

VENABLES, *Mayor.*

682

(OLD COURT,

Before Mr. Baron Garrow.

1797. JOHN LEWIS and KEZIAH HIS WIFE were indicted for that they, on the 31st of July, being in the dwelling-house of John Farrant, feloniously did steal 1 violin, value 1*l.*, and 1 bat, value 3*s.*, his property; and having committed the said felony, afterwards, to wit, on the same day, about two o'clock in the night, the same dwelling-house burglariously did break and get out of the same.

JOHN FARRANT. I have been blind twenty-seven years, and get my living by playing on the violin. In July last I lived at No. 20, Dock-street, Commercial-road; I rented the house—it has only two rooms below and two above; I lived on the ground-floor, and let John and Kezia Lewis the front room up stairs, at 2*s.* 6*d.* a week; they came on the 27th of July, and remained till Monday, the 31st—they were in my apartment all day on Sunday; they dined and drank tea with me—they had 1*s.*, and paid me 1*s.* for rent; I gave them 2*s.* 10*d.*, and we were to spend the day together. I remained with them till twelve o'clock, when I laid down for a few minutes, and got up, as my little boy was very ill; I went to bed again, and between that time and half-past four o'clock this robbery was committed. I kept my violin in the bed-room, which has not a good lock to it. I got up between four and five o'clock, being restless, and asked the male prisoner if he would get up and sit with me a little while, as my little boy was ill, but I could not discover that anybody was in their room; nobody answered me. I walked to the street door, which I had bolted, and found it unbolted; I then went to my bed-room cupboard, and felt that the violin was gone; I called up my two little boys, one of whom is fourteen years old, and sent him to Nash—I asked my boy to give me my hat—he gave me one which I knew was not my own; my own hat and violin were gone, with the case and bow; I have not had any of them delivered back to me. I had bolted my front door when I went to bed; the back room up stairs was rented by a widow and her three children—she was gone to bed when I fastened the door. The prisoners were apprehended about two months afterwards. John Lewis was to have gone with me on the Monday to Chatham races.

JAMES ABRAHAM NASH. I am a labourer. I know the prosecutor and the prisoners. I have seen a hat which was found in the prosecutor's room—I know it to be John Lewis', by the sewing on it; Farrant has worn it since, having no other—here it is; I know Lewis wore it previous to the robbery—I have seen him wear it all the time he lodged there.

ORADIAH BULL. I apprehended the prisoners on the 20th of September, in Cock-alley, Norton-falgate. I found nothing at their lodging.

JOHN LEWIS' *Defence.* I have only to say I am not accustomed to wear hats in general, but generally wear caps (*producing a fur cap*), being a strolling player. I know nothing of the robbery.

JAMES ABRAHAM NASH. I never saw him wear such a cap as that—I always saw him in a hat.

JOHN LEWIS—GUILTY. Aged 22.

Of stealing only.—Transported for Seven Years.

KEZIAH LEWIS—NOT GUILTY.

Before Mr. Justice Park.

1798. FRANCIS EDESON was indicted for feloniously assaulting Ann Sanders, spinster, on the King's highway, on the 26th of September, at St. Pancras, putting her in fear, and taking from her person, and against her will, 8 yards of lace, value 8*s.*; 2 yards of net, value 2*s.*, and 3 shillings, her property.

ANN SANDERS. I am single, and am servant to a gentleman at Kentish-town. On the 26th of September, at half-past eight o'clock in the evening, I was returning home from Holborn—I was alone; it was dark, and not very moon-light, and in the Back-road, by Camden-town—I was going over the bridge in the road, and met the prisoner—he came up, and said, "Your money or your life;" he came from the opposite side of the road; I said I had no money—he said I had, and he would have it; he did not swear at me. I was examined at Hatton-garden. He merely said, "You have, and I will have it."

Q. Did he never say, "D—n you, I will have it?" A. After that he did—he then snatched a paper parcel out of my hand, containing eight yards of lace, and two yards of net; he took 3*s.* in money out of my left hand—he opened my hand by force, and took it—he then took hold of me with both his hands, then let go with his right-hand, and took a knife from his left-side pocket, held it in his hand, and said if I did not give up what money I had got, he would kill me—it was not a case-knife, nor a clasp one, but a long one, like a butcher's—he held me a few minutes, and then let me go, as I heard footsteps. I was a good deal frightened—my shawl came off one shoulder with his holding me.

Q. How long did this last? A. About ten minutes; I could see him by the light which came from the lodge-gate—he appeared to be dressed in dark clothes, with a rough light great coat; he appeared to be in a sailor's dress—he had a short jacket under his coat; he had trousers on. I saw him again on the 28th, two days after, at the office, in the lock-up-room, with seven others, and knew him—I fixed on him myself—he stood in the centre of them; I heard him speak in the lock-up-room, and knew his voice again also. Nobody passed while he was robbing me.

Q. How long after the robbery were you getting home?

A. Nearly half an hour; I saw my fellow-servant, Thomas, on the road, about a quarter of an hour after I was robbed, and told him—I described the prisoner to him.—When I got to the lock-up-room he appeared to be in the same dress, only without his coat; he had very full hair, combed over his face—it is cut now. I believe him to be the person.

Cross-examined by Mr. CRESWELL. Q. Have you always given the same account of this transaction? A. Yes. I told the officer his hair was combed, and appeared like whiskers, not that he had large whiskers; I had never seen him before—it lasted about ten minutes. The lodge is not far from the bridge, about a hundred yards I should think; it was light, for the lodge door was open; I did not observe what light it was—I was over the bridge, exactly opposite the lodge gate, and the door was open. When I was in the lock-up-room, Pendergrass told me to look among the prisoners; I said, that was him who stood in the middle—I never said he was not there;

FIRST DAY.)

683

Eighth Session, 1826.

nobody pointed him out to me. The prisoner used no violence to me. I know the charge affects his life.

Q. Now, be careful, considering the very short time you was with him, can you positively swear to him? *A.* I am sure it was him.

THOMAS BUNCE. I am the prosecutrix's fellow-servant—I met her on the 26th of September, in the Kentish-town-road; she stated she had been robbed, and described the person to me—she said he had longish hair, as if it was whiskers—that he was dressed in a sort of sailor's jacket and trousers. I went with her on the second examination, and gave evidence.

SAMUEL PENDERGRASS. I am an officer. Bunce informed me of this robbery on the 26th of September, about eleven o'clock at night—he described a person to me, and I heard of a person answering the description being in Somer's-town watch-house on the 28th, and sent for the party—it was the prisoner—he was in custody for something else; he answered the description Bunce gave me, which made me send for them.

Cross-examined. *Q.* Did you not state before the Magistrate that you had seen a person of that description on the bridge? *A.* No—I said so to nobody.

HENRY HINKSMAN. I belong to the Police. About half-past ten o'clock on the night of this robbery I saw the prosecutrix; she described a person to me, as having a white-rough coat, dark clothes, a shiny hat, and large whiskers. On Thursday morning, the 28th, I found the prisoner at the watch-house; he answered her description, except not having whiskers; I fetched her to Hatton-garden, where she saw the prisoner among six or seven others; I said, "Be very particular and cautious what you say, for it is a very serious case, but if you see the man, say so"—I told them all to stand up, and said to her, "Which is the man?"—she looked round, and said, "That is the man—I will swear it;" he stood in the centre of the others.

Cross-examined. *Q.* Then she described him as having whiskers? *A.* She did. He is materially altered since his apprehension; I cannot say whether he ever had whiskers; he has got his hair cut, and looks cleaner since he was taken; he had on the same jacket and trousers as he has now—it is a jacket used by sailors; she pointed him out in about two moments.

JURY. *Q.* Did she say to you he had whiskers, or like whiskers? *A.* When he was at Hatton-garden his hair was brought forward to the side of his face, which would appear like whiskers; she said, "Like whiskers."

ROBERT TEASDALE. I took the prisoner into custody the night before.

Prisoner's Defence. I know nothing of the robbery. The two officers came to the watch-house in the morning, and said, "Teasdale, did you see that man with a white coat on?" he said, No, and then he said, "He has changed his dress"—I never had a dress besides what I have now since I came from sea. The officer brought in the prosecutrix, and asked if the man was there—she said, No; he said, "Are you sure of that?" she said, Yes; he pointed to me in the middle, and then she said, "That is the man—I will swear to him." I was called out and searched, to see if I had a knife, but I had not. Three prisoners in the gaol can prove it.

HENRY HINKSMAN. It is wrong; on my oath she never

said she did not know him, nor did I point him out to her—my evidence is correct. The prisoner's statement is not true—he said this to the Magistrate.

COURT to ANN SANDERS. *Q.* Did you ever look at the prisoner and say the man was not there? *A.* No—I fixed on him directly—he was not pointed out at all; they all stood up together. I knew his person and his voice.

WILLIAM LEE. I am carpenter of the Buckingham, East India Company's ship, and live at Blackwall. I have known the prisoner eighteen months—he sailed from India, with me, as caulker's mate, and bore a most creditable character, to the satisfaction of the captain and every one; he never wore whiskers since I knew him—he left our ship the beginning of June, and I have not seen him since—he was a cabinet-maker.

JURY. *Q.* How was he accustomed to wear his hair? *A.* Nearly as it is now; I would take him into my service again at any time—if he is convicted I would take him at any period.

HENRY HODDER. I am under Mr. Lee in the vessel, and knew the prisoner eighteen months—he bore a very honest character, and was liked by every one on board.

WILLIAM FRANCIS HARDING. I live at Somer's-town, and am a milkman. I have known the prisoner four years—he bore an upright character; I have seen him twenty or thirty times lately. He was at my house on the 26th of September, at Hoxton; I lived then in Whitmore-row—he came about half-past three or four o'clock, and remained with us; I went out at six o'clock, and left him there—I returned about ten, and he was gone.

Q. Was anybody in the house with you when the prisoner came in? *A.* Yes—my wife and Drummond, who keeps the house—they saw the prisoner when he came; my wife said he left at nine o'clock.

COURT. *Q.* What became of you when you went out? *A.* I went on business. I am a salesman, but am endeavouring to go to sea again—I went to meet a gentleman at six.

ELIZA HARDING. I am the wife of the last witness—the prisoner is my brother. On the 26th of September he came at four o'clock to Whitmore-row, Hoxton, where we lodged; Mrs. Drummond, who keeps the house, was at home when he came, and till after tea; we drink tea about six o'clock—the prisoner drank tea with us, and stopped till nine; my husband was at home when he came, and went out after tea, about ten minutes after tea; we were not long at tea—I suppose it was about six o'clock or ten minutes after when he went out; he returned about ten, and asked how long my brother had been gone—I told him about nine o'clock; I am certain it had struck nine before he went—it was on Tuesday, the 26th of September; I heard he was apprehended on Thursday morning; my husband attended at the office.

COURT. *Q.* What is your brother? *A.* A cabinet-maker—he was then working for my father, who lived in Chapel-street, Somer's-town, and he lived with my father at that time; there was not business to keep him constantly at work.

JURY. *Q.* How was your brother dressed that day? *A.* The same as he is; he had fustian trousers as he has now; I never saw him in a shag coat, or heard of his having one—I had seen him about a week before.

VENABLES, *Mayor*.

684

(OLD COURT,

WILLIAM FRANCIS HARDING *re-examined*. I should think Hoxton is three miles and a half or four miles from Kentish-town—I should go down the City-road and Battle-bridge to it.

COURT. Q. How far from your house were you to meet this gentleman? A. In the City, about three quarters of a mile from Hoxton, at the corner of the East India-house; I was to meet him at six o'clock, but the prisoner's coming detained me a little, and it might have struck six before I started; he was dressed in the same clothes as he has now, except the waistcoat, which was kerseymere; he had no great coat.

CATHERINE DRUMMOND. I am the wife of James Drummond—we live in Whitmore-row, Hoxton; Harding resided with me. On the 26th of September, the Tuesday before quarter-day, I remember the prisoner coming to my house, about half-past three or four o'clock in the afternoon—Mrs. Harding was at home when he came.

Q. Where was Mr. Harding? A. I am not positive whether he was out at the time, or whether he went out directly after; I went out after tea myself—I drank tea at five o'clock, and went out.

COURT. Q. What, did they drink tea at five o'clock? A. Yes—Mr. Harding was not at home to tea.

Q. How long did Harding stay at home after his brother-in-law came, if he was at home? A. I cannot say—it might be a few minutes, or it might be longer; the prisoner drank tea there, and I left him there. I returned about half-past nine o'clock, and he was gone. Harding came home about ten.

Q. Were you sitting with them? A. No, not after the husband came home.

After the Learned Judge had summed up the evidence this witness was re-examined.

CATHERINE DRUMMOND. Harding does not board with us, but we frequently had our meals together. I rather think now that Mr. Harding did drink tea with us.

GUILTY—DEATH. Aged 20.

Recommended to Mercy by the Prosecutrix and Jury, on account of his good character, and not using violence.

Before Mr. Justice Park.

1799. HENRY GODFREY and THOMAS LOCK were indicted for stealing, on the 21st of September, 1 watch, value 20*l.*, the goods of Antoine Vieyres, in his dwelling-house.

ANTOINE VIEYRES. I am a watchmaker, and lodge on the second floor at No. 25, Jermyn-street; I do not keep a shop, but repair watches, and make them sometimes. Mr. Jordan rents the house, and lives on the first floor. On the 21st of September, about two o'clock in the afternoon, the prisoners came to my room together, and Godfrey said they came from Mr. Dubois, of King-street, who had given them my direction, and they had some musical watches to be repaired. I knew Mr. Dubois perfectly well, and should attend to his recommendation; they had not brought the watches, but gave me a direction where to go for them—I went to another part of the room to get pen and paper for them to write the direction—my glass-case, which hung on the wall, was at that time open, and I had several watches in it, and a gold one among them; the prisoners were within reach of it; I had wound up my

watches in the morning, it was then there; I had been at home all day; nobody could have taken it before they came. When I got them the paper, Lock wrote this direction—(reads) "May, 31, Great Ormond-street"—he wrote it in Godfrey's presence—I was to go there for the watches. About an hour or an hour and a half after they were gone, I missed this watch—no other stranger had been to the room—I went to No. 31, Great Ormond-street, found they did not live there, and nobody had a watch to repair—I saw them in custody about six days after, and am certain of their persons.

Cross-examined by Mr. PLATT. Q. At what time did you wind the watch up? A. About ten o'clock in the morning—it was not in my hands after. Two gentlemen and a lady had called that morning—she came to pay me 25*s.*—the gentlemen were in the room longer than she was; the first came to fetch his watch—he was not ten minutes there; the second came for a lady's watch—he was not five minutes there; I opened the case to get it, and it was open while the prisoners were there; I did not leave the room while they were there; they did not stay above two minutes—both the gentlemen and the lady were customers.

RICHARD GARDENER. I am a constable of Bow-street. I apprehended the prisoners on the 21st of September, but found nothing on them relative to this charge.

GODFREY'S Defence. He said the two gentlemen and the lady came, but he was sure they were not thieves. I know nothing of it.

LOCKE'S Defence. He has perjured himself, for he said the lady came afterwards.

LOCK—GUILTY. Aged 19.

GODFREY—GUILTY. Aged 20.

Of stealing, but not in the dwelling-house.

Transported for Seven Years.

First London Jury—Before Mr. Recorder.

1800. JOHN BROWN was indicted for stealing, on the 9th of October, 1 handkerchief, value 2*s.*, the goods of William Row the younger, from his person.

WILLIAM ROW, JUN. I live in Little St. Thomas Apostle. On the 9th of October, between three and four o'clock in the afternoon, I was in St. Pancras Lane, looking at a fire. I felt somebody pushing behind me—I turned round and found the prisoner with my handkerchief in his pocket—I seized him instantly, and took it from him; it was safe a few minutes before, when I was in Size Lane.

ANDREW BADEN. I was with Mr. Row, and saw the handkerchief in the prisoner's pocket; he said he had not taken it.

WILLIAM GOODHEW. I was in Bucklersbury, and saw a crowd—I received the prisoner in charge with the handkerchief.

GUILTY. Aged 13.

Transported for Seven Years.

1801. SARAH MORRIS was indicted for stealing, on the 14th of July, 25 yards of linen cloth, value 2*l.* 10*s.*, the goods of John Marter, in his dwelling-house.

JOHN MARTER. I am a linen-draper, and live on Holborn-hill. On the 14th of July, about a quarter to nine o'clock in the evening, the prisoner came to the shop to purchase a small quantity of muslin; I showed her several