sit here and hear anything said calculated to bring the administration of justice into disrepute. I may mention that one of my colleagues in the court in which I preside, Mr. Justice Pattison, who is most highly respected by the present generation, and will be as long as he lives,—I heard him say, that in the course of his long experience, he has never known a capital case in which there was a verdict of guilty, without the evidence at the trial being sufficient amply to support that verdict. Discoveries are sometimes made after a verdict which induce the Crown properly to interfere in the exercise of mercy; but I believe there is no foundation for the surmise sometimes rashly thrown out, that juries find verdicts of guilty without sufficient evidence.—Gentlemen, the question now is, whether the evidence laid before you is sufficient whereupon you can safely find a verdict. The learned gentleman who opened this case in a manner I thought most highly becoming, stated that the great difficulty (and it has not been set aside,) was that no motive was to be discovered on the part of the prisoner. According to some of the evidence, there had been words between the prisoner and Mr. Kendall. But it has been very properly observed, that there have been words between friends and relations, yet God forbid it should be supposed, after there had been words between parties, and one of them was found dead, that the other should be supposed to have murdered him. According to the evidence of prisoner's mother, Mrs. Kendall, though there had been words formerly between the parties, yet all was comfortable (to use her significant phrase) about the time of the occurrence. Other evidence which was called, did not show any recent grievance; and even if there were words, it is not to be supposed they would lead to such a revolting scheme as that of taking away the life of the old man. Another circumstance to which I would draw attention is, that there seems, as far as I can discover, to have been nothing like premeditation. All, as far as we can see, appears to have been accidental that night. If the prisoner is guilty, you see he must have met the old man when he returned from Chacewater, and at that time have committed the murder; and then he must be supposed to have resorted to various contrivances for the purpose of concealment. But you see it is not only by chance that the mother sent him back, in the manner the learned counsel has placed before you, but it was by chance that the old man went to Chacewater at all, because it was at first thought that the errand might have been done by Elijah Teague himself. He, however, remains at home, and Mr. Kendall goes to Chacewater, and no preparation seems to have been made for committing the crime.—At the same time there is very material evidence to show that the deceased could not have come to his death in the manner Elijah Teague had described; and it is for you to consider, though he did not come to his death by a kick of the mare, whether he could have come to his death by a fall from his horse, and whether that would account for what had occurred. It must be observed that Elijah Teague does not say he saw the kick, but that he heard the screaming and noise of the horses, and he ran and found Mr. Kendall lying speechless and insensible. But though it is said he might have fallen from the horse and received his wound, and that that would account for all which has occurred; still, on the other hand, the medical evidence is very strong, and it is for you to say what reliance you can place on it. After these general observations I will read over the evidence; for in a solemn inquiry of this kind, no time expended can be too long.—The learned Judge then held up the plan drawn by Mr. Whitley, and explained to the Jury the situation of the premises of Deerpark, and the locality generally. He then proceeded to read the evidence, and to comment on the important parts of it. When reading the prisoner's statement of the occurrence, made before the Coroner, he said it seemed very extraordinary that Elijah Teague should have prevented his mother from going into the parlour to see her husband; for supposing an accident had happened to him, one would have thought, said the learned Judge, that Elijah Teague would immediately have run to fetch her, instead of preventing her from seeing him when he came to the house. Prisoner's statement, however, as to this matter, was corroborated by Mrs. Kendall, and substantially also by the little girl, for she said she went to the house and left without seeing Mr. Kendall. There was suspicion at onetime, said the Judge, that Mrs. Kendall was in complicity with her

son. But there was nothing in the evidence to support that view; she did not appear to have had any quarrel with her husband, she had no revenge to gratify, and nothing to gain by his death. Prisoner's next statement was that he remained in the house an hour or more, but he could not say how long, after his mother had left. This, observed the Judge, does seem strange, that he should have remained so long in the house, and should not have gone to call some neighbour; it is, however, for you (the Jury) to consider what you think he might have been about during that time. As for the key not being over the stable door, he (the Judge) did not think that circumstance would amount to much, because in the flurry Elijah Teague was in at the time, he might not have known whether he put the key in his pocket, or over the door. It was, however, very strange that according to his own account he should have been going to Truro for a medical man, instead of to Chacewater in the first instance, that being so much nearer than Truro; and after that he had proceeded on some way towards Truro, he thought he might get a doctor from Chacewater sooner, and then he turned back;—why did he not make that discovery before? Prisoner's story, said the Judge, if true, showed him to be an innocent person, but it was for the jury to consider how far he was contradicted, and whether those contradictions showed him to be guilty. Mr. Carlyon was the next witness, and he had given his statements very clearly and fairly. His opinion was (and though he was no medical man, it was a point on which any man might form an opinion)—he said he thought from the appearances that the hammer was the instrument which produced the man's death. Mrs. Kendall, the deceased's wife, had also given evidence. Being the prisoner's mother, she no doubt had a strong leaning in favour of her child, and her evidence was to be received with caution; but her statements were to be received when uncontradicted; and according to her, there was no lying in wait until the old Kendall returned from Chacewater, for it appears that her son Elijah was at first accompanying her to Grose's, where he was to sleep for the night.—Reading further from Mrs. Kendall's evidence, the Judge again remarked on the strange circumstance of her not insisting on going into the parlour to see her husband after she had called out, "my Dear Kendall, cannot you speak to me." According to her statement, however, Elijah said, "you must not go away, you must stay here, or go for a doctor." Now if he had gone, and she had remained, it would have given her ample opportunity to see what had been done, and that was a circumstance for the consideration of the jury. Another of the extraordinary incidents of the case was the conduct of the Groses and the Sandoes, when they came to the house, that they should not even have opened the window, when they had reason to suppose there was a man inside who might be in the agonies of death. The next witness was the little girl Dunstan, whom he had thought it important to examine, their object being to get at the truth. From her answers it appeared clear that when she was at the house with Mrs. Kendall, the body of Mr. Kendall was in the parlour, and Mrs. Kendall and the little girl were prevented by Elijah Teague from seeing him. Another witness, Mary Grose, spoke of their fancying they saw a light in the kitchen as they were approaching the house, but he (the learned Judge) thought that was a circumstance to which they could attach no weight. Henry Grose, the next witness, spoke of Teague having put deceased's feet in warm water, which seemed a strange thing to do after the man was dead, yet it might have been done without anything wrong about it, for Teague said he put his feet in water because the doctor told him to do so. The doctor says he gave him no such directions; but it was said by prisoner's counsel, he either may have forgotten it, or the prisoner have thought he gave that direction; it was not a material circumstance, but should be taken into consideration. It seemed somewhat strange, also, that after the dead man's shoes were taken off, they should have been put on again. The next witness, William Sandoe, speaks of his looking into the parlour with a lantern from outside, between nine and ten on the night the old man came to his death. That he could see into the room, as he states, was confirmed by an experiment by two constables on the 29th of July. He says there was no body in the room when he looked in there; if there had been he must have seen it. The inference, said the Judge, which you are called on by the prosecution to draw from this is, that the prisoner's statement is not the truth, and that something was being done with the body at this time, and that afterwards it was brought into the parlour.—As to the evidence of Jane Hobbs, whom the prisoner overtook on her way to Truro, it did not show that the prisoner's story of what

took place was incorrect, for it appeared she was so frightened she did not know what he said to her. Then, there was the evidence of that very important witness, Mr. Moyle, of Chacewater. It appears Teague told Mr. Moyle that Mr. Kendall had been stunned, and had a slight cut in his forehead. This was strange, especially as he afterwards asked Mr. Moyle, "would the old mare be knocked in the head if Mr. Kendall died." Mr. Moyle speaks of the spots of blood in the lane; on the side of the prosecution it is suggested that Elijah Teague put the blood there for the purpose of concealing his crime; on the other hand, it is said that the spots came from deceased when he fell in the lane. The surgeon's opinion was, that the blood had been placed there when it was nearly cold and coagulated. I thought at first, said the Judge, that the surgeon had put his knife into this spot of clotted blood, and that then it had come up in a clot, and left no soil underneath; but it appears, on inquiry, that he put his knife under the spot horizontally and took it up. As to the effect of this test, you can form an opinion as well as a medical man, and it is for you to consider whether the blood was in a fluid state when it was first on the ground. If the prisoner put the blood there, it must have been after his mother left the premises, and before he went to Truro and back to Chacewater; he says he remained in the house an hour or more; how he employed himself during that time, we do not know. The surgeon further says, that on the Tuesday he observed spots of blood mixed with water on the kitchen wall, and there were some spots of pure blood on the kitchen table. This was very curious, but still the surgeon remarks, it was impossible to say whether it might not have been the blood of some other animal. The surgeon also states, that there were furze prickles on the old man's coat; and it must be observed that the first witness said there was some furze on the side of the road, between where prisoner says he found the body, and the old man's house. The surgeon states, on cross-examination, his belief that the wound in deceased's forehead could not have been produced by a fall. That, I think, must depend very much on the momentum with which a person might fall to the ground. In the case of a person coming down with velocity, a stone on which the body fell has produced very great results, and may produce effects on the skull as well as a blow from an instrument in the hand. But on that matter, gentlemen, you are to form a judgment as well as the doctor; there is no doubt he is a witness quite sincere, and his evidence is for you to consider. As to another point, the Counsel for the defence seems to have been misinformed; for there is not the slightest foundation for thinking that the surgeon has tampered with any of the witnesses.—Mr. Lord, the next witness, seems to be a most respectable gentleman, and to have received a scientific education, and to have stated what he sincerely believes; but of course you will act on his evidence according to your judgments. With regard to the marks in the road, he says, "I think there was rain on the Sunday, which might have effaced the marks, against I was there on the Monday." That is true, but others, you see, examined the place on the Sunday, when there had been no rain, and say there were then no marks where (if the prisoner's story be true) marks of the body trailing on the ground might have been expected. Mr. Lord states his opinion with regard to the wound in deceased's forehead. Now an ordinary fall, gentlemen, from a horse standing still, one can hardly suppose could have possibly produced such a fracture as has been described, but still, the nature of the fracture must depend on the force of the fall. Mr. Lord says, "there is a concentration of power shown there, such as, in my opinion, could not have taken place from a fall." That is his opinion. Now if the wound was not produced by a fall or a kick, it must have been produced by some instrument, such as a hammer; but unless you think it is quite clear that it was not inflicted by a kick from a shoe, or a fall from a horse, you are not to resort to the other supposition.—Mr. Couch, the next witness, says the hair of the eye-brows may be discriminated from that of the beard and whiskers; and certainly there was strong evidence from the surgeons, that the hair found adhering to the end of the hammer was a human hair; and Mr. Couch says it is a hair from the eye-brow. Still it is possible they may be mistaken, and even if they are not, though it is a circumstance of strong suspicion, it is not conclusive proof of that hammer being the instrument with which the blow was given.—After reading the evidence of John Hocking, William James, and Richard Tiddy, the learned Judge came to the evidence of Edward Michell, who, he said, was a very important witness. Michell said, "he asked me to go out to hold the candle whilst he was putting his brother's horse into the gig, and I went out

with him. I said, "Elijah, how can you stand all this, for I believe you are guilty." He said, "what's the use to take fear before fear comes." I said, "I would not be on the jury on any account, for my mind tells me you are guilty, and I believe you are guilty." He made no reply to that. I said, I heard the body was almost drained dry, scarcely any blood left in it. He said, "he lost a great deal of blood whilst he was in the chair, and I dipped it up in a tub." Now, said the learned Judge, if that conversation did pass, it most materially contradicts the story Elijah Teague has told, and it might lead to an unfavourable inference; it would tend to show that he had been dabbling with the blood, and would lead to the consideration whether he had not taken some and put it where he said the body was at first discovered by him. Still it is strange that this conversation should pass, and that he should make this communication to Michell, when he said nothing of the sort to any other person. Michell asserts that there was no enmity between him and the prisoner; but still the manner of the witness was so unsatisfactory, that it is for you to consider what reliance you can place on his statement of this conversation. His daughter, Nancy Michell, seems a very decent young woman, and in her evidence stated nothing unfavourable to the prisoner, for what he said to her was not at variance with what he said on other occasions. There was also the evidence as to finding the hat of deceased in the lane, between ten and eleven o'clock on the night he came to his death. If that was the hat of deceased, which it seems to have been, and it was found there without the prisoner having put it there, it would be a strong confirmation of his story; for it might naturally be supposed, that whether deceased fell from a horse, or received a kick in the way described, his hat would be found nearly at the spot. But it is possible, if Elijah Teague put the spots of blood there, that he put the hat there also, for the purpose of deceiving the world and concealing his crime. But there is no proof that he put it there, and it is for you to say, whether you can, from other circumstances, safely infer that he put the hat there; it is for you alone to come to a conclusion on that subject. If you come to the conclusion, that the wound was not inflicted either by the shoe of a horse, or a fall from a horse, then there is evidence from which the inference may be drawn that the blow was given by a hammer, and if so I hardly know how you can infer it was inflicted by any other than the prisoner at the bar. But you must consider the whole of the evidence, and not go rashly into inferences, and if you see no doubt, no reasonable doubt, that the prisoner struck the blow, you will be doing your duty to your country by finding a verdict of guilty. On the other hand, if you have any doubt on the subject, you ought to give the prisoner the benefit of that doubt, and pronounce a verdict of acquittal.

The jury requested they might be allowed to retire; but before they left the box, one of them asked the Judge whether they could be informed in reference to Teague's bad behaviour whilst in prison. (It was stated in Bodmin that whilst in gaol he had knocked down a turnkey). The JUDGE replied— We cannot inquire into anything of that kind; you must dismiss from your minds everything you may have heard before you came here, and be governed in your verdict by the evidence laid before you.

The jury retired at ten minutes to one, and during their absence the prisoner looked anxious and gloomy. At twenty minutes past one, the jury again entered the court, and the prisoner turned round and watched them intently as they went into their box. After their names had been called over, in answer to the usual question by the officer of the Court, they gave their verdict "Not Guilty." The prisoner, on hearing the verdict, began to laugh, and uttered some exclamation, to the effect that he knew he was not guilty, and that they would not bring him in guilty. He was then ordered to be discharged, and on leaving the dock was called over by one of the jurymen, and earnestly admonished as to his future conduct. The Court, with the space outside, was excessively thronged, and on the prisoner leaving, there was a general rush and excitement on the part of the crowd to see him.

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Royal Cornwall Gazette 17 October 1851

6. Michaelmas Sessions

These sessions opened on Tuesday last, at Bodmin, before the following magistrates:—

Sir COLMAN RASHLEIGH, Bart., Chairman.

Lord Vivian.	C.J.W. Ellis,
Hon. G.M. Fortescue,	W. Morshead,
Sir W.L.S. Trelawny, Bart.	D. Howell,
W.H. Pole Carew, Esq., M.P.	T.G. Graham,
T.J. Agar Robartes, Esq., M.P.	H. Thomson,
G.B. Graves Sawle, Esq.	R.G. Bennet,
Gordon W.F. Gregor, Esq.	D.P. Hoblyn,
H. Willyams, Esq., M.P.	W.P. Kempe,
W. Hext,	H.P. Rawlings,
J. Gwatkin,	G. Wightman, Esqrs.
N. Kendall,	Rev. T. Pascoe.
F. Rodd,	----- A. Tatham.
E. Archer,	----- R. Buller.
F.J. Hext,	----- J. Wallis Roberts.
T.J.H. Peter,	----- J. Bird.

We regret to state that J. King Lethbridge, Esq., the usual Chairman at Quarter Sessions, was unable to attend, in consequence of severe indisposition.

The following gentlemen qualified as magistrates:—

J. Ennis Vivian, Esq., M.P.	N. Kendall, Esq., junior.
W. Carpenter Rowe, Esq.	James Glencross, Esq.

The Rev. Joseph Benson took the oaths on appointment to the rectory of St. Breock; and the Rev. John Pope Cox, for the rectory of St. Ervan.

The following gentlemen were sworn on the grand jury:—

Mr. Philip Blamey, Gwennap, foreman; Messrs. R. Bewes, jun., Egloshayle; H. Bishop, Stithians; T. Dash, Budock; J. Derry, Egloshayle; J. Devonshire, Falmouth; J. Edye, do.; J.B. Geake, St. Mary Magdalen; D. Gray, Endellion; S. Hanbury, Budock; H. Hayman, St. Mary Magdalen; T. Mills, Bodmin; C. Pearce, St. Stephens by Launceston; J. Phillips, Falmouth; D. Roberts, Endellion; J. Roberts, Falmouth; T. Short, Bodmin; E. Spettigue, do.; J. Teague, Falmouth; H. Vercoe, Egloshayle.

It will be seen that there was not a complete grand jury. It is somewhat remarkable that most of the absentees were men of Bodmin—living close to the Court.

The Queen's Proclamation having been read, as usual, the CHAIRMAN delivered the following

CHARGE TO THE GRAND JURY:—*[not transcribed]*

VISITING JUSTICES' REPORT.—This report, signed by Mr. Sawle, Sir Colman Rashleigh, and Mr. Kendall, stated that the Gaol and Bridewell continue in their usual excellent order, and that the prisoners continue in good health.

SURGEON'S REPORT

Gentleman,

Oct. 14th, 1851

In making my annual report, I have great pleasure in stating that there has been much less sickness than for many years past. There has been only one death—William Johnson, who died of consumption, he being far advanced in that disease when brought into the prison. The cases for the year have been:—

	Males.	Females.
Slight indisposition	62	10
Under 17 years	2	0
Infirmary cases	4	1
Death	1	0

Greatest number at one time 5 2

I have great pleasure in adding that the whole of the prisoners are at present in a very healthy state, and both infirmaries unoccupied.

I have the honour to be, Gentlemen,

Your obedient servant,

JOSEPH HAMLEY.

CHAPLAIN'S REPORT

Cornwall County Prison, Bodmin, Oct., 13th, 1851.

My Lords and Gentlemen,

I have the honour of laying before you my annual report. On comparing the number of committals of this year ending Oct. 8th, 1851, with that of the year ending 1850, you will find a decrease of thirty-nine. With regard to the religious and moral information of those prisoners who have come under my notice, I grieve to inform you that the ignorance of some of them is truly lamentable and almost incredible; but on the other hand, it is a source of satisfaction to be able to state that many who on their admission did not know their alphabet, or had little or no idea of religion, could at their discharge, under the able and judicious teaching of the schoolmaster, read in a very creditable manner. The prisoners in general show a great desire to improve themselves, and they are, from time to time supplied with books of a moral and religious character. I meet with much difficulty in preventing the mutilation of these books, as the wards are so crowded that it is very seldom I can discover the offender. The demoralizing effects of placing so many prisoners together is fully shown from the number of punishments obliged to be inflicted, and I think I may with accuracy state that out of every hundred prison offences committed, ninety of them arise from association. Bread-stealing, the use of blasphemous and disgusting language, quarrelling among themselves, is very common, although every means is adopted for the prevention of it. I scruple not to avow that this association of prisoners tends in a great degree to lessen the success of my ministration. The daily and Sunday services have been regularly performed, and the Holy Sacrament administered once in every three months. The prisoners are constantly assembled for religious instruction, and exhorted privately very frequently. I subjoin seven tables to this Report. No. 1 shows the different ages of prisoners received during the year. No. 2, their moral information. No. 3, their religious information. No. 4, particulars of 62 re-committals. No. 5, offences for which prisoners have been committed. No. 6, native places of prisoners. No. 7, number of prisoners received in each of the years 1847, 48, 49, 50, and 51. I continue to receive every assistance I may require from the subordinate officers.

I am, my Lords and Gentlemen,

Your obedient servant,

NICHOLAS KENDALL,

Chaplain.

To the Chairman of the Quarter Sessions.

TABLE No. 1.

Ages of prisoners received during the year ending October 8th, 1851.

	Males.	Females.
From 10 to 15	32	9
16 to 20	77	38
21 to 30	178	57
31 to 40	64	17
41 to 50	45	4
Above 50	25	2
	<hr/> 421	<hr/> 127

TABLE No. 2.
Education of the prisoners.

	Males	Females.
Not able to read or write	156	73
Able to read imperfectly	196	51
---- read well	28	2
---- read & write imperfectly	31	1
---- Read and write well	8	0
Of superior education	2	0
	421	127

TABLE No. 3.
Religious knowledge of prisoners.

	Males.	Females.
Could not repeat the Lord's prayer, and were ignorant of the Saviour's name....	46	13
Could repeat the Lord's prayer, more or less imperfectly, had heard of the Saviour's name, but were ignorant of the reason of his mission....	156	77
Could repeat the Lord's prayer more or less imperfectly, and were acquainted with simple truths of scripture....	207	36
Could repeat the Lord's prayer, and were familiar with scripture truths...	12	1
	421	127

TABLE No. 4.
 From this table, giving the particulars of 62 re-committals, we gather that there were 54 second committals, 7 third committals, and one fourth committal.

TABLE No. 5.
Offences for which the prisoners were committed: -

	Males.	Females.
Felons for trial....	126	32
Misdemeanants for trial....	15	4
Deserters....	1	--
Under the Game Laws....	6	--
---- Revenue Laws....	2	--
---- Bastardy Laws....	14	--
---- Vagrant Act....	117	31
---- Malicious Trespass Act	4	12
---- Larceny Act....	11	2
---- Poor Law Act....	50	26
---- Juvenile Offenders' Act	5	1
For Assaults....	43	15

For want of sureties....	11	1
Other Summary Convictions	26	3
	<hr/> 431	<hr/> 127

TABLE, No. 6.
Native Places of the Prisoners.

Cornwall	349
Devon	38
Ireland	39
Scotland	7
Wales	5
Other places in England and Foreigners	120
	<hr/> 558

TABLE, No. 7.
*Number of prisoners received in each of the years ending
 October 8th, 1847, 1848, 1849, 1850, and 1851:—*

Prisoners received in 1847	688
" 1848	674
" 1849	807
" 1850	587
" 1851	558

CORONERS' BILLS.—The following bills were allowed:

Mr. Hamley for 45 inquests....	£173	8	5
Mr. Hichens 23 "	£70	16	5
Mr. Carlyon 28 "	£96	15	8

For the corresponding quarter last year, the amounts of coroners' bills were:—

Mr. Hamley	£99	10	2
Mr. Hichens	£72	7	2
Mr. Carlyon	£85	9	5

GOVERNOR'S REPORT.—Mr. Everest, the Governor, in his report, referred their worships to his annual return to the Secretary of State, which, upon comparison with that of the year 1850, shewed not only a reduction in the number of committals during the present year, but also a very considerable diminution in the number of punishments; the latter circumstance the Governor attributed, in a great measure, to the maintenance of a uniform system of discipline, as well as to discouraging factious and unnecessary complaints; and although he should be happy hereafter to report a still further diminution of punishments, yet whilst the prisoners continued congregated as at present, he feared there was little prospect of his being able to do so, as almost the whole of the punishments which now took place were the result of association, combined with the bad construction of the prison.

GAOL EXPENSES for the past quarter:—

Subsistence	£231	9	11¼
Clothing	32	3	3½
Bedding	2	10	0
Fuel	50	15	7
Sundries	55	3	3
Salaries	290	10	0

Expenses of Sessions and Assizes	25	1	3½
Removal of Convicts (to be repaid by the Treasury)	80	2	9
Pensioned Warder	6	0	0
Female Singers	1	0	0
Whipping	0	5	0
Costs of prosecution for throwing tobacco over the prison walls	0	13	6
Incidental expenses	0	1	6
Funeral expenses	1	18	0
	£784	3	10¼
Repairs	27	1	7½
Total	811	5	5¾
Hall Expenses	5	11	4

BRIDGES.—THE CHAIRMAN stated that for the Eastern division, Mr. Pease required three rates; and that for the western division, no rate was required.—Mr. MOORMAN, surveyor for the western division, reported that he had no particular circumstances to report.—Mr. PEASE, for the eastern division, reported the completion of small repairs at Tavistock New Bridge, and Boyton Bridge; and the necessity of some slight repairs at Pillaton Bridge. The new bridge at North Tamerton, he was happy to report, was so far advanced towards completion as that it would be open to the public in about a fortnight or three weeks. At Wooda Bridge, the Trustees of the Launceston Turnpike had called on the County to repair the stone walls. At this was one of the new bridges, the roads over which the County was not liable to repair, he (Mr. Pease) had thought that the county was also exempt from repairing the fences; but it appeared that he was wrong in that supposition. But still, before incurring any expenditure he had thought it right to bring the subject before the Bench. The CLERK OF THE PEACE, in answer to a question from the Chairman, gave his opinion that the County is liable for the repairs of the dry embankment.

Mr. RODD said, at the last session he gave notice of application for a sum not exceeding 500*l.*, for rebuilding North Tamerton Bridge. The necessity of rebuilding that bridge was admitted at the last session. The bridge had fallen from its own decay, without flood or other accident. It had been thought desirable that the summer months should not be allowed to pass without the rebuilding of the bridge. Accordingly it had been rebuilt. The amount of tender was 380*l.*, but some extras would probably increase the cost to upwards of 400*l.* He now moved for a grant of 500*l.*, but there was no doubt the entire cost would be considerably less than that.—Mr. ARCHER seconded the motion which was carried *nem. con.*

The outlay of small sums for repairs reported by Mr. Pease was sanctioned, on the motion of the Rev. T. Pascoe, seconded by Mr. Sawle.

WADEBRIDGE.—Mr. KENDALL presented a memorial numerously and respectably signed by inhabitants of Wadebridge and its neighbourhood. The memorialists referred to the statistical information with which they furnished the Bench in 1846, in support of an application for widening the bridge at Wadebridge, and stated that the traffic had increased at least one-third since that time, in consequence chiefly of the extension of mining in the district. They reminded the Bench that in 1846, the necessity for increased public accommodation at this bridge was admitted, and that notice was given for tenders in consequence; and they now strongly urged the propriety of effecting the proposed improvement of the bridge, on the grounds of the increased traffic of the district,—that Wadebridge was one of the most important thoroughfares of the county,—and that the memorialists had been paying their proportion towards the erection and repair of the other bridges in the county.—Mr. KENDALL warmly supported the application of the memorialists, and adverted to the fact that Wadebridge is the only bridge in the county which possesses a revenue of its own. It

had been fancied, because there was a fund in the hands of trustees, for the *repairs* of this bridge, that not only the interest of that money, but also the principal sum would be available for the proposed widening of the Bridge.—The trustees of that that fund, anxious to afford all possible information on the subject, and to give up to the county any such portion of that money as they might be legally able to do, went hand in hand with the Wadebridge committee of magistrates. It was thought wise, before interfering with the trust property, to take counsel's opinion; & their opinion was that the money was left entirely for *repairs* of the Bridge, and could not be taken for any other purpose. Mr. Kendall went on to argue the propriety and duty of the County undertaking the proposed widening of the Bridge, especially with regard to the mining requirements of the district; and gave notice that, at the next session he would move a grant of £1000 for the purpose, although, he believed that the cost would not exceed £850. Mr. Kendall also moved the re-appointment of the Wadebridge Committee.

Mr. ROBARTES seconded the motion, and strongly supported the necessity of effecting the proposed alteration.

In reply to Mr. Wilyams, Mr. KENDALL, stated that the amount of the trust-money referred to was 1,500/.

Mr. WILLYAMS then stated that he should oppose the grant of money from the county for the purpose of widening Wadebridge, until the trust money should have been applied thereto; and added, that an act of parliament to authorize such an appropriation of that fund might be obtained for 200/., leaving more than sufficient to complete the proposed improvement.

Mr. KENDALL thought they should not be justified in getting an Act of Parliament to destroy the original intention of the donor.

Mr. SAWLE, supporting Mr. Wilyams's view, observed that, if the county widened and repaired the bridge, the trust money would, for many years, accumulate and lie useless.

The motion for the re-appointment of the committee was agreed to.

—The Clerk of the Peace's Bill of 39/ 17s. 6d. for fees, &c., was passed.

ALTERATION OF THE COURTS.—Mr. PETERS suggested the propriety of making some alterations in the arrangements of the Courts. His principal object was to prevent the attention of the juries being distracted by the conversation and passing of persons immediately before them; and to remedy this he suggested that a Reporters' seat should be placed immediately in front of the jury-box; and that a passage should be provided between the front of the proposed Reporters' box and the Counsels' seat.—Mr. Peters stated various reasons why, in his opinion, the proposed alteration would be convenient to Judge, Jury, and Counsel, and to Reporters, whose arduous and useful labours it was their duty to facilitate.—Mr. WILLYAMS added a suggestion that the jury-box should be raised in the Criminal Court, as it had been in the Nisi Prius Court.—Mr. ROWE concurred in the observations as to the desirableness of providing every possible accommodation for the public press—a most important means in this country of giving effect to the administration of justice. He spoke in approval of the general arrangements of the Courts at Bodmin, and made some observations in the way of qualified support to the suggestion made by Mr. Peters.—After some desultory conversation, Mr. PETERS moved—that certain alterations in the Courts being deemed desirable, the Gaol Committee be empowered to add to their number, and be requested to consider the matter and to report thereon at the next sessions.—The Rev. R. BULLER seconded the motion, which was carried *nem. con.*

COUNTY LUNATIC ASYLUM.—The CHAIRMAN read the following Report of the Commissioners in Lunacy:—

Bodmin County Asylum, Sept. 13, 1851.

Since the last visit of the Commissioners on the 16th of September, 83 patients have been admitted, namely 13 private and 70 paupers. Sixty-five are entered in the discharge book, namely 15 private patients and 50 paupers: of these, 37 are discharged recovered, and 23 have died, the causes of death being chiefly from affections of the brain; two, however, have arisen from dysentery, and one from suicide.—There are now 234 patients in the house, viz.

	Males.	Females.
Private	15	8
Pauper	106	105

We have during to-day and yesterday seen the whole of them, and with a few exceptions on the female side, found them tranquil and orderly. One male patient was under restraint, his hand being fastened to his side by means of a belt. The patients generally were well clad; but we think that some improvement might be effected among the female patients by providing the whole of them with a better description of dress. In reference to the points adverted to in the last entry of the Commissioners, we find that the airing courts are gravelled and in good order—a straw room is provided—all garden tools are stowed away—the water-closets are clean—the shutters are in good order—the workshops have been fenced off—the cooking utensils have been repaired, and increased attention has been given to the employment of the patients. An additional piece of ground has lately been obtained, and will we understand shortly be added to the estate. Wooden floors have been generally substituted for slate and composition floors formerly laid down, which has been removed from all the bedrooms and most of the galleries. Four of the galleries on the female side have been rendered more cheerful by breaking down the single sleeping rooms and by enlarging the windows.—On the whole we are of opinion that the establishment is in an improved and advancing condition. We are glad to learn that several important additions are under the consideration of the Committee. We recommend to their consideration the propriety of fitting up lavatories in the wards—the introduction of gas generally throughout the establishment—the better ventilation of some of the rooms and offices—the provision of better furniture in the ladies-sitting room, and more complete accommodation and arrangements for the feeble, infirm, and sick patients. We think that the bed ticks generally should be made of a larger size, and that the use of loose straw beds should be forthwith discontinued.—We recommend that rules and regulations for the guidance of the nurses and attendants, in the performance of their duties, should be drawn out and placed in their hands. The night nurse and attendant ought to keep a nightly report, showing the condition of the patients during the time they are on duty.—We understand that the Committee have under their consideration the appointment of an additional officer as Schoolmaster. This however we do not recommend, as we think the task of tuition may be readily accomplished by the attendants and nurses, under the direction of the various officers of the Establishment.

J.W. MYLNE } Commissioners
 J. GASKELL } in Lunacy.

Mr. KENDALL said the remark he was about to make was entirely his own, as he had not had an opportunity of conferring with the Asylum Committee since this Report was sent down. It was true there was no fault found with the Committee in that Report; but he complained of its spirit. The Report referred, in the first place, to one of the patients being confined. Perhaps it might not be known to the county at large that an allusion of that kind, without any explanation, was rather a slur on the Asylum; inasmuch as it was the pride of every respectable institution of the kind in the kingdom, to state that there was not a single patient confined. It was not just or fair to state that this one patient in the asylum was confined, without stating the peculiar circumstances of the case. That patient was one of the tallest, and heaviest, and strongest men in the County; and when he (Mr. Kendall) visited the asylum some three years since, he was so struck with the man's countenance, that, on his return home, he could not rest until he had written both to the Superintendent and to Mr. Tyerman, on the subject. Before the letters reached, that man had secreted a nail on top of a stick, and had pierced one of the keepers through the lungs. And, after that, two of the Commissioners who came down, on seeing that man, spoke of him as having been in three asylums—as being a most dangerous man, and as having knocked down one keeper, broken the arm of another, and severely injured a third. It would then have been but fair to have stated that the man was confined under peculiar circumstances.—Mr. Kendall next referred to the Report last year of the Cornwall Asylum—which report stated that there was no straw-house or tool-house. The Committee proved that the straw-house was the best they knew of in any institution of that kind,

and that the tool-house was admirable, and that the Commissioners, who reported to the contrary, had been misled by the poor steward. That straw house was built in 1847. Yet the present Report stated that there is a straw-house, and that all the garden-tools were stored away; as if all this was in consequence of the Commissioners' Report last year. He did say that that was a most ungenerous Way of putting it (hear). He had asked those Commissioners if there was any thing in the world in the way of improvement they could point out, bearing in mind that the County could not afford, in these times, to do more than was absolutely necessary. They recommended gas, and an expensive lavatory and so on. But the committee would not incur that expense, unless the County chose to direct it. Then again the Report stated that increased employment had been given to the patients. That was a very unjust remark; it was perfectly untrue. The Commissioners had no means of comparing what was done formerly with what was done now. The present report was drawn up evidently to bear out that of the Commissioners last year. The Committee proved that they had done more in the way of employment than any other asylum in England—that all the repairs,—the masons', carpenters', smiths', and plumbers' work, had all been done by their own officers. The Committee proved that there was not an asylum where there was such good dietary, clothing and accommodation, where the expenses were so low. Their object had been to keep the rates as low as possible, and to induce overseers to send incipient cases, which they would not do unless the rates were kept low.

The Rev. T. PASCOE stated that he had visited the asylum generally every year since it had been founded. With the exception of the early years, he was happy to bear his testimony both to the medical and general superintendence of the house. Every time he went through the house, he found some new improvement. He went through it yesterday, on behalf of the Board of Guardians, of which he was a member, and was there some hours; and nothing could exceed its comfort, cleanliness, and general good order. The beds appeared to be of the same size, in length and breadth as were found in private houses; and it must be borne in mind, that the classes for whom the accommodation was provided by the County in the asylum, were those of the lower walks of life, in whose cottages, 2, 3, or 4 would be found sleeping in a bed, very far inferior to the beds provided at the asylum.

Mr. SAWLE, as one of the members of the Asylum Committee, fully coincided in Mr. Kendall's remarks; and added that two years ago, one of the Commissioners, Mr. Mylne, inspected the paupers' clothing, and said it was excellent. Since that time, the clothing had been exceedingly improved; yet he now reported that it was not sufficient.

Mr. KENDALL stated that when the Commissioners made their inspection there was one tick on the wrong bed-stead, and therefore it appeared short. That showed the spirit in which the report was made.

(The Court then proceeded to the trial of prisoners.)

TUESDAY, October 14.

(Before SIR COLMAN RASHLEIGH, Bart.)

MARY FRANKS, 38, *pleaded guilty* of stealing on the 31st of July and 4th of August, at Truro, a coat, waistcoat, trousers, bolster-case, apron, an umbrella, and various other articles, the property of William Trenhaile.

(Sentence: four months hard labour)

CATHERINE STEPHENS, 17, *pleaded guilty*, of stealing, at the parish of Kenwyn, on the 16th September, a shawl, shift, shirt, apron, and two petticoats, the property of Sarah Hooper.

(Sentence: two months hard labour)

JOSEPH FINCH, 28, a private in the 82nd regiment, was indicted for stealing, a silver watch and gold key, the property of John Curry, the keeper of the canteen at Pendennis Castle. Mr. HOCKIN conducted the prosecution. It appeared that on Christmas day last, the prisoner being then on furlough, came to the canteen; a detachment of the 82nd having been some time previously at Pendennis. There were in the canteen four rooms—a bar, two taprooms, and a bed-room—all downstairs. Prosecutor took prisoner into the bed-room to give him a glass of brandy. He had there

a watch and key hanging to the bed, and these he missed after the prisoner had left the canteen. It further appeared, from the evidence of Luke Smith, another private in the 82nd, that in June last he and prisoner were in the Railway Tavern in Carmarthen. Prisoner asked Smith to sell a watch for him, and he did so to the landlord of the Inn, Mr. Evans. Prisoner was in the parlour at the time, and the doors being open, he could see the landlord purchasing the watch in the tap-room. The watch was purchased for 16 shillings and a half gallon of ale. Afterwards it was given to a Carmarthen policeman, who also found a key in prisoner's possession. Both watch and key were identified by the prosecutor as his property. Prisoner said in defence, that he bought the watch of a man in Carmarthen on the 18th of June. — Verdict, GUILTY.

(Sentence: six months hard labour)

WILLIAM PAYNTER HAWKEY, 25, charged with having on the night of the 21st, or morning of the 22nd of September, stolen from the premises of John Warne, at Pennard, in the parish of St. Breock, a dark chestnut gelding, the property of the said John Warne.—The prosecutor stated that on Sunday night the 21st Sept., he had a dark chestnut gelding in a field about half a mile from his house, on the following morning, the horse was gone, and the gate was broken. He pursued tracks of a horse nearly a mile, in the direction of Breock Common, towards Withiel. He then advertised the horse, and on the following Wednesday, it was brought to him by the constable Skin.—*John Skin*, constable of Menheniot, stated that on Monday the 22nd of September, John Congdon brought the prisoner and a horse to his house; he took charge of the prisoner, and delivered the horse to the prosecutor.—*John Congdon*, farmer, at Menheniot, stated that on Monday the 22nd September, prisoner called at his house and offered to sell him a horse; he first asked 4*l.* and then came down, by 10 shillings at a time, to 50 shillings, but witness refused to purchase at any price. The horse was worth about 10*l.* Prisoner then went away with the horse. Witness went after him and overtook him with the horse, about a quarter of a mile on the road, took him into custody and handed him over to the constable Skin.—The prosecutor, recalled, stated that the horse brought back to him by the constable, was the one he had looked at on the previous Sunday night.—GUILTY.

In passing sentence the Chairman said, your offence is one of great magnitude; but we have received a very good character of you, and there is also reason to believe that you are rather of weak intellect. The sentence therefore, considering your offence, will be a very lenient one. Let us hope you will not come here again; you have had a very narrow escape from being sent out of this country. The sentence is that you be *Imprisoned and kept to Hard Labour for Twelve Months*.

GEORGE TONKIN, 19, was found GUILTY of stealing, on the 15th of August, at Saint Blazey, a pint of rum and a quantity of port wine, the property of Augustus Sandoe, innkeeper, his master.

(Sentence: three months hard labour)

EDWIN ANDREWS, 18, was found GUILTY of stealing a pair of shoes, the property of John Short, in the neighbourhood of St. Austell.—The prisoner, a weakly looking lad, had stated in his examination before the magistrates, that he should not have committed the robbery but for poverty—that his mother had been dead for many years, and his father, the last time he saw him told him he would have nothing more to do with him—and that no master would keep him because he was subject to fits.—The prisoner's appearance bore out much of his statement, and the jury recommended him to mercy.

(Sentence: two months hard labour)

JOHN AUNGER, a young man, charged with having on the 20th September, at the parish of Northill, feloniously assaulted Edmund Coumbe, and put him in bodily fear and danger of his life, and feloniously and violently stolen from his person, two pennies and half-penny.—Mr. WHITE conducted the prosecution; and Mr. STOKES the defence.—It appeared from the evidence of prosecutor, the only witness for the prosecution, that the prosecutor, a young lad, was, on the 20th September, about half-past 5 in the afternoon, proceeding from Launceston to Mr. Couch's in the parish of Northill, with a horse and cart and barrel of porter. On the way, he met the prisoner and another man—both of whom were tipsy. Prisoner accosted the prosecutor, laid hold of the horse, and threatened to overturn the cart if prosecutor would not give him some money or beer. The boy

hereupon became very timid. The prisoner made use of various violent expressions to intimidate him, and ultimately put his hand in prosecutor's pocket, but did not take any thing from him. But, afterwards the boy, from fear, handed over 2½d. to the prisoner.—The most remarkable circumstance in the trial was the positive contradiction between a portion of the prosecutor's evidence, and the testimony given by a young girl named Sally Wilton for the defence. He denied, in the most clear and determined way that any item in the following statement made by Sally Wilton was true, except that he was at her house once and told her that he was going to Launceston to be measured for a new jacket.—Sally Wilton's evidence was that, on the Sunday morning following the 20th of September, Edmund Coumbe told her he had met with a man called Aunger who asked him for money or beer, and that he told the man he had not got any beer, but gave him 2½d. She replied "I would not have given the man 2½d., for you were not out of sight of houses, and if you had holloed, the people must have heard you." The boy replied that he did not hallo, for he was not at all hurried or afraid of the man. She then asked him if he had mentioned it to his master Mr. Couch. He said he did not say any thing to Mr. Couch about it because he was not more hurried about it more (*sic*) than he was at that moment. A few days after that, she saw the boy again, at her house; he told her he had been to Launceston against the man. She asked him what was done to the man; and he said "nothing; it was put off to the Sessions." She asked him what he said before the magistrates; he replied, "Oh never mind; I know what I said." On the 6th of October, she saw him again; he then said he was going to Launceston the next day to be measured for a new jacket, as he was insured a sum of 17s. 6d. the next week. She said "who has insured you that?" He said, it was for going against the man—that he should have half-a-crown at least for going to Launceston, five shillings if he stopped only one day in Bodmin, five shillings for going down and five shillings for returning." She said "you don't know; there is the man's story as well as yours." He said "the man is a miner, and the gentlemen dislike miners and won't take notice of what he has got to state."—In depreciation of the girl's testimony, it was attempted to show that she had a tender attachment to the prisoner; she, however, denied that she had ever spoken to him, and had never seen him otherwise than in chapel.—Mr. WHITE hereupon, informed the jury that there was a great deal of courting went on some times at chapels, and that it was as easy to do so by looks as by talking. As we have said, the boy prosecutor, denied every statement but one made by the girl, and the case was put to the jury as one of direct conflict of testimony.—The jury found a verdict of ACQUITTAL.

SECOND COURT.

(*Before C. B. G. Sawle, Esq.*)

JOHN CORNISH, 16, pleaded GUILTY of stealing, on the 7th of October, at Redruth, a fustian jacket, the property of Mark Richards.

(Sentence: two months hard labour)

ROBERT VICARY, 35, was indicted for stealing from the person of Richard Binney, divers money amounting to 12s. his property. Mr. J.B. COLLINS for the prosecution, and Mr. CHILDS for the prisoner. On Friday the 10th instant, Richard Binney, a labourer, went to St. Columb with a donkey-cart, and some potatoes; and after selling the potatoes, he went into Mr. Walkey's public-house, where he remained between two and three hours, and drank three pints of beer. He went then towards his home, and had got as far as Whitewater-hill when a man jumped over the hedge, "clenched" prosecutor, threw him down, and robbed him of his purse and money, amounting to about 12s. When prosecutor was drinking in the public-house at St. Columb, Vicary, the prisoner and a man named John Skinner, were sitting opposite to him, and prosecutor took out his purse in their sight. The landlord stated that the two men left his house about ten minutes after the prosecutor, and they were seen by two witnesses *Philip Salmon* and *John Harris*, going in the direction of Whitewater-hill, where prosecutor was robbed. Prosecutor said the man who jumped over the hedge and attacked him was not Skinner, but believed it was the prisoner. From other circumstances, however, Mr. CHILDS on the part of prisoner, contended that this identity was not

made out as the party who committed the robbery; and the jury, after some consideration, gave a verdict of NOT GUILTY.

JANE EVEREL, 18, was charged with stealing, in September last, a piece of black silk, the property of Thomas Treweeke. Frances Everel lives at Shortlane's End, in Kenwyn parish, and prisoner lived next door to her. The silk was taken from a box in Mrs. Everel's kitchen, and some black silk was afterwards found in prisoner's possession, which Mrs. Everel identified as that she had lost. Verdict, GUILTY.

(Sentence: one month hard labour)

ROBERT ANDREW, 24, pleaded GUILTY of stealing at St. Austell, on the 5th of August, a quilt, the property of William Crowle, farmer.

(Sentence: two months hard labour)

JOSIAH SPARGO, 23, was charged with stealing a shirt on the 1st of August, belonging to Thomas Battershill, Fairmantle-street, Truro. Verdict, GUILTY. *Constable Coplin*, of Penryn, was called on by prisoner to give him a character; he said he had known him from a boy, and had never heard anything of the kind against him before.

(Sentence: two months hard labour)

WILLIAM LAKES, 11, was found GUILTY of stealing, at Bodmin, on the 19th of September, a shirt, the property of Joseph Juliffe.

(Sentence: three months hard labour)

The Court then rose.

WEDNESDAY, OCTOBER 15.

(*Before Sir Colman Rashleigh, Bart.*)

JOHN NICHOLAS SPARGO was charged with stealing, at St. Austell, a cucumber, shown at the exhibition of the St. Austell Cottage Gardening Society. Mr. SHILSON for the prosecution, and Mr. CHILDS for the prisoner. On the 6th of August there was an exhibition of the Cottage Gardening Society at St. Austell. Mr. W. Williams had charge of one of the tables of vegetables. When he turned his back for about half a minute, prisoner was standing by one of the baskets of vegetables, in which there was a cucumber of large size. When he returned he missed the cucumber, and asked the prisoner about it, on which the latter threatened to knock his teeth down his throat. Another witness, *Nicholas Inch*, saw the prisoner take a cucumber out of his pocket and put it behind his back, and believed some other person took it from him. *William Vivian* said he saw the prisoner take the cucumber out of the basket; he then said to prisoner, "that is doing the thing very fine," and prisoner replied that he was fond of cucumbers. *Mr. Nott* one of the committee of the society said he was called on the occasion, and charged prisoner with taking the cucumber, which he denied. Prisoner gave a false name; he said his name was John Nicholas of St. Blazey.—Mr. Shilson stated that the society had missed things before, but this was the first time they had been able to bring the stealing home to any person. Mr. Childs addressed the jury for the prisoner, submitting that though he took the cucumber, he had no intention of stealing it. Mr. Childs then called Mr. George Job, who gave prisoner a good character, and said he contributed towards the support of his mother. Two witnesses called Sowden and Charles Rundle, also gave the prisoner a good character. The jury returned a verdict of GUILTY, but recommended the prisoner to mercy.

(Sentence: two weeks hard labour)

ROBERT JOHNS MOYLE was indicted for stealing an iron gate and cast-iron chimney front, fixed in the pitman's and account house, on a mine called Wheal Rose, in the parish of Sithney, the same being the property of the Rev. Canon Rogers. Mr. SHILSON for the prosecution, and Mr. DARKE for the prisoner. The case lasted nearly the whole day, and all the witnesses were ordered out of the Court till called for. The mine in question, Wheal Rose, had been abandoned by the adventurers, and the property had been given up into the possession of the Rev. Canon Rogers. The articles were stolen in September and October, 1850, but under a statute passed last session, both felonies were included in one indictment. Mr. Shilson stated that not only were the pitmen's house and account

house broken into, but also the smith's shop and other parts of the premises, and various things were taken away. In consequence of the breaking open of another house on the 8th of February last, a search-warrant was obtained, and the house of prisoner (who is a farrier) was searched by Mr. Webb, an agent of Canon Rogers, and Constable Chappel. Prisoner was not there, but in his bed-room up stairs they found a grate fixed, which it was alleged had been stolen from the pitman's house. Chappel went in search of the prisoner, and met him coming towards his house with a bag of potatoes on his back. He told him that Mr. Webb was at his house, waiting to see him about something. Prisoner asked him to take the potatoes and go on and he would be there in a few minutes. He did not however come, and the constables had been unable to find him until August last, when he was apprehended at Goldsithney fair. Since he had been in custody, prisoner told the constable he had been in France, Plymouth, and other places. Mr. Freeman, a farmer of Gunwalloe, stated that about the 20th of October he was out by night on his farm watching for trespassers. It was a good moonlight night; he was behind a hedge, and saw prisoner about twenty-five yards from him, go by carrying a grate on his shoulder with a bar of wood. This was at half-past two in the morning, and within three quarters of a mile from the mine. Prisoner did not see witness at the time. Another witness, a little boy, said he was driving a donkey out in the fall of the year, and overtook the prisoner carrying a grate. The boy said this was between three and four in the morning, but on cross-examination he made some confusion about the time, saying it was about sunrise. With regard to the cast iron chimney front, it was missed about the latter end of September from the account-house, and about October a front of that description was seen in a cart before prisoner's door. After this it was seen in an outhouse in prisoner's yard, and prisoner offered it to a person for sale. Subsequently, the chimney front was found in a pond adjoining the orchard of prisoner's brother-in-law, in such a position as to lead to the conclusion that it had been thrown over the hedge. The grate found in prisoner's house, and the cast iron chimney front were produced in court; and witnesses were called to prove that these were the same as had been fixtures in the pitman's house, and account-house. Further evidence was also given, that after the prisoner was in custody, and they were taking him to Helston to appear before the magistrates, Mr. Freeman passed by, on which prisoner inquired who he was, and being told he was going to give evidence against him, prisoner said, "I did not see him when I was passing through the mine." He also said to constable Harris, "the grate I found upon the mine, and other things, were given to me."—Mr. DARKE cross-examined the witness at great length, and ably addressed the jury for the prisoner, contending that the identity of the grate and chimney front, as the stolen property, had not been sufficiently made out; and that it was not proved the prisoner had taken those fixtures from the premises. Another point of the defence was that the prisoner had dealt in cattle, and went to France and Jersey for that purpose,—that in fact he did not leave for the purpose of escaping apprehension. He also called as witnesses Thomas Lawrence, of Mullion, prisoner's brother-in-law, and Joseph Moyle, prisoner's uncle, whose evidence was to the effect that they had seen a grate of the same description as that produced in prisoner's bed-room in February last, consequently months before the robbery took place. As to the chimney-front, Mr. Darke contended that the evidence was wholly inconclusive as against the prisoner.—Mr. Shilson replied on the whole case in a lucid speech, and pointed out the inconsistencies in the evidence given by prisoner's witnesses. The Chairman summed up at considerable length, and the jury, after briefly deliberating, gave a verdict of GUILTY of stealing both the articles named in the indictment.

(Sentence: Twelve months hard labour)

GEESE STEALING.—ROBERT HAWKEY, 40, ANTHONY HAWKEY, 20, and GEORGE OSBORNE, 20, were indicted for stealing, at the parish of Landulph, thirteen geese, the property of Richard Roberts. Robert Hawkey was also charged with receiving the geese, knowing them to have been stolen.—Mr. SHILSON conducted the prosecution, and called a number of witnesses. It appeared that a man called Thomas Moyle lives on an off farm in the parish of Landulph, in the occupation of Mr. Roberts. He had twenty-two geese under his charge, thirteen of which were missed on the morning of the 3rd of October. On the 2nd of October, two of the prisoners, Anthony Hawkey, and George

Osborne, were seen by a man who was thatching, about four gun-shots from Mr. Roberts's goose-house. They were then on the public road to Saltash. Philip Buckingham also saw them on the road going towards Mr. Roberts's farm. John Elms, a boatman at Saltash, was employed by the two prisoners, Anthony Hawkey and George Osborne, to take them across in his boat to Stonehouse, at six o'clock on the morning of the 3rd of October. They had four bundles, and there was blood about the bottom of the handkerchiefs. It further appeared that the prisoners Osborne and Anthony Hawkey had taken an unfurnished room of Mrs. O'Neill, Newport-street, Stonehouse, and from information received this room was broken open by the constables. Policeman Brent, of Devonport, said there were in the room five geese, three with their heads on, and two partly dressed for market, twelve heads of geese and fourteen pairs of geese feet. Constable Ellis said there was about a bushel of entrails of geese on the floor, and in the corner a quantity of feathers, enough for a bedtie. On the walls were pencil marks, showing that division of the spoil had taken place. Two heads of geese found in the room were produced in Court, and one of them was sworn to by Moyse as being the head of an old goose which had belonged to his master, Mr. Roberts. Conversations of the prisoners after they were taken into custody, were deposed to, and it was shown that their room had been visited on different occasions by the elder prisoner, Robert Hawkey, who had taken away some of the geese. He stated that he did not know they were stolen. The jury, however, found him guilty of feloniously receiving, and the other two prisoners, Osborne, and Anthony Hawkey, guilty of stealing the geese. A former conviction of stealing ducks from James Paynter was proved against Robert Hawkey, who was then tried under the name of Robert Carveth.

The Chairman said, from circumstances which came out on the trial, the Court had reason to believe that Robert Hawkey had been long living on plunder, and that he had been the cause of a great part of the crime of the other prisoners. He then sentenced Robert Hawkey to *Ten years transportation*. George Osborne as sentenced to *Six Months Hard Labour*, and Anthony Hawkey to *Four Months hard labour*. The Chairman said the sentence of the latter would have been more severe had it not been intimated to the court that he had been ruined by the elder prisoner. They hoped that when the elder was removed from the country, he (Anthony Hawkey) would amend his way of life.

The Chairman discharged the Grand Jury between five and six o'clock, with the thanks of the county for their services.—The Court rose at eight o'clock.

NO BILLS.—The Grand Jury ignored the following bills:—against JOSIAH SPARGO, charged with stealing trousers from George Pellew, junr.; THOMAS HAMBLY, charged with stealing chimney ornaments from Richard Couch; ANN SCANTLEBURY, charged with stealing money from the person of Thomas Magor; STEPHEN WILLIAMS, charged with stealing eight shillings and a seaman's register ticket from Dennis Mullin; JOSIAH MARSHALL, assaulting James Lang, a constable at St. Kew; THOMAS MURTON, assaulting Martha Andrew with intent, &c. EDMUND LAUNDRY, stealing pilchards at St. Ives.

SECOND COURT, Wednesday, Oct 17.

(Before C.B. GRAVES SAWLE, Esq.)

RICHARD BRAY, 25, pleaded GUILTY on two several indictments; the one charging him with stealing, at South Petherwin, on the 2nd of October instant, a brass pan and two cider taps, the property of George Raddall; and the other charging him with stealing at Lezant, on the 30th of September, various articles of clothing, the property of Bernard Paynter.—A previous conviction was proved against the prisoner, at the October sessions, 1850, of stealing from the person of James Medland, a purse, and between three and four pounds in sovereigns and silver. For this offence the prisoner suffered 8 months imprisonment.

(Sentence: For the first offence, *one week's imprisonment*; for the second offence, *ten years transportation*)

CHARGE OF KITTING.—JOHN PROUT, 26, a young man of very respectable appearance, was charged with feloniously taking and removing three pounds weight of tin ore, found in Polberrow

New Adventure Mine, in the parish of St. Agnes, the property of Michael Morcom and others, adventurers in the mine.—Mr. STOKES conducted the prosecution; Mr. HOCKIN the defence.—Mr. Stokes stated the case as follows:—The prisoner was indicted under the act, 2nd and 3rd Victoria, passed for the prevention of kitting. The prisoner had been employed for some time as a tributer at Polberrow tin mines, and was so employed in September last with others of his pair. They raised a quantity of tin ore, which was sent to grass to be prepared in the usual way, for sampling. Their stuff was divided into piles, one of which contained their best work, according to usual practice; and on the 13th September last, the piles belonging to the prisoner and his pair were on their floors, and samples were taken in the ordinary way on the 13th and 15th of that month, in the presence of the prisoner. On Saturday, the 13th, samples were taken from the prisoner's piles and sent to the sampling-house; and on the 15th, there were some other samples placed in the sample-house, from the prisoner's piles. At Polberrow, the sampling-house is near the floors; it consists of an upper room, into which the samples are conveyed in barrows over a tram road; and there is an under room, immediately adjoining which, and under the same roof, is an assay room. When the samples are brought into the sampling-house, the practice is to have the barrows locked, and the sampling-house itself also locked, and the keys of the barrows and of the sampling house are taken to the Counting-house. One set of keys of the barrows is also kept in the sampling house. On the 13th of September, the Captains of the mine, suspecting something wrong, determined to see if any thing should be done during that night in the sampling house. They went there late in the evening, and saw the barrows in proper order on the upper floor of the sampling-house, containing samples from different parts of the mine, and among them the samples from prisoner's piles. They placed a small piece of heath on the barrows, and on Monday morning, they found that, although the sampling-house was locked up on the Saturday evening, and the key kept at the Counting-house, some one must have been in the sampling-house—the pieces of heath placed on the prisoner's piles had been removed, & his samples had been *prilled*.—that is, richer stones of ore had been put into his samples for the purpose of making it turn out richer than it fairly would have been, so that the prisoner and pair, instead of receiving 3*l.* per man per month, would have received upwards of 6*l.* per man. On Monday afternoon, the prisoner went to one of the captains and told him that his pair had some more tin stuff on the floor ready to be weighed and sampled; and a fair sample was taken, in the prisoner's presence, and sent into the sampling-house. On the Monday evening, the captains saw that the sampling-house was all right—the floors swept—the sample-barrows in regular order—and inside the cover of each barrow a tin box containing a paper with the name of the tributer's pair to whom the sample belonged. The sampling house was locked up and the key taken to the counting-house. The captains again, on Monday night, put some pieces of heath on the barrows, and then two of them went into the assay-room to watch during the night, both the upper and lower rooms of the sampling-house being locked; there being a communication, inside, by means of stairs, between the under and upper rooms, and the lower sampling-room communicating with the assay-room by a door. About eleven o'clock, the two captains, sitting concealed in the assay-room, saw some one come towards the window and look in, but could not see who it was. The parties, whoever they were, tried the door of the assay-room, and, finding it closed, the captain's (*sic*) immediately heard footsteps going round the house, and presently heard that door tried and persons entering, and footsteps going up the stairs into the upper room. The captain's next heard the iron lid of one of the barrows lifted. One of the captains went to the lower door, and the other to the upper door of the sampling-house. Capt. Hancock, who was at the upper door, saw the door opened from the inside, by a man who immediately closed the door again and retreated. Both captain's—Hancock and Martin—then moved off a little, and two men rushed out, one from the upper and one from the under door. The one who came out of the upper door was seen by Capt. Hancock to be the prisoner, and Capt. Martin, who was below, was also near enough to see the prisoner, and would positively swear to him. Hancock chased him, but not being able to catch him, went to prisoner's house and found he was not there. Hancock then returned towards the mine, walking along by a ditch so as to be unperceived, and heard the voices of two persons coming along the road, and that one of them

was the prisoner. Hancock then rushed forward and took the prisoner into his custody, and gave him in charge to a constable. Prisoner protested that he was innocent—that he had not been near the spot—and that he had just come from Tom Tregellas’s public-house. Hancock said, I know you are the man, but if Tregellas will say you have just come from his house, I will let you go. They then went to the public-house, and, in answer to a question from Hancock, Tregellas said Prout left there about 11 o’clock. Prout then said, “Why Tom, I don’t think you can very well tell what time I left”—and Tregellas said, “Well, perhaps I can’t, for I went to bed rather *aly*; and it might have been an hour or two later.” Hancock, however, was confident that prisoner was the man he had seen come out of the sampling-house, and gave him in charge to a constable named Parnell. On the captain’s going into the sampling-house immediately afterwards, it was found that the barrows had been moved, and that on the floor there was a small bag containing some stones of rich tin ore; this bag near the barrow which contained the sample last brought in from the piles belonging to prisoner and his pair. The stones in that bag Captain Hancock believed to have come mostly from the prisoner’s pile of best work; and some of the stones the captains believed to have been brought from some other mine—the stones were so extremely rich.—Mr. Stokes concluded by stating that it was not necessary, in support of the indictment, to prove an actual mixing of the rich ores with the samples; it was enough for him to give evidence to warrant the jury in believing that the prisoner took and removed the rich stones of ore, either from his own best pile or from some other place, for the purpose of defrauding the adventurers.—One of the men concerned with the prisoner on the Monday night had decamped, and could not be found, and the other was not known.

The witnesses for the prosecution were—*Thomas Nicholas*, labourer at Polberrow mine, engaged chiefly at the sampling-house; *Capt. Nicholas Dunstan*, an agent at the mine; *Capt. John Hancock*, and *Capt. Richard Martin*, the two agents who watched at the sampling-house.

The defence mainly consisted of evidence that Captains Hancock and Martin had, shortly after the alleged act of kitting, made statement contradictory to their evidence now given; and of an *alibi*.—*William Nicholas*, a mine tributer, stated that he was at Polberrow mine the day after the occurrence which formed the subject of the indictment, and heard Capt. Hancock say he could not exactly swear to Prout, and that when he saw him in Goonown Lane, on the night of the 13th, he thought he had changed his dress.

Captain Hancock, when cross-examined in anticipation of this defence, positively denied that he had ever expressed any doubt of Prout’s being the man who came out of the sampling-house; and in explanation of his observation concerning Prout’s dress in Goonown Lane, he said that when in pursuit of Prout on the night in question, he caught sight of Harris, who was dressed in different coloured clothes from Prout, and for the moment he imagined that Prout had changed his clothes.

John Bennetts, another miner, was also at Polberrow at the time spoken of by the witness William Nicholas, and confirmed his evidence that Capt. Hancock said that when he came upon Prout in Goonown Lane he could not exactly get near to him, as he thought he had another dress on.

Henry Rouse, saw Captain Martin on the Saturday following the occurrence, and asked him what he thought about the affair at the mine. Captain Martin told him that the two men who were in the Sampling-house bolted, one through the window and one out at the door, and consequently he did not know who the men were, and could not swear to Prout.

Capt. Martin, when cross-examined in anticipation of this defence, positively denied that either of the men in the sampling-house bolted at the window; and he equally denied that he had ever said so.

William Parnell, constable of St. Agnes, was called up on the night in question, by Capt. Hancock, to take charge of Prout. He asked Capt. Hancock if he was sure that Prout was the man he chased out of the mine, as he (Parnell) did not like hap-hazard cases. Capt. Hancock said he believed he was.

Henry Huddy, master shoe-maker at St. Agnes, stated that at 11 o’clock on the night in question, he was coming out of Tregellas’s public-house, he saw Prout going in there. Witness went into the Church-town, and was talking with John Daniel, and about half-past 11, Prout came up to them and

remained with them till the clock struck 12, and then went away with Daniell, who asked him to come and take some supper with him.

John Daniell stated that the prisoner went with him from St. Agnes Church-town on the night in question, to his (witness's) house, which they reached a few minutes after 12; prisoner had supper with witness, and left his house at half past 12.

The jury consulted for about five minutes, and returned a verdict of ACQUITTAL.

THOMAS WYCROFT, 30, pleaded GUILTY of stealing on the 3rd of September at the parish of Kea, one shirt, the property of Nicholas Hodge.

(Sentence: three months hard labour)

RICHARD RICHARDS, 23, and JAMES COOMBS severally indicted for feloniously breaking and entering the dwelling house of Nicholas Hodge, at the parish of Kea, and stealing articles of clothing, both pleaded GUILTY.

RICHARD RICHARDS, indicted for having, on the 3rd of September, feloniously broken and entered the dwelling-house of Temperance Grose, widow, in the parish of Kea, and stealing a silk dress and shawl, her property, pleaded GUILTY; but when arraigned on a count which laid the property in Elijah Grose, the prisoner pleaded not guilty. Of course he was not tried on this latter count.

A previous conviction was proved against Richards. At the July Sessions 1850, he was convicted of having stolen on the 10th April 1850, a shirt the property of Paul Eva; for which he suffered three months imprisonment.

A previous conviction was also proved against James Coombs. At Wells, Somerset, in 1850, he was convicted of having stolen 2 pair of boots, the property of the Guardians of the Bedminster Union. He suffered six months imprisonment in Shepton Mallet gaol; which fact was proved by William Carter, a turnkey of that gaol.

The CHAIRMAN said a prior conviction in 1850 had been proved against Richards. He had been in goal four times besides, and the Court had reason to believe he had also been convicted of felony at Taunton. James Coombe had been imprisoned five times, and been convicted at Wells of felony in 1850. They were each sentenced to be *Transported for Fourteen Years*.

JOHN THOMAS, 67, was found GUILTY of stealing on the 1st of September, at Ponsanooth, in the parish of Gluvias, a collar the property of Mr. John Andrew.

(Sentence: one month hard labour)

Thursday, October 14.

(*Before Sir Colman Rashleigh, Bart.*)

HORSE STEALING.—THOMAS JEFFREY, 23, and HENRY JEFFREY, 15, were indicted for stealing a horse, the property of Thomas Thomas. In a second count, Thomas Jeffrey was charged with receiving the horse, knowing it to have been stolen.—Mr. HOCKIN and Mr. J.B. COLLINS for the prosecution; Mr. SHILSON for the defence.—*Mr. Thomas Thomas* gave evidence that he is a farmer of St. Winnow, and that on the afternoon of the 16th of Sept., his servant-boy put the horse to the field, but on the following morning it was missing. Inquiries were made in the neighbourhood, but without success, and hand-bills were posted stating the loss of the horse. On the 25th of September, witness's servant went to Summercourt fair, and there found the horse.—*Joseph Walkom* said he found the horse at Summercourt fair in possession of the younger prisoner, Henry Jeffrey; witness then went for the constable. *Cross-examined*—The other prisoner, Thomas Jeffrey, was riding another horse in the fair at the same time; he appeared to be riding it about to show it for sale.—*Thomas Sandy*, a labourer who works in the woods at Glynn, (near Bodmin) for Lord Vivian, was going on the morning of the 17th of September by Grey-mare Lodge gate, and saw two gipsies coming from the direction of Western Tap-house. The younger gipsy was leading a dark-bay horse; the other was walking by the side of the road. The prisoners were those two gipsies; the horse was the same as that shown him yesterday by Burrows, the constable. It was not much after eight o'clock when he saw the men; prosecutor's house was between two and three miles from where he saw them, and they were coming from that direction. He noticed the horse because it was in a better condition than the horses the gipsies usually have. It was his duty to look after people trespassing on

the plantations; he took notice of the two gipsies; had seen them at different times during the last five years, and knew them again. He considered the horse he saw was worth £10.—*John Burrows*, a constable of St. Columb, was at Summercourt fair on Thursday, the 25th of September, and was shown by the lad Walkom a horse in possession of the younger prisoner. I went to him, and asked him the price of the horse; he said, eight guineas. After some time I asked if he would take a £5 note; he said, no. I then asked where his master was? He said he had no master; it was his brother's, but he could sell and take the money as well as his brother. The brother afterwards came, and I asked him if it was his horse? He said, yes. I asked him the price; he said £7. I then sent for policeman Coombe, who was in the fair, and told him I considered it was a stolen horse, and desired him to take the men in custody, and I took the horse. The younger prisoner cried; the elder said he bought the horse at Probus for £2 5s.; he said afterwards he gave 2l. 12s. 6d. for it. On the following day I saw the prosecutor, who identified the horse as his property.—*Henry Coombe*, policeman, of St. Columb, said when he apprehended the prisoners at Summercourt fair, he charged them with stealing the horse. The younger one said, "It is my brother's" and nodded to the other; the elder prisoner replied, "Yes, it is mine, I bought it at the fair, and gave 2l. 12s. 6d. for it." He said he bought it of a young man called Robert Field, of St. Neot. He said, "I thought the horse was stolen when I bought it, but they can't hang me, they can only transport me for it." As he was taking the prisoners to St. Columb, another gipsy called Worden, brother-in-law to prisoners, overtook them. The elder prisoner then said he bought the horse of Tom Thumb. Witness took the prisoners to St. Columb; next morning the elder prisoner's wife came, and some communication passed between them in cant words, which witness did not understand. The elder prisoner then said he did not buy the horse of Tom Thumb, but of Henry Cooper. Witness had understood since that Tom Thumb in a gipsy, and prisoner had told him that Tom Thumb and Henry Cooper were two names for the same person.—*Constable Burrows* was then re-called, and said he considered the horse worth 10l.—*Mr. SHILSON* addressed the jury in behalf of the prisoners, contending that they could not place reliance on the evidence of Thomas Sandy. It was very unlikely that if the prisoners stole the horse on the night of the 16th of September, they should be seen at eight o'clock next morning quietly leading it no further off than two miles from the prosecutor's house. He submitted that the witness Sandy must be mistaken as to the identity of the prisoners; and was it at all probable that Sandy should have seen the younger prisoner (fifteen years of age) going up and down the country for the last five years, as he said he had. They surely could not convict the prisoners on such testimony. At any rate there was nothing to show that the younger prisoner stole the horse; for though he was leading it at the fair, he had it in possession for his brother; he says when asked, "it is my brother's," and the brother acknowledged it to be his. He (*Mr. Shilson*), should, however show, that the horse was in reality bought at the Probus fair on the 17th of September, by the elder prisoner and that he gave £2 12s. 6d. for it. He should prove this by disinterested witnesses; therefore prisoner's account of the transaction was quite true; and he should also show that £2 12s. 6d. was about the value of the horse. Neither was it likely, if the horse had been stolen by the prisoners, that they would have exposed it for sale in so public a manner in Summercourt fair, about eight or nine days afterwards. He then called *James Michell*, a blacksmith at Probus, who on Probus fair-day said he was acting as waiter at the Cornish Mount Inn. Probus fair was on the 17th of September. A young man came to the inn between eight and nine in the morning with a light-bay cob horse, which was placed in the stable. Witness first saw prisoner, Thomas Jeffrey, there about twelve or one o'clock. He was looking about for a horse, and the young man who brought the horse there asked him to go out and see it. He heard the young man offer it to prisoner for sale. Witness was asked to take it out of the stable, and I did so. The young man said the horse belonged to him; it had no saddle or bridle on, but a halter. Prisoner said he was stopping at Tregony; he had no money with him, but would get it in a half an hour. Witness after that saw the men in the parlour together, but did not see the money paid. He was shown a horse yesterday in Bodmin, and to the best of his knowledge it was the same as the young man sold to the prisoner, but the horse was now looking much better than when he saw it at the Cornish Mount; it was about thirteen and a half hands. On cross-examination, witness

said he had known Cooper since the 17th of September, and had heard him called Tom Thumb. He did not know the young man who brought the horse to the Cornish Mount; he had on dark dress,—a frock coat, and was a respectable looking man, looking like a tradesman. Witness said he lived with his father and mother at Probus, and admitted that he was often out of work.—*John Mitchell* was ostler at the Cornish Mount, and father of last witness. He recollected a man bringing a horse between eight and nine in the morning of Probus fair day. He put it in the stable, fed it, left it there an hour or an hour and a half, then turned it out to grass, and in the afternoon brought it in between two and three o'clock; he saw the elder prisoner there, and the man who brought the horse offered it to him for 5*l*. After that the man asked witness to lock up the horse till called for, as the purchaser had not the whole of the money with him. When prisoner returned he received the horse from the man. The horse was a light bay, and in very low condition; should think 2*l*. 12*s*. 6*d*. enough for it. Had seen a horse since he came to Bodmin, but did not take particular notice of him. Witness's son told him the man who sold the horse was called Treleaven, a shoemaker; he had on a respectable dark dress. Witness had worked five or six years at Mr. Doble's—*Richard Whitford* said he is a commission agent at Probus, and his mother-in-law keeps the Cornish Mount. At the fair, he saw the horse which was sold by a man in dark clothes to the prisoner. It was about fourteen hands, a light bay, and he heard from the man that the prisoner had bought it of him. He had seen a horse since he came to Bodmin, and to the best of his knowledge and belief it was the same horse, but so very much altered he was astonished to see it; it was now in a greatly improved condition, and as a horse improves in condition he improves in colour. There was no mark by which he knew the horse. When he saw it at the fair, it was worth very little, he did not know that he would give £5 for it now. He heard that the young man who sold the horse was called Treleaven, a shoemaker, and he said he lived at St. Neot.—*James Hearn*, a cattle drover employed by Mr. Bryant of Launceston, was at Probus fair on the 17th of Sept., and saw a young man there with a light bay horse about thirteen hands high. He saw the prisoner there about twelve, and again in the afternoon at the Cornish Mount; did not hear him make the deal, but saw him pay the money for the horse, £2 12*s*. 6*d*., in the lower parlour at the Cornish Mount. A number of persons were in the room; the younger prisoner was not there. Before the money was paid, prisoner went out, and witness heard he was gone to Tregony for the money. When the money was paid, the seller of the horse stood a gallon of beer. Witness saw a short man there they called Tom Thumb. Witness had travelled the country seventeen years, but had never seen the prisoner before. He had seen a horse in constable Burrow's possession, and could swear it was the same horse as was sold to the prisoner at Probus fair; it was a light bay. He saw the horse in the course of the day several times, and different persons asked the price; at first the man said £5, afterwards £4, and then £3 10*s*. was named as the price; he should think it was not worth more than £3 10. The man said he had a little farm and was going to leave it, and therefore wanted to sell his horse. Witness did not then hear the man's name, but had since been told at Mr. Tapp's, at the Barley Sheaf, Truro, that the man's name was Treleaven. He should know the man if he saw him again; he looked like a farmer. The horse had a mark where the saddle was put on; he believed it was there now, but had not taken particular notice. The horse was rather darker now than when he saw it at Probus, being in a better condition, but was not worth more than 4*l*. now.—*John Harris*, a miller by trade, lives in Probus, and sells nuts at fairs. He saw prisoner pay 2*l* 12*s*. 6*d*. for a horse to some young "gent" at Probus fair. The horse was a light bay, thirteen hands high. Witness had seen a horse in the stable at Bodmin, and believed it was the same as that he saw sold at the fair, but it was now in an improved condition. He heard the seller was Robert Treleaven, of St. Neot; had heard since that he was a shoemaker. Prisoner was riding a grey horse at the fair. *Cross-examined*.—The policeman had not been able to find such a man as Robert Treleaven in St. Neot. [All the witnesses had been ordered out of court at the commencement of the trial, but this man, Harris, admitted that he had been in the gallery, and heard part of James Hearn's evidence.] *Henry Wharton*, a travelling tinman, prisoner's brother-in-law, said they had their tent pitched near Tregony on the day before Probus-fair. He was at a public-house in the lower part of Tregony on the evening of the 16th of September, and returned to his tent between nine and ten at night. His wife, his brother-in-law's

wife, Henry Jeffrey (the younger prisoner), and children were in the tent. He and his brother-in-law had each a horse, and turned them on the roads. They then had supper and went to bed, he and his brother-in-law, and they both got up between 6 and 7 in the morning. (This was the night the prosecutor's horse was stolen, the witness, Sandy, having said he met the prisoners with it between eight and nine in the morning.) Witness said, after we rose we went into the road, found our horses, and rode to Probus fair on the 17th, about one o'clock. Next day we changed our tent to near Probus, and the horse my brother-in-law had bought was turned out on the public road; it was a light-bay cobbish horse, with switch tail, about 14½ hands high, to the best of my knowledge. (This witness seemed to be a quietly-disposed man, and mentioned farmers for whom he had worked at harvest.)—Mr. HOCKIN then replied on the part of the prosecution, submitting that the evidence for the defence was not entitled to credit. Two of the witnesses, James and John Michell, had contradicted each other. John says his son told him the man's name was Treleaven, whilst James says he did not know the man's name. But even if the statements of the witnesses were not false, they were of no value. A man stealing a horse might manage amongst his gang to have a horse sold to him on the same day, and contrive to sell it before witnesses. If it was offered in the fair at all, it was no doubt purposely offered at a price it would not sell at; if only work £2 12s. 6d., it was offered in the fair at £5. This was just the course that would be taken by an experienced horse-stealer. The witness, Sandy, was not likely to be mistaken with regard to the prisoners, for it was his business to keep an eye on people going about the woods, and therefore to notice people. His attention was attracted to this horse by its being a better one than may usually be seen with travelling gipsies. They must also take notice of the elder prisoner's remark when apprehended, "I thought it was stolen when I bought it, but I can't be hanged for it. I can only be transported."—The CHAIRMAN, in summing up, pointed out the discrepancies in the evidence. All the witnesses for the defence say it was a light bay horse that was sold; the witnesses for the prosecution always speak of the horse stolen as a dark bay. Sandy said he remarked the horse because of its high condition; whilst those who saw the horse at Probus speak of its low condition; the witnesses on each side also greatly differed as to the value of the horse. Two of the witnesses say the horse was 13 hands high, one says 14, and the last witness 14 and half hands. If the jury believed Sandy, the evidence for the defence could not be true; for according to the prisoners' witness, the horse must have been in Probus between eight and nine o'clock in the morning, which was about the time Sandy says he saw the prisoners with it not far from prosecutor's house. They must consider what credit they could give to the testimony on each side, and whether the horse sold and the horse stolen were the same or not. He then read over and commented on the evidence. The jury retired from the court, and after deliberating about half an hour, returned with a verdict of GUILTY of stealing against both prisoners, but recommended the younger prisoner to mercy.—In passing sentence, the CHAIRMAN said, as far as we know, this is your first offence, but it is one of considerable magnitude, one which a few years since would probably have consigned you to a scaffold. In your case, Henry Jeffrey, you are recommended to mercy by the jury, because they suppose you acted under the direction of the older prisoner; but you are quite old enough to know that you were committing a great offence. The sentence of the court is that you be imprisoned for four calendar months, and kept to hard labour. For you, Thomas Jeffrey, the sentence is that for this offence you be transported to such part of her Majesty's dominions as Her Majesty in council shall see fit, for seven years.

STEALING FROM CONSOLS MINE.—MARK MORCOM, 35, was indicted for stealing a quantity of brass bearings, fixed to engine-houses at the Consolidated Mines, Gwennap, the property of Henry Prynne Andrew and other. There were four counts in the indictment, charging the prisoner with stealing bearing-brasses from engines on the 30th of July, 6th of August, 7th of August, and 11th of August; and a fifth count charged the prisoner with receiving the property knowing it to have been stolen. Mr. SHILSON conducted the prosecution, and called the following witnesses:—*John Holman*—I am one of the engineers at Consols Mine in Gwennap, and have been so employed for twenty years. Prisoner was a kibble-filler in that mine. We have an engine there called Davis's. In July last, we missed a bearing-brass from that engine. In August last, we missed five bearing-brasses from

Andrew's engine, and missed also bearing-brasses from Shears's engine, two from the bob, one from the fly wheel shaft, and one from the sweep-rod. On the 7th of August, we missed two brasses from Richards's engine. The prisoner had access to those engines; the men change at the engine house when they come up from underground. The bearing-brasses are part of the engine which is fixed to the engine house. In consequence of information I went on the 9th of August with Capt. James Eddy to the foundry at Perran Wharf. A quantity of brass was there shown to me by William Jory, which had been brought there the day before. I selected pieces enough to make up six brasses, which I considered belonged to our engines at Consols. Those bearing-brasses had been broken into pieces; I gave them to Capt. Eddy, who took them to Consols, and gave them to John Veale, the constable. On the 12th of August, I went again to Perran Foundry, accompanied by James Uren. Jory then showed us more brass, and we selected pieces enough to make three brasses more. James Uren took charge of the pieces, and with me compared them; we found one to fit at Andrew's engine, and the other two at Shears's. We also fitted the six brasses previously found; I fitted four and William Davey two. Of the four, one matched at Davis's, one at Andrew's, and two at Shears's engine. Prisoner was afterwards apprehended; I saw him in Veale's custody the evening before he was taken before the magistrates. I heard him say he had not stolen or sold any brass. Next morning, in the account-house, he said if he could see some of the brass he should know it; it was thick on one side and thin on the other with part of a hole in it. He said he knew what brass he had,—the brass he sold he had from Paynter. The pieces were then brought to him by constable Veale. No threat or inducement was held out to him to say anything; he took up part of the brass produced by Veale, and said that was part of what he had sold.—The prisoner, who was undefended, asked witness if he had ever known him carry anything away from the mine? Witness replied that he never did. *Captain James Eddy*, said he had been an agent to Consols for twenty-seven years. The adventurers are Messrs. Williams, Andrew, Daveys, and numbers besides. On the 9th of August, I went with the last witness to Perran Foundry; brought home some brass, and delivered it to Veale, the constable. In reply to prisoner, witness said he had never known him do anything amiss, or carry away anything from the mine.—*William Jory*, is employed at the Perran Foundry, and purchases old metal. On the 8th of August I purchased of Peter Carlyle upwards of 219 lbs. weight of brass; purchased also of him copper and pewter. I placed it in a brass pan under lock until John Holman and Captain Eddy came, and did not mix it with other brass. By the *Chairman*—Who is this Peter Carlyle, what is he? *Witness*—I cannot say. What did he come to you with?—With brass and copper. Have you bought any of him before?—Yes, some years before. Did you ask him where he got this brass from?—No, sir. What price did you give him for it?—I cannot say, I did not pay the money, I only weighed it. Did he see any one else at the Foundry before he saw you?—Yes, I suppose before me he saw the clerk. Are you in the habit of often buying brass-bearings broken up?—No, I believe not. But you did not ask him any question?—No, sir. *Peter Carlyle* was next examined. He said he is a dealer in marine stores living in Kenwyn-street, Truro. On the 11th of June he bought of William Stephens 44 lbs. weight of brass, and put it in amongst the rest he had, which was a great deal. On the 28th of June he again purchased of Stephens 28 lbs. of brass, which was also put amongst the rest. On the 8th of August he took that brass with other metal to Perran Foundry, and sold the brass at 5½d. per lb., the last witness, Jory, having weighed it. Witness said, the brass I purchased of Stephens, I delivered to Jory. I don't understand the nature of bearing-brasses, but that in Constable Veale's possession looked very much like what I sold at the Foundry.—*William Stephens* said he is a marine store dealer living at Kea. He was before Mr. Pellew, the magistrate, at Falmouth, on the 14th of August, and saw there was a quantity of brass bearings; constables Veale and Uren produced them. I sold some brass to Peter Carlyle on two occasions. I bought the brass I sold to him of the prisoner, Mark Morcom. I bought it of him at different times, and sold all I purchased of him to Peter Carlyle. I gave 4d. a pound for it, money and goods. (Prisoner here said, "I had 2½d. a pound for it.") *Witness*—I did not buy above 6 lbs. at a time of him; and did not buy brass of that description of any other person at that time. I have known the prisoner, and understood he worked at Consols. When before the magistrate I could not swear to the brass as that I purchased of Morcom, but it is like it,—I have no

doubt about it. By the COURT—Did you ask prisoner where he got the brass from? *Witness*—Yes, he told me he found it. What is brass of that description worth per lb.? *Witness*—I made 4½d. Is that the value of it?—I don't know. Are you in the habit of buying brass of miners?—No, sir—*John Veale*, constable, received a quantity of brass from Captain Eddy, and now produced it. I had the prisoner in custody at the account-house the day he was taken before the magistrates. I held out no inducement to him to say anything. He said he was no thief, and should not suffer for other people, he had the brass of Frank Paynter. Prisoner said he could swear to some of the large pieces he had from Paynter, and that he (prisoner) sold them to William Stephens.—*Frank Paynter* examined—I was engine-man at Consols for a number of years, but am now employed at Garras mine. The prisoner, Mark Morcom, worked at Consols when I left. I never gave him that brass, or gave him any to sell, or had any dealings in brass at any time. I had left Consols before the brasses were missed. By the *Prisoner*—Did you not give me some in a quarry, and some more in a lane? *Witness*—No. And the rest you gave me on Kitbrows Down? *Witness*—No, never. *Prisoner*.—When you brought them to me they were as black as a hat, they are clean now. *Witness*—I never gave him any brass, or sold him any, or had any doings as to any brass with him, or received any money from him any day of my life. The CHAIRMAN—You are upon your oath now, witness. *Witness*—I am, sir.—*Jas. Uren*, constable, received from Jory and William Davey pieces of brass, and now produced them. (It was here stated, in reply to the Chairman, that the engineman, kibble-filler, and lander, have access to the engine-house). *Wm. Davey*, said he had been engineer at Consols mine for many years. I assisted Capt. Holman in fitting pieces of brass to Andrew's engine; also fitted some others into one block, but cannot say which engine they belonged to. (Witness here produced the pattern by which one of the brasses was cast, and showed that the numbers and holes of some pieces which he fitted together, corresponded. He said he placed the numbers and bored the holes himself). These were brasses from Andrew's engine; some of the iron of Shears's engine was also produced, placed on the table in court, and pieces of the brass fitted into it by the witnesses. In reply to the prisoner, witness, Davey, said he never saw him carry anything away from the mine.—*John Holman* recalled, said they had found nine bearing-brasses out of 14 that had been missed. He had fitted the whole of the pieces himself.—*Henry Williams* said he had been engineman at Consols for 15 years; and had worked Shears's, Andrew's, and Davis's engines. He worked Shears's before the 22nd of May, and did not observe anything missing about the engine, which worked regularly. He oiled her several times, and did not miss any part. It was possible to take brasses from the bob, and the engine work as before, but he believed they were all there when he worked the engine. On the 7th of August, when he came in the morning to the engine house, the kibble-filler and lander were there, and told him that some person had broken into the window. He then went to examine the engine (Andrew's), and went up first on the bob, where he noticed that two of the blocks had gone down rather more than usual; and he then found that the bearing-brasses were gone. He then came down from the chamber, and looking around perceived that the top block was gone from the fly wheel shaft, and that the great brass was gone. This brass must have been taken away that night, as the day before he worked that engine, and she did her work regularly. He could not have worked her without that brass, for if that was out of its place, the engine would break up, and perhaps break in pieces. It was fortunate that the discovery was made before the engine was put to work. He made known the loss of the brasses to Mr. Holman, and afterwards to the agents. They had four landers, who took it in turn; the lander that morning he believed was Thomas Taylor. Frank Paynter, the other engine-man, had left in July, some days before these brasses were stolen from Andrew's engine. The first brass found wanting was to Davis's engine on the 30th July, which he made known to Mr. Holman. The witness also stated the loss of brasses from Shears's engine. The prisoner was kibble-filler, and had been employed at Shears's, Andrew's, and Davis's engines, but witness could not say he had been much at Davis's. Frank Paynter before he left had worked Shears's engine. They had a private place to keep the key of Andrew's engine-house, and prisoner knew where the key was kept. *Prisoner* (to witness)—You have been a comrade of mine for many years, have you ever seen me carry away anything from the mine? *Witness*—I have known him from a boy, and could trust him with anything;

I have found him to be an honest man home close to this.—Prisoner's statement before the committing magistrates, after he had been duly cautioned, was then read. It was to the effect that the brass was delivered to him by Frank Paynter, near Wheal Prosper mine, in Kea parish, and that Paynter told him if he could sell it he should have part of the money.—The CHAIRMAN then summed up the evidence, remarking as he proceeded that Paynter had left the mine when the brasses were stolen from Andrew's engine. He also said it appeared to the Court to be a very loose way of buying brass at the Perran Foundry, in purchasing of a marine store dealer like Carlyle, without asking him questions which ought to have been asked. It was greatly to be wished that such establishments would be more particular as to whom they buy brass of. On the whole evidence he asked the jury whether they could be satisfied that the prisoner stole these brasses, being fixtures in the engine-house, and whether they were the property of Henry Prynne Andrew and other, the adventurers.—After a few minutes deliberation, the jury pronounced the prisoner GUILTY.—The CHAIRMAN, in passing sentence said, yours is a very bad case, for not only was the property taken of considerable amount, but it was taken in such a way as might have caused the death of many of your fellow-workmen. These brasses must have been stolen by night; you take advantage of the opportunity you had in being employed, knowing where the keys were, and having access to the engine-house; and instead of protecting the property of your employers, you plundered them. But you are strongly recommended by the agents of the mine as having hitherto borne an irreproachable character, otherwise the sentence of the court would be much more severe upon you. The sentence is that you be imprisoned and kept to hard labour for six calendar months.

ROBERT STEPHENS, 50, committed on the 30th of July last, by the Mayor of Lostwithiel, for want of sureties in a breach of the peace towards his wife, Mary Ann Stephens, was then placed at the bar. The wife did not appear against him, and after being reprimanded by the Chairman, and cautioned as to his future conduct, he was discharged.

SECOND COURT

(Before C.B. Graves Sawle, Esq.)

RICHARD HAM was charged with stealing a bag on the 13th of August, the property of Richard Sandercock, of North Tamerton.—Verdict, NOT GUILTY.

GEORGE CARTLAGE, 20, was found guilty of stealing a horse-brush from John Cann, ostler at the Tree Inn, Stratton. The prisoner was one of the grooms connected with Cook's Circus establishment; he was attending to one of Mr. Cook's horses in the Tree Inn stables, and from thence stole the brush.—Sentence, *Two Months' Hard Labour*.

WILLIAM HENRY OPPY, 22, was indicted for having made an assault, with intent, on Emily Sanders, a child under the age of ten years; he was also charged with a common assault. The little girl resides with her mother in the parish of Perranarworthal. The assault was committed on the evening of the 27th of September, in Church Lane, leading from the high road, near Perran-wharf. Verdict, guilty of the assault with intent.—Sentence, *Eighteen Months' Hard Labour*.

HENRY HAMBLY, 18, was charged with assaulting James Lang, a constable, at St. Kew, on the 28th of July. The evidence of the constable failed to prove that he was assaulted by the prisoner, and the Chairman directed an acquittal.

ELISHA HOLMAN was indicted for assaulting Grace Lavin, she being big quick with child, and another count charged a common assault. (The first count, charging with administering drugs to procure miscarriage, was thrown out by the Grand Jury.) Mr. J.B. COLLINS for the prosecution, and Mr. STOKES for the defence. The evidence of the prosecutrix was that she lives at Bezoar, in the parish of Kenwyn, and had worked for the prisoner's father on a farm in the same parish. In April last she was with child by the prisoner, and had told him of it. One afternoon, at his desire, she came into the field where he was at work, and whilst engaged in packing straw, he took hold of her, threw her on the ground and fell upon her. She received injury from this, and about a fortnight afterwards was obliged to have the attendance of a surgeon, and in three weeks after suffered miscarriage, and had been unwell ever since.—The defence set up by Mr. Stokes was that the occurrence was purely accidental, that there was no wilful assault committed, but that the parties were romping together

and fell to the ground. He also drew out of the witness on cross-examination, that the man had said, when they got up from the ground, he hoped she was not hurt; and that some time afterwards she told him unless he married her she would bring him before the magistrates, but if he behaved "honour bright," she would think no more about it; he then told her he had heard bad reports about her, and should not marry her. She was also cross-examined as to her conduct at Truro Midlent fair, on going home in the evening. She denied that she romped with parties or was drunk. The prosecutor's mother also gave evidence of her daughter having been confined to her bed for some time in consequence of the injury she received. Mr. Stokes was about to call witnesses to speak to the character and conduct of the prosecutrix, but this was overruled by the Chairman, who decided that such evidence was irrelevant to the issue. The CHAIRMAN, in summing up, put it to the jury whether they thought the occurrence was accidental between the parties, or the assault wilfully committed by the prison (*sic*).—Verdict, NOT GUILTY.

CHARLES HOLMAN was charged with stealing a donkey and foal, the property of Charles Luke, of Wadebridge. From the evidence it appeared that the donkey was in a field belonging to Thomas Vercoe, of Roche; and that prisoner and prosecutor came there and had a dispute, each claiming the donkey. The CHAIRMAN stopped the case, observing that it was a question of right of property, and directed the ACQUITTAL of the prisoner.

JAMES TREVARTON was charged with assaulting Joseph Davies, of the parish of Veryan. Mr. DARKE for the prosecution, and Mr. STOKES for the prisoner. It appeared the prosecutor and prisoner met on the 19th of August last, in a lane near Veryan church-town, and that after some words the assault was committed, and Trevarton so much injured as to be under surgical care for four days. On the part of prosecutor, *Mr. Johns*, a constable of Veryan, gave evidence, and for prisoner a witness named *Whitford* was called. The evidence was very contradictory, but the jury found the prisoner GUILTY, and he was sentenced to *eight months' imprisonment, with hard labour*. (A recent statute has been enabled the Court to inflict hard labour in such cases).

The jury were then discharged.

FRIDAY, OCTOBER 17.

The prisoners were sentenced this morning by the Chairman, Sir Colman Rashleigh, Bart.

The following appeal was then heard:—

JOHN BURTON, appellant; ELEANOR RICHARDS, respondent.—Messrs. ROGERS and SON, Solicitors for appellant, Messrs. GRYLLS and HILL, for respondent.—This was an appeal against an order of the Justices of the West Division of Kirrier, made on John Burton, the appellant, for the maintenance of the infant illegitimate child of Eleanor Richards, the respondent. Mr. SHILSON appeared for the appellant, and Mr. DARKE for the respondent. The case occupied the court all day. The appellant is a tailor, at Constantine, and the respondent a dressmaker, now residing in Ruan Minor. It appeared from the evidence that the respondent is an orphan girl. Her father, who was a farmer of Ruan Minor, died about 12 years since, and respondent then went to reside with her sister at Constantine, near the appellant. They soon became acquainted, and the acquaintance grew into a strong attachment; but the family on both sides were no agreeable to them keeping company together, and the courtship was then carried on in a clandestine manner. The intimacy continued up to November, 1850, when respondent told appellant she was with child, on which appellant ceased to visit her, and denied the fraternity of the child. Several witnesses were called, who spoke to having seen the appellant and respondent together on several occasions, and all the witnesses gave respondent a good character. A letter written by appellant to respondent in October, 1850, was produced, and also a book appellant lent her about the same time.—Mr. SHILSON endeavoured to shew by cross-examination, that respondent had been intimate with other young men, and in his address to the Court contended the respondent's testimony was not corroborated in any material particular to satisfy the requirements of the statute. He was then about to call witnesses to discredit the respondent, but an objection was taken that respondent had been cross-examined, and denied the facts attempted to be proved, and that appellant was bound by her answers.—Mr. DARKE then replied, submitting that he had corroborated the mother's evidence in several important particulars,

and that evidence of mere intimacy was sufficient if the woman had borne a good character. He then commented on the strongest point of corroboration, and the Court, after a short deliberation, confirmed the order, with £5 costs.—This concluded the business of the sessions.

Transcribed and checked by Karen Duvall, Kirsty Sjöholm and Claudia Richards