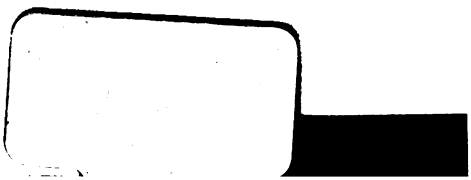

Murder of Mr. Steele.

DOCUMENTS

AND

OBSERVATIONS,

TENDING TO SHEW

A PROBABILITY OF THE INNOCENCE

OF

JOHN HOLLOWAY

AND

OWEN HAGGERTY,

Who were Executed on Monday the 23d of Febuary, 1807, as the Murderers of the above Gentleman.

BY JAMES HARMER,

ATTORNEY AT LAW.

LONDON:

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1807.

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TO

JOHN SILVESTER, Esq.

RECORDER OF THE CITY OF LONDON.

TO him, whose strong and comprehensive mind, whose accurate and penetrating judgment, whose long experience, during many years of practice in the criminal courts, both as Advocate and Judge, so eminently befit him to discriminate innocence from guilt, and truth from falsehood: to him, whose high and invaluable privilege it is to be the instrument of tempering justice with mercy: to him, who was present during the trial here recapitulated and examined, and who, from his important and elevated station, is best enabled to appreciate the facts which are here asserted; this Narrative is inscribed, with the profoundest deference and esteem,

By his most respectful

And most devoted

Humble servant,

THE AUTHOR.

DOCUMENTS

AND

OBSERVATIONS, &c. &c.

IN bringing before the public the present narrative, I do not mean to cast any imputation upon the jury that tried the unfortunate persons whose case I am about to state. I must, in candour, believe that the gentlemen who composed that jury were not influenced by prejudices previously formed against the accused, but that they conceived, from the evidence produced before them, the justice of the country demanded a conviction, and that they could not discharge their consciences without finding a verdict accordingly. Neither would I insinuate that any thing was improperly urged against the sufferers by the gentlemen conducting the prosecution: on the contrary, I should not do justice to them, or to my own feelings, were I to omit expressing, in the most explicit manner, my humble approbation of the candour with which every part of the case was brought before the court, and likewise of the minute attention it received from the humane and learned judge who presided. The jury were most impressively entreated to lay out of their mind every thing they might have partially heard respecting the case into which they were about to inquire, both by the learned judge, and by Mr. Gurney, the leading counsel for the prosecution, who was bound, from his situation, to state the evidence to be adduced against the prisoners, and to comment upon those parts which appeared to mi-

litate against them. This he did with all the acuteness and ability for which he is so justly distinguished; and his humanity induced him, when under the necessity of stating some trifling circumstances which might be attributable to other causes besides guilt, to inform the jury that much reliance ought not to be placed upon them; and indeed the whole of the conduct of the gentlemen employed by the crown evinced that they were not anxious for conviction, unless the evidence would satisfactorily warrant a conclusion of the prisoners' guilt.

It may be asked, why should I, by attempting the vindication of these men, assume to myself more discrimination than the jury and many others who heard the trial? and the more especially when I admit that the case was fairly and impartially investigated. My answer is, I am not so arrogant as to suppose my opinion infallible; no one feels more diffident of his own judgment than I do; and I confess that nothing but a sense of duty, together with the having possessed myself of very material facts subsequent to the trial, could induce me to obtrude myself upon the public notice, and to assert an opinion which I am aware is contrary to that of many gentlemen, who are far, very far, my superiors in ability and discrimination. I acknowledge, that it is with regret I feel myself compelled to the present undertaking, because it might appear beneficial to society that no doubt should remain of the guilt of the sufferers. I am the last man in the world who would wish to remove the generally received opinion, that "murderers never escape detection;" on the contrary, I wish it to be impressed upon every mind. It may be urged against me, that as the men cannot be now benefited even by the most unequivocal proofs of their innocence, why should I not let the subject rest? I declare, I wish I could do so; but my regard for truth, with a conviction that its promulgation must benefit mankind, convinces me I am discharging a sacred and important duty.

It may be proper to explain the manner in which I was led into this undertaking; and for this purpose I shall relate

late the circumstances as briefly as possible. Late on Thursday, the day before the trial, I was employed, by the fathers of these unfortunate men, to instruct counsel to defend them. I had accidentally learned, previous to the trial, some of the circumstances which were to be adduced against them; but I had been led to believe, that in their conversations they had so unequivocally acknowledged their guilt, that no one could entertain a doubt respecting it; and, besides, that the accomplice would receive abundant confirmation from the testimony of others: and therefore, though employed professionally, and bound to defend them by all fair means, I felt, as every honest man would upon the occasion, the highest satisfaction that the perpetrators of so horrid a crime were discovered. Hence their situation did not excite the slightest degree of sympathy in my mind: nay, at the time the trial commenced, I most heartily wished, having no doubt of their guilt, that they might be satisfactorily convicted; but, when the case on the part of the prosecution was nearly closed, my doubts arose; the more I considered, the more those doubts were strengthened; and it being stated to me, at the latter part of the trial, that Hanfield had before confessed robberies to avoid punishment for other offences, this tended still more to convince me that my doubts were well founded. I must confess I was not inclined to waive my opinion merely because it differed from the verdict of the jury; and that opinion not being altered the next morning, Saturday, I went to Newgate for the purpose of seeing the men, and made application to John Suter, the head turnkey, who is a shrewd good kind of man. I told him I was very uneasy respecting Holloway and Haggerty; I was not satisfied of their guilt. He begged me not to give myself any uneasiness or trouble upon the subject; that they were the right men he had no doubt, and that he dared to say they would confess their guilt before they suffered. I told him I should be glad to see them, and if possible, for my own satisfaction, obtain a confession, or draw from them, in the course of conversation, such particulars as would remove

my doubts. On seeing them, they expressed their perfect satisfaction with every thing that had been done for them by their counsel; but said, many circumstances had been given in evidence against them which were untrue, independent of Hanfield's testimony, the whole of which was false. I conversed first with one, then with the other, for a considerable time; and, urging every circumstance which in my mind operated against them on the trial, asked how they could explain them to be consistent with their innocence: namely, their denial of each other and of Hanfield, and their stating they had never been at Hounslow, both which assertions appeared evidently false, independent of Hanfield's evidence; and also how they could account for the expressions said to have been used by them when communicating with each other, as to the drinking the gin at the Black Horse. Their answers, which I shall state hereafter, were so ingenuous, consistent, and convincing, and in their manners there was such an unaffected firmness, such a mild and placid resignation to their fate, that I left them with the most firm persuasion of their innocence.

The next day I again visited them. On my entering the press-yard, I observed several gentlemen conversing with the prisoners, and pointing out in the most forcible manner the duty and importance of confessing their guilt, and the little expectation they could entertain of Divine Mercy, if they persisted in a falsehood at the awful moment of dissolution. They still invariably asserted their innocence: and I appeal to those gentlemen, whether the denial of the crime was not expressed in a decent and respectful manner, and not, as some of the newspapers have reported, with impudence and effrontery.

Mr. Wix, an intelligent magistrate for the county of Middlesex, was present, and evinced a laudable anxiety to obtain an acknowledgement that would satisfy himself and the world of their guilt, and who, I believe, also took considerable pains to obtain proofs of their innocence, suggested that, as I had been concerned for them, and was therefore entitled to their confidence,

confidence, they would probably be more communicative to me than any other person, and that I had better be with them alone. I accordingly retired with them alternately, and afterwards together, to one end of the press-yard, where we could converse without being over-heard. After having exhorted them as well as I was able, and endeavoured to impress upon them that it was their duty to acknowledge their guilt, or at least not to deny it; I told them, that whatever their declarations might be, even if they to the last moment of their existence persisted in asserting their innocence, the world would not, nay, looking at the evidence against them, could not, believe them so: for I, who was disposed to think as favourably of them as any one, could not doubt of their guilt:* that their death was inevitable, and at the same hour to-morrow they would be in the presence of the Almighty; that therefore their denial would risk their eternal punishment, without any possibility of being beneficial, either as it regarded their characters or otherwise. Haggerty answered in the presence of the other, "Mr. Harmer, I am sorry I cannot convince you of what I know and feel in my own heart; and if I cannot convince you, I am sure I cannot any other person; but after we are dead and gone, something or another will happen by which our innocence will be known; but, as God is my judge, I know no more of the murder than you do. I never went out with Hanfield in my life. I never was present at, or concerned in any way with murder. I have committed many trifling offences; and as I am going to die, I cannot suffer better than for that of which I am innocent; as I hope my suffering innocently will atone in some measure for my other offences." And Holloway then said, "It will be found out how falsely the villain has sworn against us. I never was in his company, that I recollect, and have only seen him by accident in the street. I never committed murder, or any offence for which I ought to lose

* At this time I firmly believed them innocent, but was anxious they should not suspect it.

my

my life." At this time Suter joined, and similar conversations and assertions from them were repeated; and as they several times expressed a hope that their characters would be hereafter cleared from the obloquy of murder, I told them, that no exertions of mine should be wanting to obtain, if possible, proofs of their innocence; and if I should at any time be able to convince the world that they were so, they might rest assured I would do it." I am now satisfied they were innocent of the crime for which they suffered death. I should, perhaps, here shortly state, that the clue by which I arrived at this conviction was furnished me by Holloway, on the morning of his execution, and only about half an hour before he suffered.

Having now, I trust, satisfactorily explained my motives, I shall proceed to the investigation of the case on the part of the prosecution, and if I can shew that the evidence of Hanfield, the accomplice, is in itself improbable, and that it does not receive from unsuspected sources sufficient confirmation, the solemn declarations of the dying men must be strong, very strong presumptive proof of their innocence. But I shall not stop here; I will adduce that which doubtless will carry conviction to the most skeptical;—the declarations of Hanfield himself that he had accused them unjustly.

The mode I shall adopt will be, to state shortly the facts proved by each particular witness for the prosecution, except Hanfield's, which I shall give at length; and then, after each, subjoin my own observations. Whether I faithfully abridge the testimony of the witnesses, the reader may readily judge, by reference to the trial, taken in short hand by Sibly, and published by Butters, under the authority of the City of London.

Thomas Stephen Gerard Meyer, brother of Mrs. Steele, deposed that Mr. Steele left town on the 5th November, 1802, for Feltham, where he had a small house and lavender nursery; that *he did not state any particular time as to his return*, but, as he was absent until the Wednesday following, the witness went to Feltham to inquire concerning him; and on learning that

that he left that place on the Saturday evening, the witness and others searched the Heath, and on the left side of the road, going from Hounslow to Staines, at about the distance of ten or fifteen yards, found Mr. Steele's great coat nearly concealed in a gravel pit, and shortly after found the body, on the other side of the road, at about the distance of 200 yards: that his brother usually wrote his name in every thing, but whether in this hat or not he could not tell, and that a reward of 50*l.* was offered by the family to those who should discover the offenders.

Henry Mandy, inspector of Mr. Steele's works at Feltham, deposed, that the deceased left that place on Saturday evening, the 6th November, at 7 o'clock; that he had on a round hat; *it had been wore a little while, it was not quite a new hat; he never came particularly of a Saturday, he came on any day; I was the person that paid the workmen.* He took from Feltham 26 *or* 27 *shillings.* Witness found the old hat on the right hand side of the road coming from Feltham to town;—*there were a great many persons assembled at the spot.*

Mr. Hughes proved that he found the body in a ditch, by a clump of trees; and a strap round the neck, which was *drawn very tight*, with marks of a violent blow on the back part of the head; the witness also found the shoes about 50 yards off.

Mr. Henry Frogley, Surgeon, examined the body on the 10th November, and found a large fracture on the front of the head, also much injury done to the neck, a leather strap being put round it so as would have produced suffocation of itself; the blows were such as a stick would have made, and were, in his opinion, the immediate cause of Mr. Steele's death.

His Majesty's pardon to Benjamin Hanfield, alias Enfield, was produced for an offence recited therein, of which he had been convicted and sentenced to be transported in September Sessions last, at the Old Bailey.

Benjamin Hanfield.—*Mr. Gurney.* Attend to the questions that I ask you; give slow answers; be sure to speak the truth, and nothing but the truth.—Had you known the two prisoners at the bar?—A. Yes.

Q. How

Q. How long have you known Haggerty?---A. About *seven or eight years*.

Q. How long have you known Holloway?---A. *About six or seven.*

Q. Have you known much or little of them?---A. *A good deal of them both.*

Q. Have you been in their company much or little? A. *A good deal in their company.*

Q. Was that the case before the month of November 1802?---A. Yes.

Q. At what houses had you used to meet them?---A. At the Turk's Head in Dyot-street, the Black Horse in Dyot-street, and sometimes the Black Dog, at the corner of Belton-street.

Q. Do you remember being in their company in the beginning of the month of November 1802?---A. Yes.

Q. Did any thing pass between you about going any where, and state what?---A. John Holloway came to me at the Turk's Head in Dyot-street, in the beginning of November 1802; he called me out, and asked me if I had any objection of being in a good thing; I replied I had not; I asked him when and where, to which he replied it was *low toby*, meaning a footpad robbery; I then asked him when and where, he told me he would inform me in the course of a day or two; upon which he came the day but one afterwards.

Q. Who came?---A. John Holloway, I saw him in the street; I asked him if he was ready for what he had proposed; he replied that he was, and that it should be done on the Saturday following; and he replied to me to meet him at the Black Horse in Dyot-street; I then asked him who was to be with us; he replied Owen Haggerty.

Q. Was it said where you was to go to?---A. Not at that time.

Q. Any thing more said at that time?---A. No more than our meeting afterwards.

Q. Where did you meet afterwards?---A. At the Black Horse, as appointed.

Q. On the Saturday following who did you meet afterwards?---A. Owen Haggerty and John Holloway. Owen Haggerty informed me that it was to *serve* a gentleman.

Q. What does that language mean?---A. That is, rob a gentleman on Hounslow Heath, who he knew had property about him.

Q. How was he to know that that gentleman had property about him?---A. I do not know; it was John Holloway that found it out. We then stopped there *till near the middle of the day, and from there we went to Hyde-park-corner.*

Q. Before

Q. Before you went from the Black Horse had you any liquor?---A. Yes, we had ale or beer; we had liquor, I cannot say what.

Q. You went away from thence towards Hyde park corner?---A. Yes; and then we proceeded upon the road towards Hounslow *till we came to a public-house on Turnham-green, where we stopped, and had some porter, and from thence we went to Hounslow to the further end of the town; we stopped at the last house, a public-house, with some trees before it.*

Q. *Do you remember the sign?*---A. *No, I cannot recollect; I have since found out it is the Bell.*

Q. At what time did you leave the Bell?---A. As near as I can recollect *it was past four o'clock;* then we proceeded upon the heath till we came near the eleven-mile stone towards Belfont.

Q. In your way there did any conversation pass upon the beginning of your going?---A. Nothing further than common discourse.

Q. Tell us what did pass?---A. Nothing more than we hoped to meet with a good booty.

Q. Was any thing said about how you were to do it?—A. Nothing; Holloway replied, that when we come near the eleven-mile stone, that that was their mark, *but he thought we were rather too soon.*

Q. Did you wait upon the heath any time?---A. Yes, we struck out of the road upon the heath, to a place that is near a clump of trees (I have since pointed out the same spot); we waited there a considerable time, I suppose it was better than an hour, as near as I can say, not having a watch.

Q. Did you stay till after dark?---A. It was dark when we got to the clump of trees, or nearly so, but by the time that we had waited there the moon had arose; we walked out from the clump of trees on the left from here, and walked about half an hour, and then returned to the clump of trees.

Q. Which side of the clump of trees?---A. The left from here.

Q. Did you go beyond the eleven-mile stone?---A. We turned down to the left just before we came to the eleven-mile stone; at the time we were going to nigh where he died, the moon was obscured.

Q. Did you observe any person coming across the heath? tell us what passed on the business that you went on.---A. We then came out of the clump of trees; Holloway *said he thought he heard a foot, upon which we come out, and* went along the *road, upon which we* could descry the figure of a man coming towards us.

Q. Which way was he coming?---A. Towards Hounslow.

Q. On which side of the road?---A. On the right-hand side of the road going from here.*

Court. On the right hand as you go from London?*---A. Yes: he was near the road, on the path way by the road side; then on drawing near him I ordered him to stop, which he immediately did; Holloway walked behind him, between him and Belfont.

Q. How did he appear to be dressed?---A. He was dressed in a light-coloured coat.

Q. Could you see whether it was a common coat or a great coat?---A. I did not observe whether it was a surtout-coat or a close-bodied coat. I ordered him to stop and deliver his money; he replied he would willingly do that, and hoped we would not hurt him; Owen Haggerty went between me and the deceased, the deceased put his hand into his pocket, and gave Haggerty something, but what I know not, upon which Holloway asked whether he had delivered his book; I asked him whether he had a book, and to deliver it; he replied he had not got any book; upon which Holloway insisted that he had a book; and if he would not deliver it he would knock him down; he replied, that he had none; upon which Holloway knocked him down with the stick that he had in his hand.

Q. Could you see where the blow took place?---A. No, I could not.

Q. He was knocked down with a stick?---A. He was knocked down.

Court. Holloway was behind him at that time?---A. Yes.

Q. You was before him?---A. Yes, and Haggerty too.

Mr. Gurney, Did the gentleman do or say any thing at that time?---A. I immediately took hold of his legs, and John Holloway stood over him, *protesting, that if he said any thing he would knock out his brains.*

Q. Did the gentleman say any thing?---A. Yes, he kept crying out, do not ill-use me; *Owen Haggerty proceeded to search as I described before;* Holloway stood over his *head, and the deceased made some struggle, and endeavoured to get up, upon which he struggled so hard that he got* nearly across *the road. He was very strong, it was as much as our main force could do to keep him down;* upon which, after he was down, he cried out severely, after Haggerty proceeded to search him; *and, at the identical time, the sound of a carriage came near, upon which he made another violent effort to arise, upon which he could*

* This exactly corresponds with the short-hand writer's notes, the original proofs of the trial, and the engraved plan that accompanies it. I can also state, from my own minutes and recollection, that these were the words used by Hanfield; but by some unaccountable mistake they are perverted in the published copy. Accidentally seeing Mr. Sibly, I asked whether his copy was not mutilated? he instantly, and without my pointing it out, supposed I alluded to this passage, and complained that it had been altered without his concurrence.

not

not succeed; upon which John Holloway said, I will silence the b——r.

Court. Holloway said that?---A. Yes.

Mr. Gurney. On this second effort to rise, before Holloway struck him, he had got off the road; which side was he then? of the common side, on the right-hand coming to London?---A. On the opposite side, *on the right-hand coming* to *London*? Upon his crying out very violently John Holloway said, he would silence the b——r; John Holloway gave him several divers blows upon his head and body.

Q. What size-stick was it?---A. I do not know the exact size of it, *it was a large black-thorn stick; on receiving which the deceased gave a very heavy groan, in the course of half a minute afterwards he gave a second groan, and seemed to stretch out lifeless; upon which stretching himself out, I was alarmed for my own safety; I was on my knees, holding of his legs; I arose* and said, John, you have killed the man; upon which he replied, that I told a lie, that he was only stunned; *I made him for answer, that I would stop no longer, I should go on to London, he might overtake me;* upon which I made the best of my way to London, and came on towards Hounslow, leaving Holloway and Haggerty with him.

Q. You had heard the sound of some carriage wheels, did that sound at all approach you?---A. Yes, it had gone on before, it went by nearly at the time that the deceased groaned.

Q. What carriage did it appear to you to be?---A. I could not make out what it was, it sounded heavy.

Q. Did it go like a coach or a waggon?---A. A coach, it appeared to me as if it was one of the heavy night-coaches.

Court. How far were you from it?---A. *I suppose we were near thirty yards from it.*

Mr. Gurney. You were then thirty yards out of the road?---A. *Yes, I cannot ascertain how far we were.*

Q. When you quitted them, which way did you come?---A. Towards Hounslow.

Q. How soon did you see either Holloway or Haggerty again?---A. I saw them at the end of Hounslow; I was waiting there near an hour, I saw them *near to the public-house that we had been drinking at.*

Q. Were you in the house?---A. No, I was waiting there, *just opposite the road going to Bath;* I was just opposite of that.

Q. Where was the spot that this took place with respect to the barracks?—A. *It was not on the same side of the road; it was beyond the barracks, on the opposite side of the road.*

 Q. How

Q. How near do you take it to be to the barracks?—A. *I cannot say; the barracks lay to the right of us, some distance behind us.*

Q. Have you since pointed out the spot to any person?—A. Yes, to John Vickery and Mr. Hughes, as near as my recollection would allow.

Q. You say that you had waited at Hounslow for near an hour?—A. *Yes; or more.*

Q. After you had waited there that time, did you see either of them, or how?—A. They both came up to me again at Hounslow, at the further end; then when they came they appeared to be out of breath, and John Holloway observed *that they had done the trick;* upon which I asked John Holloway *whether h was in earnest;* he told me he was, *and as a token of that he shewed me a hat which he had brought away,* putting a hat in my hand.

Q. Was that the hat that he had gone down with to Hounslow?—A. No, it was not, I could tell that by the feel, it was a better hat a great deal.

Q. What sort of a hat was that he went to Hounslow in?—A. *It resembled a soldier's hat to me, it was bound round with worsted binding, and the worsted binding was ragged.*

Q. Has that hat since been shewn you?—A. Yes, before the magistrates at Worship-street, but I do not know whether that is the hat or no.

Q. His hat was a hat like it?—A. Yes.

Q. You described the hat before you saw it?—A. Yes.

Q. To whom?—A. To John Vickery.

Q. When Holloway put his hat in your hand, what passed?—A. I returned it to him.

Q. What did you observe upon this?—A. *I observed and said it was a cruel piece of business, and I was very sorry that I had any hand in it.*

Q. Did you make any inquiry after his own hat?—A. I did; he said he had left it behind, he had served it; meaning that he had disfigured it or buried it.

Q. Serving, means altering some way or other?—A. Some way or other, sir.

Q. Did you ask any other question at that time?—A. *Haggerty interrupted us, and said that it was time to proceed towards home.*

Q. In searching the pockets of the gentleman had you taken any money?—A. No, I did not, I did not attempt to search him.

Q. Who did?—A. *Haggerty searched him while I held his legs.*

Q. He rifled his pockets while you were holding his legs?—A. He attempted

attempted to do it; *I do not know whether he had any thing or not;* afterwards me and Haggerty attempted to come towards London; and on the road Holloway pointed to the right, and said that would be the best way for us to come; he went on the left hand.

Court. That is not material to pursue, what road they came.

Mr. Gurney. Where did you come to in town?—A. There is one thing to observe, crossing that field I *asked him whether they had got the book; Holloway replied, as I had not shared in the danger, I should not share in the spoil.*

Q. You turned out of the high road into a lane?---A. Yes, not into Hounslow road, into another; there was one thing Holloway pointed to he said was a mill or a manufactory, I don't know which.

Q. When you arrived in town you came to the Black Horse in Dyot-street, what time was it then?---A. *It was past twelve o'clock when we arrived there; the house was shut up,* but they were not gone to bed; *we had half a pint of gin there, drank that, and parted for that night.*

Q. Did you see each other the next day?---A. Yes, we did.

Q. You have said that when you were going down to Hounslow, Holloway had on an old hat; did Haggerty go down in boots or shoes? —A. He went in shoes, and he made this observation when he went out, that he did not think the shoes would last him there.

Q. Did you observe whether the shoes fitted him well?---A. I did not.

Q. Did he come back in shoes?---A. *I do not know, I cannot say whether he did or not,*

Q. You saw him again the next day?---A. Yes.

Q. Did any thing pass upon the subject?---A. Yes.

Q. Where did you meet the next day?---A. We met at the bottom of Dyot-street; I was at the Turk's Head on the next day; I saw them at the bottom of the street.

Q. What passed then?---A. I observed John Holloway when I came to him had a hat better than he usually wore, and that it was too small for him; upon which I asked him whether that was the hat that he had got the night before; he replied it was, and we appointed to meet the following day, which was on the Monday.

Q. Did you meet on the Monday?—A. We did, in the afternoon; I was at the Black Horse, Owen Haggerty came to me and informed me that John Holloway was at the bottom of the street; I went to him, and observed that he had the same hat on he had the day before; *I told him he acted very improper in wearing that hat; it might lead to a discovery,* and I said I hoped he would get it done away.

Q. Did you see the inside of the hat?---A. Yes, *upon which he took*

the

the hat off and gave it to me, and upon which hat in the inside was the name of Steele, upon which I pointed out the danger he was in by wearing it; he replied, that he would get the lining taken out; I told him there might be some marks about the binding or the buckle that might lead to a discovery, and I desired him that he would get it done away with; he replied, that he should meet me again in two or three hours; accordingly, he came again in the evening with another hat on, *and something tied up in a handkerchief;* he asked me if I had any objection of going to Westminster with him and Haggerty; we went into Parliament-street together. *I said, I thought it was advisable to throw the hat over the bridge.*

Court. What hat?—A. Mr. Steel's hat, the hat that he had worn in the day: he had got that hat in an handkerchief.

Q. You did not tell us that?—A. I did not understand that at first, I did afterwards.

Mr. Gurney. You advised him to throw it over the bridge?—A. Yes, upon which he went on the bridge, and wanted to throw it over; I made an objection, I said it might swim; *I went opposite to Astley's* and filled the hat with stones, tied the lining over it, and we went on to the bridge, *to the Westminster side*, where I throwed the hat over the bridge into the water; upon which we came into Bridge-street, we met some woman that they knew, and one man; they asked them to drink, upon which we went into a public-house.

Q. *Had you after that any particular conversation with them upon this business?*—A. *Never.*

Q. You were yourself tried here last September?—A. Yes.

Q. You were convicted and sentenced to be transported, and ordered to be sent to Langston harbour?—A. Yes.

Q. Now I would ask you, in what manner were these two men dressed?—A. John Holloway had a short smock-frock, a flannel waistcoat under that, and an old hat, apparently to me like an old soldier's hat.

Q. Was that a sort of dress he put on that day, or his usual dress? A. His usual dress.

Q. What was he by trade?—A. He is of no trade to my knowledge; he had worked at Mr. Williams's at Mary-le-bone, going with his team as a labourer. Haggerty's dress was a velveteen jacket, swansdown waistcoat, and velveteen breeches.

Q. What was he by trade?—A. He used to follow the bricklayers labourers' work, or plaisterers, or something of that kind.

Q. Was that the only day that he was dressed so, or his usual dress?

A. His

A. His usual dress; sometimes he had the addition of a pair of blue trowsers on.

Q. You were sentenced to transportation; you were in Langston harbour; did the officer come down to you in November?---A. He came down to me in October or November, he brought me up in the Gosport coach.

Q. You came across Hounslow Heath?—A. Yes.

Q. As you were crossing the Heath, did you point out any thing to Vickery?---A. I pointed out to the officer the spot where we first met him, I was going to speak but he silenced me.

Q. Had you told him before you came there, that you would give him a signal?---A. No, I had not.

Q. But you made some signal to him?---A. Yes.

Q. But you did not go on. Why did he prevent you from speaking?—A. Because there was some people by us on the coach.

Q. Have you since been at the spot with Vickery and Mr. Hughes? A. Yes, and the Beadle of Hounslow was there too.

Cross-examined by Mr. Andrews. Hanfield, it is a long time ago all this that you have been stating?---A. Yes.

Q. How long ago was this?---A. In the year 1802.

Q. Did you make any memorandum of any thing that passed in the year 1802, so as to refresh your memory?---A. *No, no other remarks than my own conscience.*

Q. Then all that you have repeated to-day, is from the mere result of your memory, without the assistance of any memorandum?---A. Yes.

Q. When did you first make this discovery, or when did you first repeat this story?---A. At Worship-street.

Q. How many months ago?---A. In September or October last.

Q. Then the first time you repeated this story was in 1806?---A. Yes.

Q. How came you first to tell this story?---A. It was by mere accident.

Q. What was that accident?---A. I was in this jail, we were talking of different robberies that had been committed.

Q. You were talking of different robberies?--A. I do not say myself, we were talking of different robberies, and this unfortunate affair came up, *when I said that there were only three men in England that knew it, upon which there was a rumour in the jail, that I wanted to Nose,* (i.e. to betray his associates), upon which I was obliged to vindicate myself in silence; it struck me forcibly that I was in danger from this accident, and I was sorry for having said it, on my own account.

Q. You

Q. You said it by accident, and were sorry for saying it; and so you were sorry for disclosing the truth?---A. I was not sorry for saying the truth, I was only sorry for saying it in that place; I was afraid and thought myself in danger.

Q. Should you ever have disclosed it if it had not been for that accident?---A. I do not know that I might.

Q. Why did not you disclose it further?---A. I was in too much fear.

Q. Then it was entirely in consequence of this accident, or you never would have disclosed it?---A. It was entirely in consequence of this accidental communication. Sir John Carter came to me at Portsmouth, and asked me if I knew any thing of this affair; I replied I did, and I hoped to relate it all: I was very willing to come up to London to do justice to the country and myself, for *it lay heavy on my conscience; I wanted to bring it to light.*

Q. That is not an answer to my question; my question is, that if it had not been for that accident in Newgate, you would not have told any body about it?---A. I don't know that I might.

Q. At the time that this murder was committed, you thought it was a cruel thing?---A. I did.

Q. You took no part in this murder?—A. No, I did not, no further than being present.

Q. All that you did was to hold Mr. Steele's legs?---A. Yes.

Q. But none of the blows were given while you held his legs?---A. I did not say so.

Q. If you thought it was a cruel and savage thing, why did not you resist it?---A. I knew it was of no utility to resist; I did not go out with any intent to murder.

Q. Can you read?---A. Yes.

Q. Look at that book. *(a testament handed to the witness)* read the first verse of that book.---A. *(Witness read)* the book of the generation of Jesus Christ, the son of David, the son of Abraham.

Q. Then the moment you saw this hat in your companion's custody, you advised him to conceal it?---A. Yes.

Q. Though you thought this was a very cruel thing, and at the time you did not chuse to have a share in the murder, you did not go to complain of this murder that had been committed by your comrades?---A. I did not.

Q. Not till the time this accident happened in Newgate; you never disclosed any thing about it?—A. No.

Q. What

Q. What induced you to make this disclosure, when the gentleman, Sir John Carter, came to you?—A. *Compunction of conscience.*

Q. How soon did this compunction come on you?—A. *It came on me ever since it was done, from the first instance of commission.*

Q. How happened it then that in the course of four years you did not go before any magistrate to state it?—A. *I was too much, to my shame, in the habit of vice, to think any thing about it*, unless when I was sober in bed, or *by myself alone;* then *I felt it bitterly*; I was obliged to fly to company, or to drink to dispel my wretched thoughts.

Q. Have you never heard there is a reward offered for the conviction of a murderer?—A. No, I have not, Sir.

Q. Did you ever hear of any reward being offered for the apprehension of those who murdered Mr. Steele?—A. Yes.

Q. Notwithstanding that, you did not make any disclosure?—A. No.

Q. Do you know a person of the name of Wilson?—A. Yes, I believe I do.

Q. And a person of the name of Welden?—A. I do.

Q. Do you not know Isaac Wise?—A. I do.

Q. Do you know Dalton?—A. I do.

Q. Have you had any conversation with these men concerning this murder?—A. After I was transported, I had a conversation with them.

Q. Since last September had you a conversation with Welden, Wise, and Dalton? Can you recollect what it was about?—A, No.

Q. You cannot recollect what it was about? Was it not about this murder?—A. I cannot say.

Q. Will you swear that you had not a conversation with these men more than once on the subject?—A. I will not.

Q. Will you swear that you cannot recollect whether you had or not?—A. I will not swear that.

Q. But you will swear about this transaction in November 1802, and yet you cannot recollect this transaction?—A. No, I cannot.

Q. Did you ever have any conversation with any body that you had got a something, that would put five hundred pounds in your pocket?—A. I said so to a man in the gaol, a Mr. Shuter, that a grandfather had died and left me some money, and I thought I should not be able to get it.

Q. Did you never say, that by discovering something you could put five hundred pounds into your pocket?—A. No.

Q. You never said, that by discovering something you could put five hundred pounds in your pocket, besides getting your liberty?—A. No.

Q. Then if any body comes forward and swears that, they will swear falsely?—A. They will.

Q. It was only compunction of conscience that induced you to make this disclosure?—A. *I will swear that.*

Q. How often have you been within the walls of this prison?—A. I have been here often; I have been confined in the jail, and I have been tried and convicted here.

Q. And you were under transportation at the time this discovery was made? What promise was made to you, to induce you to make this discovery?—A. No promise at all.

Q. You had no other motive at all but to unburthen your conscience?—A. I had no other motive.

Q. When you met Holloway, you urged him to go on with the robbery, he did not come to you?—A. He was come for that express purpose; I met him in the street.

Q. You were not at all intending to commit murder?—A. No.

Q. Though the murder was committed, and you knew that the murder had been committed, you did not think it right to go to a justice to get these men committed?—A. No, I did not.

Q. After Mr. Steele was knocked down, he went to the other side of the road, *partly by your dragging him, and partly by his own exertion;* no blows had been given him but by Holloway behind?—A. No.

Q. And the moment you saw this murder done, you went towards Hounslow?—A. Yes.

Q. It was you that proposed the concealing this hat?—A. Yes.

Q. How often have you been witnesses for prosecutions?—A. I never was but once before.

Q. How long is that ago?—A. I cannot say; it may be a year and a half.

Q. How often have you informed against persons for burglary to entitle yourself to reward?—A. Never.

Q. Will you swear that?—A. That I will swear.

Q. At the time that you speak of being a witness here, did you come in the character of an accomplice, as you came here to-day?—A. I came forward as fellow-servant of a man who had committed the crime.

Q. All this you have told is not from any memorandum?—A. I have no memorandums.

Q. What way of life were you in before you were sent on the hulks?—A. *I was a hackney coachman.*

Q. How

Q. How did you get your living?---A. Sometimes by thieving and sometimes by industry.

Q. Who did you drive for?---A. *I had many masters.*

Q. Do you mean that every day you had a new master?---A. I do not mean that.

Q. How many regiments have you been enlisted in?---A. Several.

Q. So many you cannot tell?---A. I do not know that.

Q. How old are you?---A. Twenty-six.

Q. How many regiments have you been in?---A. *I cannot imagine how many, I have been in a good many.*

Q. Will you take the trouble to enumerate how many regiments you have been in?---A. *I have been in the East and West London militia.*

Q. That is two?---A. *The twenty-sixth light dragoons, and in the twenty-ninth dragoons, and in the Army of Reserve.*

Mr. Alley. I certainly must object to this mode of cross-examination, as tending to make the witness criminate himself.

Court. If he chooses to answer the questions, I shall have no objection.

Mr. Alley. We cannot go into any fact that has a collateral issue.

Court. A witness may object to answer any question that subjects him to punishment; still if he chuses to answer he may; if he chuses to object, I will not compel him to answer any questions, the answer, to which may criminate or expose himself. He certainly is not bound to answer any thing, by saying that he has committed an offence, for which he is subject to any civil or military punishment; but standing in this situation, if he chooses to answer such questions, there can be no objection from any body else. I have nothing to do with the accounts of facts which have no bearing on the issue, except as they have a bearing on the character of a witness, and that is very material to the issue, because the questions often turn on the character of a witness; but if the witness objects, it is impossible for the counsel to cross-examine him in a manner that shall subject him to punishment. I will go farther, perhaps he may not be allowed to make the witness expose himself; but the witness may answer any questions if he chooses it: whatever the effect of that may be, it is my business to take notice of the objections, and to protect him from answering questions tending to criminate himself.

Mr. Andrews. Q. Then you have been in five different regiments?---A. *These are questions that I shall not answer.*

Mr. Andrews, I dare say not; after the observation from his lordship, I did not expect it; you are not bound to answer, certainly.

Before I examine particularly the evidence of Hanfield, I shall take the liberty of suggesting a few Observations, which induce me to believe that even this witness was not concerned in the murder. The Public, from what I can collect, generally think otherwise; for those who doubt as to the sufferers being guilty, are satisfied that Hanfield must himself have been present.—I am therefore aware, that, by sending forth a contrary opinion, I shall unnecessarily hazard the little reputation I have attained for discernment, as the innocence of these men might be maintained, even though it were beyond a possibility of doubt that Hanfield was a party:* but as my object in this investigation is merely to arrive at truth, I shall frankly offer my opinion, without considering whether it coincide or not with that of others.

No one could be better acquainted with all the circumstances of the case than Mr. Gurney, who opened it. That gentleman well knew the necessity of proving, as the ground-work of the prosecution, that Hanfield was present when the murder was committed. On this part of the case therefore he made the following observations. (Vide page 14 and 15 of Trial:)—"Gentlemen, you will have no doubt, it is perfectly clear that he was one of the persons by whom this crime was committed; he will describe the exact spot where the murder was committed; that when Mr. Steele received the blows he first shrieked, and then groaned once or twice; I will call to you the persons who were passing the road at the time; the stage-coachman, and the passen-

* The murder might have been committed by Hanfield alone, or in company with other persons besides the prisoners, and I will here mention an answer given me by Haggerty on my observing the improbability of Hanfield's charging two innocent men, when he might as readily have accused the guilty. Haggerty said, "I know not how to account for it, unless, if he was really concerned with others in the murder, that they are dead, and he knew that by accusing them he would not get off."

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gers on that coach; they will tell you that in passing by that very spot they heard such a shriek as the accomplice describes, and they heard two groans. They remarked at that time there was some one being robbed, or some violence being used; they were too apprehensive of danger to stop on Hounslow-heath, for the purpose of ascertaining what that mischief was. The accomplice states, that the gentleman who was murdered, the hat, AND THE HALF BOOTS* of that gentleman, were brought away by the persons who committed the murder; he states that he was stopped and robbed on the south side of the road, and the removal of the body afterwards was a matter which he knew nothing of, he having left them. I shall prove, first of all, the assault to have been on the south side of the road, and that a hat was found near that spot, so that it shews that some person must be engaged in that transaction at the spot described by the accomplice. Gentlemen, he described the hat most accurately; for, on his being brought up on one of the days of examination, and inquiring whether there was any further evidence to be brought that day, the officer told him yes, a hat was found upon the spot; he said, that was the hat left by one of his companions; it had the appearance of an old soldier's hat, with worsted binding, and that binding was ragged; the hat answered exactly the description, as far as within his knowledge, *and it appeared to be the hat that one of the prisoners had worn.*†"

If the spot had been known only to the murderers, who kept it a profound secret—if the coachman and passengers had never communicated their hearing the groans—if it had been only known to one or two persons that the hat was taken away, and an old one, with ragged worsted binding, found on the south side of the road: I say, had these circumstances been known only to the persons finding the body, and hearing the

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* This was not proved by Hanfield.

† There was no evidence of this upon the trial.

groans

groans, until after Hanfield had given his first account, certainly the proof that he was present would have been irresistible. But were they not known to all those who could read? and as Hanfield was a post-boy, who must have been acquainted with the place described, upon whom were they more likely to make an impression?

The general interest excited by this atrocious murder was such that for some weeks the road was thronged with persons who from mere curiosity were induced to visit the spot. Hanfield's pointing it out therefore, even had he done it correctly,* is no proof that he was present, as every one then residing at Hounslow, and thousands besides, could have done the same. The particulars stated by Hanfield about Mr. Steele's hat being taken, and an old one left, and that groans were heard by a coachman who was passing, were subjects of great notoriety, and would have furnished any one not concerned in the murder, (and yet wicked enough to implicate innocent men,) with sufficient materials for framing the story given by Hanfield, or indeed one far more consistent.'

Having now suggested the means by which Hanfield might have obtained a knowledge of the facts he related, without being present at the murder, I shall proceed to state the circumstances which convince me he was not a party. "He says," the blows were inflicted with a black-thorn stick; *that the deceased was at the time on the right hand of the road, coming to London;* and that on receiving them he groaned twice, and stretched himself out lifeless. There is abundant presumptive proof that the deceased did not thus meet his death. If the murderers had completed their purpose with blows, what necessity for strangulation? Why resort to the leather strap, and take so much pains in the manner of placing it? And as to the

* I am given to understand by Mr. Hughes, that Hanfield did not point out the place where it was supposed the murder was committed. I shall hereafter observe more particularly upon that subject when I come to examine his evidence.

groans,

groans, upon referring to the evidence of the coachman, it will be observed that he describes them to have proceeded from the contrary side of the road, namely, the right-hand side as he was going *from* London. Had Hanfield been present, he would unquestionably have mentioned these circumstances correctly, and described what was done with the body: for, I cannot believe, if several men go out to rob, and murder ensues, but all would take an equal share in doing that which was for their mutual security. No one, therefore, concerned in this murder, but would have known where the body was secreted, and if he was assisting, could state all the particulars respecting it.

In the next place, a large bludgeon was found near the body, which appeared to have been recently cut from a birch-tree, on the opposite side of the road, and from the chips and notches, which corresponded with those on the tree, had been evidently divided with a small knife. The bludgeon had marks of blood upon it; and therefore no doubt can be entertained, but that it was the weapon used. It was produced in Court, and excited an universal expression of horror. This weapon was not spoken to by Hanfield, but had he been concerned, could he have been ignorant of it?*

Lastly, a pair of half-boots, a pair of stockings, and a tuck-stick, were stolen by the murderers from Mr. Steele, and his great coat taken off and secreted; about these, also, Hanfield is perfectly silent. He comes to tell a fabricated tale, and being unacquainted with the minute particulars, he very ingeniously frames a short account, in order to avoid detection. He remembers that Mr. Steele's hat was taken, and an old

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* The particulars relating to the bludgeon, I first learnt from perusing the newspapers of Nov. 1802, and, as I thought it very material to be satisfied whether they were correctly stated, I went to Clayton the Beadle at Hounslow, who informed me the bludgeon had marks of blood when delivered into his possession, and referred me to Mr. Hughes, of Hammersmith, who found it. The latter told me, that, as well as his recollection served him, it was bloody; that he had no doubt in the world that the murderers used it; that it had been recently cut from a clump of trees on the South side of the road; and that from the size it must have occupied a long time in separating from the tree.

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one left; and has been told, that groans were heard by a coachman who was passing. With these facts, and some little knowledge of the spot, which he has learned from others, he contrives to make up his story; and, that he may not be called upon to state particulars, he very conveniently quits the body immediately on the murder being committed.

To some it may appear incredible that human depravity could possibly arrive at such a climax, that a man should not only attempt to bring two innocent persons to the scaffold, but should falsely accuse himself with the most horrid of all crimes. It has however been often observed, that there are gradations of vice by which men proceed from one offence to another, until there is no crime of which they are incapable: and this appears to be the case with Hanfield.

I have heard it observed, that if Hanfield falsely charged these men merely to get his pardon and release from on board the hulks, and that his object being accomplished when that pardon was procured, he might then have refused to give evidence against them; let it be recollected, that the pardon was not a general one, only regarded the offence for which he was sentenced to transportation; and he was no doubt aware, that if he repeated his story, and admitted that he had been trifling with the magistrates, that he could have been tried upon his own confession for this murder. He was therefore from necessity compelled to persevere.

I shall here shortly notice, that several gentlemen have communicated to me circumstances to fix the guilt of the murder upon persons who have not yet been apprehended; but I am sure these gentlemen will see the propriety of my abstaining from the mention of names, or the particulars disclosed. The reports against those persons are very prevalent at Hounslow; but with what foundation I am not called upon to say. It is not for me to shew the probability of who might commit the crime; indeed, it would be unjust and premature, as it may yet become the subject of legal investigation. I have undertaken to investigate the innocence of the men that suffered; and if I succeed

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in removing the prejudices and odium from them, I shall feel myself sufficiently compensated.

I shall now proceed more minutely to observe on Hanfield's evidence, which I shall so arrange that the reader's attention may be particularly drawn to the parts under discussion.

And FIRST, from leaving London to drinking at the Bell at Hounslow.

It appears rather improbable that three *known* thieves, who were setting off for Hounslow with the express purpose of committing a preconcerted robbery, should have chosen to go in company through the most public part of the metropolis at noon-day, leaving London at Hyde-Park corner, by the direct and most public of the roads; because they must be aware that immediately on the robbery being discovered, inquiry would be made what suspicious persons had been on that road; and any officer who had either seen them or heard of their being near, would have apprehended them. And what strengthens the improbability is, that this danger might be easily avoided, by each going separate routes, and meeting at any given spot on the road, as for instance at Kensington: for one could have quitted at Hyde-Park corner, another from Oxford-street, and the third at Grosvenor-gate; or, if they chose to go in company, they would surely have preferred the shorter and more obvious road across Hyde-Park from Oxford-street, to avoid entering the main road till they reached Kensington.

The next improbability is, that they should stop at the Bell, of all other houses, in Hounslow. According to Hanfield's evidence, they were perfect strangers, and their appearance such as was likely to excite suspicion; this, together with their leaving the house at dusk, must have struck the landlord and all persons in the house, who would instantly conclude they were upon no good purpose. The Bell is the first public-house coming from the heath towards London; and therefore, that to which a person robbed would immediately resort; and the landlord and others who had seen the prisoners would have been convinced they were the robbers; pursuit would have been made;

and, if that failed, a very minute description of their persons and dress could have been given, and must have led to detection.*

The manner in which he describes the Bell would alone lead me to suspect his story: for if I find a man (interested in the tale he is giving) state that which is improbable, (though as to trifling and immaterial points) I have good reason to believe that the whole of his account is fabricated. Indeed, it strikes me that his pretended ignorance of the sign is impossible. He thus describes it: "we went to the last house in Hounslow town, *a public-house with some trees before it.*" And, in answer to the question whether he did not recollect the sign? he first says, "no, I cannot recollect."—But, probably thinking this was saying too much, as the house must have been so frequently mentioned during the examinations, *he added*, "*I have since* FOUND OUT it was the Bell."

Hounslow is by far the greatest posting-town near the metropolis; and of course that to which post-boys living in London most frequently go. The Bell public-house is remarkably conspicuous; for there is a large figure of a Bell suspended from a sign-post at the road side, so as to attract the attention of every passenger, and to be seen nearly a mile on each side of the house: but that which makes it still more generally known is, that it stands precisely at the spot where the Bath and Portsmouth roads separate. Every post-boy, nay, every person whatever accustomed to travel that road, if asked where those roads parted, would immediately answer, "at the Bell." I cannot therefore believe but Hanfield must have known this house well: and if so, is not his affectation of ignorance a highly-suspicious circumstance?

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* I have seen the landlord of the Bell, and his wife, who say they have no remembrance whatever of any stranger or strangers being in their house the night Mr. Steele was murdered; that, immediately on hearing of the event, they exerted their recollection very particularly; and that they could not have forgotten three such persons as Hanfield and the prisoners, had they been drinking there.

SECONDLY.

SECONDLY. His account of his own conduct, and that of his accomplices, from leaving the Bell to the commission of the murder.

On considering his testimony as to waiting for Mr. Steele, and comparing it with the real facts, upon record, as to the habits of the deceased, I cannot for a moment think his account probable.

Mr. Steele was not accustomed to come to or go from Feltham upon any given day, much less at any particular hour. The witness Mandy says, *he came on any day:* and on subsequent enquiry I find that he went to Feltham as his avocations permitted, or inclination prompted; therefore, for any thing they knew, Mr. Steele might have been engaged at home in town at the very time when Hanfield would have it believed they were waiting for him at Hounslow; and besides, Mr. Steele's intentions, as to his return, appear to have been unknown, even to his family. For Mr. Meyer says, "he did not state any particular time as to his return;" therefore to the prisoners and Hanfield it must have been a perfect secret, as they could not have obtained any information from his servants or others; and I would ask, is it credible that three men should wait upon Hounslow Heath three or four hours* on a winter's night, without some good reason to suppose that the object of their plunder would approach? For it is clear *they* could have no sufficient reason to believe Mr. Steele would cross the heath on that night.

I would further observe, that Hanfield does not mention a single occurrence during the long time they were there: he does not state that any person on foot or on horseback, or even a carriage, passed until after the murder; whereas it is evident

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* Hanfield says, "It was about four o'clock when they left the Bell," and Smith the coachman, who heard the groans, says, "it was about eight when he arrived at Hounslow," and as he would have to change horses there, it would probably be a quarter past eight before he would pass the spot. By Hanfield's account, therefore, they must have been waiting full four hours.

many persons must have passed during the interval, and that several did pass the road within an hour of the murder, not only labouring men who usually go to Hounslow from Feltham and the flax-mills on Saturday evening, for their domestic articles of consumption, and to regale themselves at the public-houses in that town, but also persons of genteel appearance, who by those not well acquainted with Mr. Steele might in the dark have been mistaken for him; and one gentleman, in particular, about the size and figure of Mr. Steele, Mr. Barrow, surgeon, of Hounslow, came from Feltham on foot, and passed the spot, about 7 o'clock, where Mr. Steele was murdered.

THIRDLY. The whole of Hanfield's account of the murder itself appears to me improbable.

By the evidence of Mandy, Mr. Steele had only six or seven and twenty shillings about him, and if he gave up his money immediately on being asked for it, he could have no possible motive for resistance; and if he saw them disposed to ill-use him, would he not have turned out his pockets to convince them he had no book? And can it be believed, that when in the power of three ruffians, and lying on his back, he would for the first time begin to resist, and this too when Holloway was standing over him, *protesting that if he said any thing he would knock out his brains.*

Next, as to the struggling—Mr. Steele was a small man; Holloway and Hanfield strong and powerful. Mr. Steele is represented as having received a blow which brought him to the ground, and he was lying on his back, Hanfield holding his legs. A man on his back, with his legs held, cannot have strength to resist even one adversary; and yet Hanfield says, that, notwithstanding Mr. Steele was in this situation, it was as much as their united force could do to keep him down. Now, I request the reader to consider the situation of the parties as described by Hanfield, and then determine whether it is probable Mr. Steele could, by any exertions, have got *nearly across the road?*

On being asked some questions upon this point, Hanfield answered,

answered, it was partly by their dragging and partly by Mr. Steele's exertions that he got on the contrary side of the road. The witness, probably perceiving that the drift of this inquiry was to shew the improbability I have pointed out, thought it would be explained by this answer, and would have it understood, that as the deceased struggled they dragged; but this renders the improbability yet stronger: the transaction, from the first attack to the commission of the murder, occupied, according to Hanfield's account, only a very short space. Mr. Steele is stopped, gives his money; but no pocket-book; begs not to be ill-used, is knocked down, and while Haggerty is searching him, which he begins to do immediately, a carriage is heard, the deceased makes an effort to rise, but is overpowered, and to prevent an alarm, he is murdered. The stopping, knocking down, and commencement of the search, were on the causeway on the right-hand side of the road, going from town; and the murder, as he says, was committed on the left. Let me ask, what should induce the robbers to drag Mr. Steele *across the road?* Would it not have been much safer to keep from it, and especially as a carriage was at hand? I am sure every man of common sense will agree, that if the robbers had dragged at all, it would have been to keep *from* the road, and therefore Hanfield's answer confirms my doubts, as to his having been present.

It should be stated, that in addition to the danger of crossing the road, the robbers would have more difficulty to get on the common from the south side, than from the causeway, as it is easy to step from the causeway to the common, but on the opposite side there are large hillocks, formed of road sand, and which could not be got over very expeditiously by persons carrying a dead body or a struggling live one.

If Hanfield's account be true, that Mr. Steele was dragged across the road from the causeway to the opposite side, and there murdered, the robbers must have taken him a second time across the road, as the body was found in the clump of trees on

on the side next the barracks. For what purpose the murderers should risk detection by crossing and recrossing the public road I am at a loss to conjecture; especially as it was on a Saturday evening, when labouring men are more about than on any other night in the week.*

It is very remarkable that Hanfield should state they were thirty yards from the road when the coach passed, and yet that he should not give some account how they came to be at that distance. This part of his evidence is left completely unintelligible. His expressions are, "He struggled so hard that he got *nearly across* the road;" and it should seem that nothing further was done until the sound of the carriage *was* heard, when Holloway gave him the violent blows which caused his death. He groans, and stretches out lifeless just at the moment the coach passes; but how Mr. Steele got thirty yards upon the common, he does not say.

Hanfield next asserts, he arose from his stooping position and left his companions searching the deceased, and that he did this because he was alarmed for his own safety. Why did not the alarm come upon him when the sound of the coach was first heard, or when it had nearly approached? for when the coach had passed, so had the danger of immediate detection: but if he *was* really alarmed, why did not his fears continue to operate, and make him return to London as expeditiously as possible? Indeed it appears to me highly improbable that a man should take an active part in a murder, and immediately leave his companions employed in searching the pockets for *booty*, the

* The idea entertained by many people at Hounslow of the manner of the murder appears very probable. They represent that Mr. Steele was accustomed to walk on the opposite side of the road to the Barracks, and conjecture he was there attacked. Being a resolute man, and having a tuck-stick, they presume he defended himself; that in the scuffle some blood was lost, and his opponent's hat fell off. That he afterwards endeavoured to effect his escape, crossed the road to make towards the Barracks, and was then overtaken and murdered. This account is in a great degree confirmed by the coachman having heard the groans on the side next the Barracks.

only

only object of their long journey, watching, and perils. Besides, this search could not have employed three persons above two minutes at most. Surely then, Hanfield, had he been there, would have remained until it was completed.

FOURTHLY. From the murder till their return to Town.

In the first place, I cannot bring my mind to believe that a man impressed with fears for his own safety would have stopped at Hounslow for a moment, much less as Hanfield represents, for an hour or more, and that too, close to the Bell public-house, where all three had been drinking together a few hours before, and which, as it was Saturday night, was more resorted to than on any other evening. A man who has committed a bad action, always suspects he is in danger; and would it not have occurred to him that his loitering about for an hour must be observed, and excite unfavourable impressions against him, which might lead to his being watched, and to his consequent apprehension? Admitting, however, that he had no such fears, I cannot conceive what could induce him to wait so long. He had left nothing to be done but the pockets to be searched, which had been partly effected, as he says, before the murder; as his accomplices, therefore, did not overtake him shortly, he would reasonably suppose they had taken a different road, or were detected: had either of these ideas suggested themselves, he would not have remained so near the scene of danger, but would have made the best of his way to London. Being called upon to describe the spot, as relative to the barracks, he says, *it was on the same side of the road, it was beyond the barracks*, on the opposite side of the road, he could not say how near it was to the barracks: *the barracks lay to the right of us, some distance* BEHIND *us*, and that he had pointed out the spot to Vickery and Mr. Hughes, as near as his recollection would allow.

This account of the spot is to me perfectly unintelligible and contradictory, and not in the least consistent with the plan I have seen, or with the spot pointed out to me upon the Heath. The clump of trees where the body was found, is, as I should conceive,

conceive, rather less than ten miles and a half from London, some distance before you come in a line with the barracks, and if the murder was committed opposite this clump, the barracks would be on the right *before* them; a situation which a thief who had been waiting four hours to commit a robbery could not possibly have forgotten.

The witness goes on to say, "when they came up, they were out of breath, and Holloway *observed that they had done the trick*, upon which I asked John Holloway *whether he was in earnest;* he told me he was, *and as a token, shewed me a hat* which he had brought away."—Let me ask what trick was left to be done when he quitted them? why should he enquire whether Holloway was in earnest? and why was any token to be given?—Was not the murder perpetrated, if his account be credited, before he left the spot? and if so, is this conversation consistent? I say it is not; his inquiries would have been, what money they had found, and what had detained them; and they would have accounted for the delay, by being employed in secreting the body, if such had been the case. But not a single word does he state to have passed upon that subject.—He then describes the hat as a fine one, and that which had been worn by Holloway going down, as resembling a soldier's hat with ragged worsted binding, and, after some other questions and answers, adds, that Haggerty *interrupted them, and said it was time to proceed towards home:* from which it would appear they *stood* talking this nefarious business over near the Belt, and were quite unconcerned as to getting to town, or being overheard—but on their way to town, he says, "I asked whether they had got the book; Holloway replied, as I had not shared in the danger, I should not share in the spoil." It appears to me, that this could not have been the conduct of men, circumstanced as they were: Hanfield's quitting them, as he describes, would have alarmed them; they would have said, we must be expeditious and overtake him: and (supposing them to have found considerable plunder, and not to wish him to participate) they would have agreed to have said, "he knows not

what we have got, we can tell him it was only a few shillings, and will give him a trifle as his share: but it appears there could be no inducement to deceive him. Mandy says Mr. Steele had but 26 or 27 shillings about him: would these men, then, for the paltry consideration of eight or nine shillings, which would have been Hanfield's proportion, have risked the irritating him, and particularly as he had left them, and said it was a cruel business, unless they were contriving how to compel him to betray them? If so, their conduct was consistent; otherwise, it was in the highest degree improbable.* The reason, too, which he states to have been given, is absurd and false; and he would have immediately answered, "that he *had* shared the danger," for, according to his own account, he had taken a very active part. He is the first to stop the deceased, to demand his money, and when knocked down to hold his legs till the murder is committed; had he not then shared the danger, and become entitled to his proportion of the plunder? and would not he have urged these particulars to obtain his share?

I next proceed to examine Hanfield's account of his own conduct, and that of the prisoners, in town, subsequent to the murder.

I cannot think it very probable that these men, if they had committed the murder, would have gone *together at* 12 *o'clock at night* to a public-house where they were well known, and indeed after the house was shut up, merely for the purpose of drinking a dram; because they must be aware that the murder would soon be discovered, and, as they were thieves, the suspicion might fall upon them from their being out together on the night it was committed till so late an hour, and especially as Holloway wore a hat so very different from that which he

* He denies having received his share, because he knew he would be called upon to state the amount, which, had he hazarded, he was aware he might probably have been contradicted by evidence as to what Mr. Steele had about him.

had worn in the morning, and Haggerty half-boots instead of shoes; if they had wanted drink, they would rather have gone where they were unknown.

In the next place, is it likely that Holloway, a poor wretch, who, in his best circumstances, was a common labourer, would have worn nearly a new hat, and that of a fine quality,* having, till then, used one of the coarsest sort, and very old and ragged? He must have been aware that this would alone attract attention, and the more especially when he knew it must soon be discovered that Mr. Steele's hat had been taken.

On the Monday, the witness says he advised Holloway of his danger in wearing the hat; that the latter took it off, and gave it to him, and that he perceived the name of Steele written in the lining: I cannot credit this account. Is it not extremely improbable, that three thieves should converse in the street, in the middle of the day, respecting a murder they had recently committed; and still more so, that one of them should take from his head the hat stolen from the murdered gentleman, to be examined by one of the others? For aught they knew, the body had been discovered, the hat missed, and police-officers and others upon the alert to discover the murderers, and they would therefore scarcely have dared to talk and act in this manner in the most secret retreat.—But I can perceive why this was introduced; on the murder being discovered, it was mentioned in the public prints that Mr. Steele's name was probably written in the hat and boots that were stolen, and the advertisement from Bow-street says the half-boots were supposed to have the name of Steele written within. Hanfield, recollecting this, conceived it would give his account an appearance of truth, if he mentioned his having seen the name of Steele in the hat, and he therefore invented this circumstance.

His account of the throwing away the hat must, I think, strike every man of common sense as a fabrication, unless it

* Mr. Steele's hatter informs me it was a fine hat; that it was charged twenty-three shillings, including the stamp, and that hats have since increased much in price.

can

can be believed that Hanfield and the prisoners were the greatest fools, as well as villains, that ever existed. It is well known among the lower orders, that police-officers are always upon the watch in the evening, and at night, and more particularly so in the neighbourhood of St. Giles's, and at the houses used by suspicious characters, and that they will frequently stop persons of whom they have no knowledge, if they observe them carrying a bundle; but if they see a known thief with one, they never permit him to go unmolested. Would therefore Holloway, after he had been admonished of his danger in *wearing the hat*, have carried it tied up in a handkerchief to Dyot-street, St. Giles's?—a place where Bow-street patroles and officers are continually upon the scout, and this too without tearing out the lining. Could not this strong mark of identity have been in a moment burnt or destroyed? Certainly it could, and the hat also; and, if it could be believed that Holloway was one of the murderers, and disfigured the *old hat* that was found at the spot, he would not have been at a loss to mutilate that of Mr. Steele, without hazarding such imminent risk of detection, by proceeding to St. Giles's, and from thence to Westminster-bridge, in company with two other thieves, with this marked *hat in a bundle*;—besides, Hanfield, who assumes such sagacity in pointing out that, if even the lining were taken out, still the hat might be known by the binding or buckle, must have been aware how dangerous it was to be in possession of Mr. Steele's hat, or even in the company of those who had it. He would therefore have refused to accompany them, because it might with as little, nay, with far less danger have been destroyed by one as by the three, and he would have said, "Why do you trouble me about it? You before said, I did not share in the danger, and have refused to give me any part of the spoil, and why should I feel so interested in your safety as to endanger my own for no purpose upon earth? I will have nothing further to do with the business."—But what is his conduct? So far from feeling disgust or resentment, he is the very man to take the most active part. He it is, that advises the throwing the hat over the bridge; he it is, that makes an

objection to Holloway's throwing it over; lest it should swim; and he it is that goes opposite to Astley's, fills it with stones, and throws it into the water, *from the Westminster side of the bridge*. Of this story I am not credulous enough to believe one tittle. Had Hanfield been the easiest of dupes, it is highly improbable: but, with a man so vindictive and vicious as he is known to be, it appears absolutely impossible. Besides, if he were aware of the danger of having this hat, why keep it a moment longer than was necessary? why not throw it over the *Surry side* of Westminster-bridge? would it not have been equally effectual, as well as less hazardous? for, even while they were crossing the bridge for no purpose whatever, they might have been apprehended.

After making away with the hat, Hanfield says the prisoners met with some acquaintances, and drank together, and that he never afterwards had any conversation with his accomplices on the business. It appears to me unlikely that this can be true; their attention would have been particularly drawn to every circumstance that transpired relating to this murder, and when the body was found, they would each be anxious to discover if their persons were described as having been at the Bell, and upon whom suspicion had fallen. They would have heard of the reward offered from Bow-street; of people being apprehended and examined; of officers being sent in pursuit of suspected persons, and other particulars, which must have furnished the murderers with abundant subject of conversation, if they were accustomed to meet so frequently as he says. Besides, the secreting the body, putting the strap round the neck, taking off the great coat, and many other circumstances stated in the public prints, would have been perfectly new to Hanfield, and he would naturally have questioned his companions whether they were true, and what induced them to take such steps; particularly why they stopped to put the strap round the neck after he had left the body dead, which must have struck him to be very absurd, asmust the taking off the coat and bringing away the boots; for thieves, who leave London to commit a highway robbery, never strip those they plunder; knowing it would most probably

probably lead to detection. These circumstances, therefore, must have excited his curiosity, which he would have satisfied the first time he saw his accomplices, had his own and their conduct been such as he describes. Neither is there any foundation whatever for what he says, on his cross-examination, on the discovery being made by mere accident, from his having dropped some expressions unguardedly in Newgate; that this occasioned a report that he was going to betray his associates; and that he was afterwards very sorry for mentioning it, as he thought himself in danger. All this is false; he was always the most violent man to call out against what, in the cant phrase, is called a *nose*, i. e. one who would impeach others. Inquiry has been made of all those who were in the same room with him, and generally throughout the prison, whether he had let fall any expressions that could lead to a supposition that he was concerned in Mr. Steele's murder, and it appears that nothing of the kind ever transpired.* But this I learn, that, when he was leaving Newgate to go to the Hulks, he said he should obtain his pardon in three months, and have, besides, a very handsome legacy. At this time, therefore, I have no doubt he had it in contemplation to make the accusation he has since brought forward.

I think the reader must agree with me, that compunction of conscience operated very little upon this man's mind, notwithstanding he says it came on him ever since the commission of the crime, and that when he was sober, or in bed alone, he felt it bitterly.—But has he changed his vicious habits? No. Was it not more probable that compunction should operate upon him to make the disclosure when out of custody, and having more opportunities for serious reflection than when surrounded by the most depraved of mankind? and, if so, why not avail himself of many opportunities which must have

* It is well known that most thieves, however desperate, will not conceal murder.

presented

presented themselves to unburden his conscience during the four years that have elapsed since the murder?

Mr. Gurney, in his opening, stated to the jury that Hanfield was a post-boy: but the latter, on his cross-examination, calls himself a *hackney-coachman*, and evades telling who were his masters: I have no doubt, he suppressed his having been a post-boy, lest it should be supposed that he had obtained a knowledge of the facts relating to Mr. Steele's murder from his situation, and not from being an accomplice.

He states himself to have belonged to five different regiments. This, I believe, is not one half the number into which he has enlisted; and every time he was attested, he must have committed perjury, if he belonged to another regiment: surely, then, this man cannot entertain much, if any, regard for an oath, and little attention ought therefore to be given to whatever he may swear.

Among the regiments into which he describes himself to have entered, I beg the reader to notice that he omits the ninth Light Dragoons;—why he concealed this circumstance will presently be perceived.

In the commencement of my observations upon Hanfield's evidence, I endeavoured to shew that, from his situation as a *post-boy in town*, he could scarcely avoid obtaining some knowledge of the circumstances he gave in evidence, and I have stated my suspicion that from the same circumstance he must have been acquainted with the Bell public-house. Some further particulars have since come to my knowledge, which prove to demonstration that he must have known the house well; that he must have heard some of the facts respecting Mr. Steele's murder; particulars which tend more strongly than any before mentioned to convince me that his accusation was false.

Before I state these circumstances, some apology may be requisite for not making the inquiries respecting them earlier, as thereby a few of the foregoing observations might have been rendered less necessary. But I can only say, that, besides the ordinary calls of my profession, which at all times leave me very little

little leisure, it has so happened, that I have been more than usually occupied since this unfortunate event, and could not therefore pursue the investigation with the alacrity I could have wished. In the course of my inquiries respecting Hanfield's former confession, I was led to examine the Newgate Calendar of July Sessions, 1805, in which I found the following entries:—

"Benjamin Hanfield, committed by Thomas Robinson and "William Kinnaird, Esquires, *upon his own voluntary con-* "*fession*, for stealing in the dwelling-house of John Few "Royle, fifty pounds in money, and upwards of one hundred "pounds in bank-notes, his property. Detained on oath of "Richard Davies, charged with being a deserter from the West "London militia."

On application at Bow-street police-office, from which he was committed, I learned that he was, on the 13th of June, charged with desertion from the 9th Light Dragoons and West London Militia; but he and two others, who were in custody, being suspected of various robberies, the persons who had lost property were desired to attend on the examination of the prisoners.

On the 17th of the same month, a serjeant of the 9th Light Dragoons swore to Hanfield's being a deserter from that regiment, and on the same day Mr. Royle stated his belief that he had been concerned in the robbery at his house; as, about a fortnight before it was committed, he had seen him with something in his hand, with which he supposed he was about to cut the shop-window. Hanfield was therefore not sent to his regiment till this felony was farther investigated.

But, between this and his next examination, it suggested itself to him that, by confessing the robbery, he might avoid being returned to his regiments and punished for desertion. And the next time he was brought to Bow-street office, he actually made a confession, but in such terms as I think must convince every one that he knew nothing of the transaction. The magistrates, no doubt, saw his motive, and acted accordingly. They therefore not only committed him for the felony, but sent a detainer to hold him as a deserter.

One

One of the committing magistrates very politely permitted me to take copies from the Occurrence-Book at the office, and the following is the deposition made by one of the serjeants who appeared against Hanfield.

James Foster, Serjeant in 9th Light Dragoons, on his oath saith, "that the person now present, who calls himself Benjamin Hanfield, is a private belonging to the said regiment, "and from which he deserted, about six weeks ago, FROM "HOUNSLOW BARRACKS, and that he enlisted in the name of "Benjamin Bampton."

JAMES FOSTER,
Serjeant 9th L. D.

Sworn before me, this 17th June, 1805,
T. ROBINSON.

The following is a copy of Hanfield's confession, made immediately after the foregoing deposition.

The Prisoner voluntarily says, "that he is one of the men "who broke into the house of Mr. Royle, of Orange-street, "Red-Lion-Square, and stole the money and bank-notes: "says, he makes this confession, because he would rather be "prosecuted for robbery than serve his Majesty, who he has "served for nine years, and got nothing for it: says, he only "means to criminate himself, and does not know, nor will not "know, who were with him when the robbery was committed: "says, he does not know what money they took, nor what "his share was: says, he does not exactly know where it was, "but thinks it was last month, in the evening, after dark; "candles were lighted; examinant went in at the door, *and* "*took what he could find.*"*

B. ENFIELD.

Taken before us, this 24th June, 1805,
W. KINNAIRD.
T. ROBINSON.

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* Nothing was stolen from Mr. Royle but cash and notes, which were taken out of a chest of drawers, in a two-pair of stairs back room.

At

At the next sessions, Hanfield was indicted for this felony, pleaded not guilty, and was, as might be expected, acquitted. He, no doubt, conceived he would be discharged on such acquittal; but, finding he was detained, in order to be sent to his regiment, he, while in Newgate, made several applications to give further particulars respecting the robbery. These, however, were not attended to, as it was evident he was endeavouring to implicate himself, merely to avoid being returned to his regiments. He was afterwards taken to Bow-street, and committed to the Savoy.

If I felt a doubt before whether Hanfield's story was false, that doubt would have been removed by a review of the proceedings at Bow-street; for, Hanfield having been a soldier in Hounslow barracks, it is impossible that he should be unacquainted with the nearest public-house, the Bell. It is therefore evident he swore falsely, when he denied his knowledge of that house; and, if any thing stronger were wanting on this head, we have abundant confirmation from the officers of Worship-street; who, on my asking if they thought Hanfield knew the Bell, or was well acquainted with the Hounslow road, answered, Certainly; as he lived post-boy at Egham, or Staines, and, besides, worked upon that road as *guard to one of the long stages.*"

We therefore find Hanfield in situations which must render him well acquainted with Hounslow-heath; so that, on hearing, where Mr. Steele was murdered, he could pretty nearly point out *the spot.*—We next find him to have been *a soldier* in Hounslow barracks, which being near the place where the murder was perpetrated, the circumstances respecting it would be the subject of conversation among his comrades, and *the old hat*, as it appeared to have been a soldier's, would make the strongest impression upon the mind of a soldier. Lastly, we find him to have been a *guard to a stage-coach* on the Hounslow road; and therefore the most likely of all men, to have learned that *groans were heard by a coachman:* this being a circumstance that would be talked of by coachmen and guards

on that road, and which would particularly strike their attention;—and, as was before observed, the spot, the hat, and the groans, are the only facts he mentions throughout his long story.

But what appears to me by far the most important, is Hanfield's confession. He was charging himself with a capital felony to avoid military punishment, or rather, as he expresses it, military duty. He says, "he would rather be prosecuted for robbery, than serve his majesty." If therefore a man has unsuccessfully endeavoured to evade a minor punishment, by confessing a felony of a common and ordinary nature, he will feel the necessity of confessing a crime of greater enormity to release himself from a more perilous situation. Hanfield would thus argue with himself: "When in the month of June, 1805, I was charged as a deserter, I confessed myself guilty of a burglary, to prevent being returned to my regiment, but failed of success. I must therefore now accuse myself of some greater offence, and implicate others, in order to get released from my present sufferings on-board the hulks. I know the world are anxious to discover the murderers of Mr. Steele; I am acquainted with the spot: I also know that Mr. Steele's hat was taken, an old one left, and that groans were heard by a coachman: I will therefore cause it to be reported that I was concerned in the murder. Inquiries will consequently be made, and I will then confess it. As Holloway and Haggerty are men of bad character, I will fix upon them as having been my accomplices; and, before I can be a competent witness against them, I must have my pardon, which will, no doubt, be granted for that purpose." These, I conceive, to have been Hanfield's ideas and reflections, and the result has fully answered his expectation.

I will only here make one further remark as to Hanfield's confession. If it was compunction of conscience that compelled him to confess to Sir John Carter, and if, as he says, he has felt this compunction *ever since* the commission of the crime, why did he not confess at Bow-street, when he was acknowledging

knowledging another offence? This was surely a most favourable opportunity for him to ease his conscience, and had he been guilty of the murder, and his feelings such as he describes, he would certainly have availed himself of it.

The evidence of an accomplice, though admissible in our courts of justice, is always received with great caution, and, unless confirmed, the judges uniformly direct an acquittal; and for this reason: if a man is wicked enough to commit a felony, he will feel little hesitation in swearing falsely, to avoid the punishment which must necessarily follow. The confirmation must be such as to bear upon the persons accused, and not merely prove the circumstances attending the offence; for who could so correctly describe them as a man concerned? and though he may relate every minute particular respecting the felony, and receive complete confirmation therein, the persons he accuses as his companions may be perfectly innocent. The statement of an accomplice should, in the first place, be natural and consistent in every particular; so as not to leave a doubt as to its truth: and it is further requisite, that some part of his statement, as it respects the accused, should be confirmed; and the usual confirmations given in evidence are, that the prisoners have been seen in a situation from which it may fairly be presumed they participated in the offence, or that some of the property stolen was found in their possession. That Hanfield's account is in itself improbable and inconsistent, I think has been shewn; and if so, nothing is left to be done: for if the foundation be taken away, the whole edifice must necessarily fall. But lest I should not have been successful, I will proceed to point out the various confirmations his testimony, if true, might have received; requesting the reader to observe whether any such are afforded by the subsequent evidence.

First. As Hanfield states that he has been many years acquainted with the prisoners, known a good deal of them, and been much in their company, these circumstances, if true, could readily have been proved; instead of which it turns out, that Hanfield and Haggerty have been merely seen in public-houses

at the same time; but it is by no means clear that they associated together, or that Holloway was ever in their company.

Secondly. If they met at the Black Horse, and staid drinking until the middle of the day, the Landlord, or some one in the house, could have proved that fact.

Thirdly. If they drank together at a public-house on Turnham Green, at the Bell, or were in or about Hounslow, or on the western road, on the day of the murder, or nearly about that time, he might have been confirmed by the landlord of either of those houses, or any other person who had seen them on the night of the murder, or any night about that time.

Fourthly. That they returned together to the Black Horse, after the house was shut up, and drank gin; this being a remarkable circumstance, might naturally be expected to impress itself upon the landlord, and he or some one belonging to the house would surely have recollected it.

Fifthly. That Holloway at any time wore a hat similar to that found at Hounslow.

Sixthly. That he for two or three days wore a fine new hat.

Seventhly. That Haggerty about the time of the murder was possessed of half-boots.

Eighthly. That the two prisoners and Hanfield, on the Monday after the murder, were in company together, and drank at a house in Bridge-street, Westminster.

If these facts, or any of them, had been proved, it would have tended to support and strengthen Hanfield's testimony; and I am convinced that, from the ingenuity, talent, and industry, of those employed in conducting the prosecution, no pains nor exertions were wanting to seek for these very obvious confirmations; and, if they could have been obtained, they would most assuredly have been given in evidence. For confirmations, especially those of an accomplice, are an object principally attended to in all prosecutions.

John

John Vickery, an officer of the police-office, Worship-street, deposed, that on the 15th of November last he went to Langston Harbour, and received Benjamin Hanfield from the Captain of the hulks: that on their crossing Hounslow Heath *he pointed to the place.** That Holloway was apprehended by a parish officer for Paddington, who placed him in Clerkenwell prison, from which the witness took him to John-street, Bedford-row †: that he read the warrant charging him on suspicion of the murder of Mr. Steele. To this he said, "*He was innocent; he said, Oh dear! I know nothing about it. I will down on my knees to you and the justice, if you will let me go.*"

On the 29th of November, the Witness apprehended Haggerty, on board the Shannon Frigate, in the Downs: he did not tell him for what he was apprehended: *he was so unwell, he was obliged to be let down out of the ship into the boat.* Witness added, "I was apprehensive that he would *not live* to come to London." He was taken before the Port Admiral, who asked him how long he had been a marine. He said two years. He was then asked where he was three years ago? *You could hardly hear him answer, he was so very unwell.* He said, he did not know; I believe that was the word. The Admiral then said, pray where were you four years ago? Upon that he made no reply. I saw his countenance alter; he would have fallen backwards if I had not caught him."

Hanfield did not mention the stick, only the hat, which tallied with the description he gave, as near as could be, in the way it was mangled."

The circumstances stated by this witness, as to Holloway and Haggerty's conduct, cannot, I conceive, have the least weight against them. Holloway begs to be let go; and declares that he is innocent. Surely, here is nothing that can be construed into guilt. Haggerty's countenance alters, and he

* I cannot conceive how this witness could tell whether he pointed *to the place*, as it does not appear that he was present at the finding Mr. Steele's body, or any of the articles relating to the murder. The only persons examined upon the trial, who could have said whether he pointed out the spot correctly, were Mr. Meyer, Mr. Mandy, Mr. Hughes, and Clayton, and it is rather extraordinary, that neither of them were asked the question.

† The residence of Mr. Nares.

would

would have fallen backward, if he had not been caught, when asked where he was four years ago. If Haggerty had been in perfect health, and the question had produced such an effect upon him, it would undoubtedly have been a circumstance of suspicion; but, from the description given by Vickery, it appears that he could not get out of the ship without assistance; that it was doubtful whether he could live; and when asked where he was three years ago, he was so unwell that his answer could scarcely be heard. If such were his situation, he ought not to have been further interrogated, and any question to which his not giving an immediate answer would be urged as a circumstance of guilt, ought to have been avoided; particularly when it is considered that he could scarcely articulate an answer to the preceding question, which no one has pretended could have produced a similar effect. And as he was obliged to stand before the Admiral, he must naturally and unavoidably have very soon fainted away, even without any interrogation at all.

John Smith, coachman, deposed, that in November 1802, he drove the Gosport coach, which left London at six, and got to Hounslow about eight. That on the night of Mr. Steele's murder, when the witness was between the trees and the eleventh mile-stone, he heard a man moan as though in distress: he heard the groans twice; the first louder than the last. It was *on the right hand side*, and apparently behind. The right hand as he was going along.

I have before pointed out the contradiction between this witness's account of the groans, and that of Hanfield; the latter stating that the murder and the groans were on the south side of the road; and the coachman, that the groans were on the north side.

Isaac Clayton, beadle at Hounslow, deposed, that he produced a hat, stick, and shoes, before Sir Richard Ford at Hounslow, which he had received from Hughes; that about five or six years ago he saw Holloway with a turnip team, with a man that had a wooden leg, of the same name; that he was not certain whether it was at the Bell, or

or at the Tankerville Arms; that he saw him at Worship-street police-office, and said, "I thought I know the man; *I looked at him very "hard*; he said, I know you; I says, I knew you very well; I saw "you either at the Bell or the Tankerville Arms; I saw you with a "man of the same name, that had a wooden leg, that came out of "Buckinghamshire." On his cross-examination he said, he knew him because he and the man with the wooden leg were of the same name, and that he saw him at the Brentford election, and that *he had no other reason for taking particular notice of Holloway, but that he was of the same name as the wooden-legged man.*"

In my conversation with Holloway, after his conviction, on my mentioning what was sworn by this witness as to his having been at Hounslow, he answered, it was not true, he never was there in his life; and gave the following account of the manner in which Clayton identified him when at the office. "He came and looked some time very hard in my face; "I asked him if he knew me; he said, what is your name? "I told him Holloway; upon which he said, then I do know "you; I saw you at Hounslow with a wooden-legged man of "that name, that came out of Buckinghamshire; I knew the "man, but I never was in his company at Hounslow." The evidence given by Clayton, to prove that he saw Holloway at Hounslow, appears to me very slight indeed; he says, he never saw him there but once, and *that* so long since as five or six years, and he does not know at which house, whether at the Bell or the Tankerville Arms. It should be remembered, that those houses are at a considerable distance from each other; the Tankerville Arms being at this end of the town, and the Bell the farthest public-house; and, indeed, beyond the town. He says, he saw him at the Middlesex election at Brentford. It is true Holloway was there, serving as an extra-constable during that election; but, if the witness's recollection were perfect, why not then recognize him as the person he had seen with Oliver, the name by which he also called the Prisoner; and why the necessity of looking at him *very hard?* The reason he gives for knowing him, or taking particular notice, is ridiculous; "because

"because he was of the same name with the wooden-legged man." According to this, if he had been sent for to identify any other man as having been at Hounslow, who should answer that his name was Holloway, he would have sworn the same.

Joseph Townsend produced a bludgeon, a pair of shoes, an old hat, and a strap, which he had received from the late Sir Richard Ford; and Mr. Hughes spoke to them as being those *he found* on the common.

William Blackman, a police-officer, deposed, that he had known Haggerty six or seven years, Holloway a year and a half, and Hanfield four or five years; that Hanfield and Haggerty kept company four or five years; he had seen them at the Turk's-Head, at the Maiden-Head in Dyot-street, and at the Black Dog in Belton-street.—That about four years ago, he saw Haggerty, Holloway, and Hanfield together. He also saw Haggerty at the Turk's-Head, dressed in a velveteen jacket and breeches, and new hat; and observed that he had been in a good thing lately, and asked what he was at? Haggerty answered, he was working in the country, serving the plasterers, and, to the best of the witness's knowledge, he served at Hounslow.

If this witness has known Holloway *only a year and a half*, how can he swear that he saw him in company with the other two *four years ago?* He must surely be mistaken. It appears, too, that his only reason for believing Haggerty and Hanfield kept company was, that he saw them in different public-houses at the same time. I think the witness must also be mistaken as to Haggerty having mentioned Hounslow as the place where he worked. I asked Haggerty whether he had ever worked at Hounslow, or said he did so? which he positively denied;—but, admitting he mentioned Hounslow, this would rather operate in his favour; for, had he been conscious of committing murder there, it would have been the last place at which he would have stated himself to have worked. The Police Officers at Bow-street were actively employed to trace the murderers; it was from that Office, that the advertisement offering the reward of fifty pounds was issued, and therefore had Haggerty really worked

worked at Hounslow, he would not have unnecessarily mentioned it to a Bow-street officer, but would rather have named a contrary road.

Edward Crocker, a Bow-street officer, deposed, that he knew Haggerty better than Holloway; that he also knew Hanfield, and had seen him in company with Haggerty several times at the Turk's Head and Black Horse; that he had seen Haggerty walk with a black-thorn stick; he had a lame ancle.

This witness does not strengthen the evidence of the former, as to the prisoner's keeping company with Hanfield, or with each other. Hanfield mentioned upon the trial, that a black-thorn stick was used, but it appears that he omitted to state any thing about a stick to Vickery; and it was only perhaps, upon his having learnt that one of the prisoners had been seen with such a stick, that he thought proper to introduce it.—Haggerty told me, that, about four years ago, he was so ill with a certain disease, that he was obliged to have the assistance of a stick to walk, and that he could not have gone on foot to Hounslow for any consideration.

Christopher Jones, a Bow-street officer, deposed, that he had known Hanfield three years, Haggerty five, and Holloway about six months; that he had seen Haggerty and Hanfield together in different houses, and in the streets, about three years ago, but never saw Holloway and Hanfield together.

This witness, if correct, certainly goes farther than either of the others to prove that Hanfield and Haggerty were known to each other, as he says he saw them together in the streets; but he does not state that they were associates, or that he had seen them in such situations as led him to suppose they went out together to commit depredations, which he would, no doubt, have stated if it had been the case.—I have every reason to believe it was not. Haggerty most positively denied that he had ever been out with Hanfield, and said he would not, upon any account, have been concerned with him, as he was a bad man; and, upon my asking him to explain what he meant, he answered,

swered, "The first time I was in custody, a fellow-servant of his was in the same prison, and he gave evidence against him, and was the occasion of his being convicted." This explanation was extremely natural, and a satisfactory reason why he should not accompany him to commit depredations, as a thief will always be suspicious of and refuse to associate with those who have been witnesses for prosecutions.

Richard Limbrick, a Bow-street officer, merely deposed as to the time he had known the two prisoners and Hanfield.

Collin M'Daniel, the landlord of the Black Horse, in Dyot-street, deposed, that he had known Haggerty nine or ten years, and Hanfield five or six, and that he had seen them in one box in his house three or four or five years ago, but not very often. On his cross-examination, he said three different companies might be in the same box at one time.

It was at this house that Hanfield says they met, staid drinking till the middle of the day on which they went to Hounslow, returned to it at midnight, and drank gin. But this witness does not say that he ever saw the three men in company, or even two of them drinking together upon any occasion. If he could, he would have been questioned on that point by the counsel for the prosecution.

William Beale, landlord of the Turk's Head, Dyot-street, deposed, that he had known Haggerty three years, Hanfield two years, and Holloway rather more than a twelve-month; that he had never seen them all together, but had seen Haggerty and Hanfield together at his house, about two years ago: they were both in the tap-room, but he never saw them drink together, he did not know whether they were in the same or different companies.

John Peterson, who had formerly lived servant with the last witness, deposed, that he had seen Haggerty and Hanfield together, at the Turk's Head, and had frequently served them with beer.

The evidence of these officers and publicans does not prove the prisoners and Hanfield to have been companions, or even accustomed to associate if they accidentally met. Holloway, though

though known to most of these witnesses, is not proved to have been seen with either of the others, and Hanfield and Haggerty being in the houses at the same time, is no proof that they were partners, or went out thieving together. If their evidence was intended merely to shew that Haggerty told a falsehood in denying a knowledge of Hanfield, I will admit that he does this most satisfactorily; but, at the same time, that it proves Haggerty to have persisted in a falsehood; it contradicts Hanfield's assertions that he had known a good deal of *both* the prisoners, and been a good deal in their company.

John Sawyer, lived at the Bell, in Hounslow, in November 1802; said he had seen the prisoners about Hounslow, but at what time, or whether together, or separate, or whether they were ever in that house, he could not tell. But it was before he left Hounslow, and he quitted in May 1803; he had not the slightest knowledge of Hanfield. He afterwards said, he would not be certain whether it was even in Hounslow that he saw the prisoner, but it was in the neighbourhood of Hounslow and Brentford; that he has lived at Hounslow the greater part of his time, and since he left he has no recollection of them; he must have seen them in that neighbourhood. He very seldom came to London then.

This witness was called for the purpose of contradicting the assertion of the prisoners, they having denied a knowledge of Hounslow; but what does he prove? His evidence merely amounts to this,—that he has at some time in his life seen them, but upon what occasion, or where, or when, or whether alone or together he cannot tell; and it might have been in London for ought he knows. His only reason for supposing it was in Hounslow or Brentford, or the neighbourhood of those places, is, that he was the greater part of his life there, previous to 1803; and he does not remember seeing them since he left Hounslow. He therefore concludes that it must have been before he quitted it. And, as he seldom came to London, or left the neighbourhood of his residence, he conceives that he could not have seen them elsewhere. Such vague evidence to prove men to have been at any given place was, perhaps, never

admitted in a court of justice; but, even had it been clearly proved that they had been at Hounslow in some part of their lives, if they were not in company with Hanfield, and if it was not about the time of Mr. Steele's murder, it would only have shewn that they had told a falsehood, and could not have implicated them in that crime. But the unfortunate men most solemnly and repeatedly assured me they were never there; and I cannot, from any evidence produced upon the trial, see reason to doubt the truth of their assertions in that particular.

John Nares, Esquire, a magistrate for the county of Middlesex, deposed, that he examined the prisoners separately, and read to them what Hanfield had said. Haggerty denied that he had ever seen Hanfield; said, that, during the winter of 1802, he worked for a Mr. Smith, in Castle-street, seven dials; that he was never in Dyot-street, at the Black Horse, with Hanfield or Holloway, in his life; that he was never at Hounslow; denied being with Hanfield at the Black Dog or Turk's Head, or knowing any of the Bow-street officers. Mr. Nares further deposed, that Mr. Smith, for whom Haggerty had said he worked at a particular time, being sent for, declared the prisoner did not work for him at that time.

That Holloway said he knew Hanfield, but never was at any public-house with him, except when they came out of prison together in 1804, when they went to the Buffalos's Head, in the New Road, but did not drink there together. He said he had known Haggerty about two years, but never was in his and Hanfield's company; that he was never near Hounslow, or worked there in his life; that, upon being questioned as to where he worked in November 1802, he answered, for Mr. Rhodes and Mr. Stedman, and for different people." These were all examined, and denied that he worked for them at that time.

It may very readily be conceived that ignorant men, in that situation of life, would be utterly incapable of stating, with accuracy, how they had been employed at a particular time four years back. Had they led regular lives, they could unquestionably have mentioned where they lived, and with whom; but, of men like them, who were sometimes working where they could get employment, and at others thieving, it was asking too much.

much. If the reader doubt this, let me ask him where he himself was that day four years; and should this be difficult to bring even to our own recollection, how much more so to prove it to others.

Can it be expected, then, that men, of loose and irregular lives, should be able to prove the like satisfactorily in a court of justice?—These men did not pretend to recollect where they were; but, had they mentioned fifty persons who could have stated that they recollected the prisoners being in their company on the 6th of November 1802, who would have believed them? It is not in the nature of things that a man can retain every trifling circumstance, so as to prove, at the expiration of four years, what happened on a given day and hour; and those who are conversant with courts of justice, well know that in nothing do witnesses vary so much as in hours and dates.

Next, as to Haggerty's denial of Hanfield and Holloway, it does not, in my mind, operate at all against him. He explained it to me in this way.—"When I first saw him before the magis-"trates, I was ill, and had not my recollection very well at "the time, and I was asked if I knew that man; and, as his "name was not mentioned, and he was in a different dress to "what I had ever seen him in, I did not know him, and told "the magistrates so; afterwards, when I heard his name, I knew "him directly: but, as he was a bad fellow, and I found he "was swearing lies against me, I thought it best to continue my "denia of him." But, supposing Haggerty to have been ever so well acquainted with Hanfield, and that he knew him the instant he saw him, still it ought not to be taken as a proof of his guilt, as it is well known that thieves, when apprehended, always deny knowing each other, and indeed, most frequently, every person and circumstance respecting which they are questioned; very naturally conceiving that the questions are asked with a view to implicate them in some offence, and that it is the safest way to deny every thing hence, therefore, Haggerty denied Holloway and the Bow-street officers.

Holloway's account of his knowledge of Hanfield does not appear

appear to be contradicted: but it is urged against him, that he mentions the names of persons for whom he worked in November 1802; whereas, upon enquiring, it turns out that he did not work for them at *that time*; the fact being, that he was mistaken in a year. When Mr. Nares was giving his evidence, Holloway thus explains it: "The mistake that was made was this—I made a mistake in a year: the persons that I had said I worked for in the year 1802, I worked for them in 1803 and 1804."

If he had been concerned in this murder, he would only have given a false account as to where he was on the particular day it was committed. There would have been no necessity for him to misrepresent as to the whole month; for, as he must know that the persons he named would be applied to, it would have better suited his purpose to have been accurate in this respect. He could have no motive to conceal where he was at any other time than on the 6th of November. But it will appear evident, from the conversation overheard by the officer, that he himself believed he was working for Mr. Stedman at that time.

The next evidence produced on the part of the prosecution, was, the private conversation which had been overheard by a police officer. Before I state the particulars, I cannot but observe, that it is much to be regretted, that an officer should have been placed to hear conversations between prisoners, which were to be used as evidence against them. If he be a conscientious man, it places him in a very unpleasant situation; for he must be aware that confessions proved by officers are always viewed with suspicion, and for this reason: officers are interested in convicting offenders; and, though they may not wilfully misrepresent for the sake of the reward, they must, from their employment, have a bias against persons accused. Hence they anxiously seek for every circumstance that will make against the prisoners, and are sure to remember every thing said by them, which will operate to their prejudice; while they pass over, as irrelevant, such things as are favourable. For these reasons,

sons, a police officer was the last man for such an employment: but rather one should have been selected who was perfectly disinterested; one who would not have taken any share of the fifty pounds reward; one who would have felt as anxious to obtain proofs of the innocence of these men as of their guilt; one who was capable of writing short-hand, and who could therefore have taken down *the whole* of what was said.

Danel Bishop, police officer, of Worship-street, deposed, that the prisoners were examined seven different times, and after each day's examination were confined in two separate lock-up rooms behind the office, divided by strong partitions of quartering covered with iron plate. The witness was in the privy, within four feet of them, and could hear what they said *when they spoke loud enough.* On his cross-examination, he said, *there was some conversation he could not hear, and of course did not take it down.* The witness read a vast deal, as being conversation he had overheard between the prisoners. The greater part was unimportant: the following passages are those to which Mr. Gurney directed the attention of the Jury.

Haggerty. Did you tell them you know'd me?—*Holloway.* I denied it entirely.

Haggerty. Where is it you told them you saw me?—*Holloway.* At the top of Dyot-street; you know I must say somewhere thereabout. Which way did he say we came over the back fields?—*Haggerty.* I don't know.

Holloway. I know, that beadle told them what cloaths I wore, or they would never have known it.

Haggerty. Where is it he said we parted with him?—*Holloway.* At Hounslow.—Holloway. *Where did he say we had the gin?*—Haggerty. *At the Black Horse?*—Haggerty. *We must have had the gin there.*

Having already observed upon the subject of their denial of each other, I do not feel it necessary to say any thing further on that head; but I cannot account for Haggerty's asking Holloway, where did you tell them you knew me? after the latter had denied knowing him at all; and, if Holloway admitted that he knew Haggerty, I cannot perceive why it was necessary that he should state he saw him in Dyot-street. As to the question respecting the back fields, there can be nothing

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in it: it was merely asking how Hanfield had described they came home; but, had they actually been his companions in such a transaction, would not their own consciences have made them recollect every particular that had transpired? They must have known that he spoke the truth, and would not therefore have questioned each other on the subject.

I cannot understand the observation attributed to Holloway respecting the beadle describing his cloaths. I do not see how it makes against him, or what evidence in the case applies to give it importance. Clayton, the beadle, gives no description of his dress; and if he did, to whom does it make him or his cloaths known?

The question as to where he had said they had parted with him is not material, unless to shew that Holloway was mistaken, or the officer misunderstood what was said; for, according to Hanfield's evidence, they joined at Hounslow, instead of parting there. But we now come to that which was relied on as the strong corroboration; namely, Holloway asks, "Where did he say we had the gin?—*Haggerty.* At the Black Horse.—*Haggerty.* We *must* have had *the* gin there."

Could it be supposed, that if these two men had been concerned with Hanfield in this murder, had set off from the Black Horse, a house with which they were well acquainted, and that this was the only house where they went and drank on that night after the murder was committed; I say, had all this been true, could they in four years have forgotten it? If not, both the question and answer would have been unnecessary and absurd. If they had been to many different houses, and drank different liquors, and Hanfield had described the liquors they drank at each house, they might probably have forgotten whether he was speaking correctly of one in particular, and have asked each other; but, even were it possible that one of them had forgotten the circumstance, the conversation, as Bishop states it, is far from natural. The word *must* not only implies that he who used it, but he also, to whom it was addressed, doubted; and Haggerty, therefore, before he had said "We must have had the gin there,"

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would have asked his companion "Did we have gin there?" and if he had answered, I don't know, or I forget, the words would then have been more consistent.

I am satisfied that none but a short-hand writer can take down a conversation, even if placed in the most advantageous situation: and even then would be liable to mistakes and omissions. It is well known that law-clerks, when writing from dictation, and receiving short sentences, are frequently obliged to ask the dictator to repeat.

If this be the case with men constantly accustomed to writing, and who have every possible convenience, how can it be expected that a *police officer*, in a dark confined place, without a desk, and separated from the parties conversing, should be able to write the whole of what passed, both question and answer, together with the names of the parties. I am sure he could not. He must have supplied some words from recollection; and the introduction of one word, though apparently trifling, may make a very great difference in the meaning of a whole sentence. This may be illustrated in the very words so strongly urged against the prisoners "We must have had *the* gin there." Let but the monosyllable in italics be omitted, and the reader will perceive, the sentence bears a very different interpretation. The Black Horse was resorted to by the prisoners; they had probably drank gin there, and perhaps together. Hence, their saying we must have had gin there, or, we have frequently had gin at the Black Horse, could not have been construed against them. Whereas the article "THE" renders the conversation applicable to the gin which Hanfield had mentioned.

Let us next consider the omissions which arose, as the officer says, from his being unable to hear *all that passed*. If he was so situated, his evidence ought not to weigh a feather in the scale against the prisoners. The conversations proved by him are completely unconnected, and it will be evident that something is wanting to render them intelligible: this something is omitted on account of the officer's either not hearing distinctly, or

from his not being able to keep pace with the conversation. I remember upon some occasion hearing Lord Erskine, when at the bar, and expatiating on the necessity of collecting the import of a writing from a view of the whole, and not from detached parts, illustrate his argument by a quotation from scripture, where it is written, "There is no God;" whereas these words are a part of a very opposite assertion, viz. "*The fool hath said in his heart*, There is no God."

So, with these men; the officer would be extremely anxious to take down that which weighed against them, being placed for this purpose *alone;* and, while he was writing what appeared to criminate them, they might be saying that which completely explained it, so as to render the objectionable passages consistent with their innocence; for instance, We *must* have had gin there, *but never with him.*

I should here state, that upon my asking the prisoners how they could explain the conversation respecting the gin, they answered, that no such words had passed; that they never drank with Hanfield any where; and therefore could not have acknowledged drinking with him at the Black Horse; that they merely questioned each other as to what he had said in the office.

Having observed upon those parts of the conversations which the prosecutors particularly pointed out to assist their case, let us now select those which weigh in favor of the accused. It will be recollected that they had no idea they were overheard, but imagined they were alone, and therefore had no reason for disguise or misrepresentation.—Holloway said—"I wonder where they got that hat and shoes: they won't fit me." A man who had been concerned in the murder, and left his own hat at the spot, could not have made this observation to his associate in the crime, without calling for this answer, why the hat must fit you, it is yours; and the shoes are mine.

"*Haggerty.* The murder was done four years ago, and he says he was in the House of Correction; how should he know any thing about it?" Now if these three men had committed

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the murder, could Haggerty have supposed that Hanfield was in the house of correction at the time?

"*Haggerty.* Did you work for Stedman this time four years?"—"*Holloway.* To be sure I did; I worked for him eighteen months."—And in another place he says, "If I was at Stedman's at the time, we never shut up shop before twelve or one."—"*Haggerty.* And was not you there?"—"*Holloway.* Yes I was, and that will clear me." From this it is evident that Holloway supposed he was working for Stedman at the time the murder was committed: and it would be the height of absurdity to imagine, that he was atttempting to persuade the man concerned with him in the murder, that he was elsewhere when it was perpetrated.

Upon reference to the conversations, it will be perceived that the prisoners both denied a knowledge of Hounslow. *Haggerty* says, I never worked at Hounslow; and *Holloway* thus expresses himself: "The old beadle said afterwards, he did *not* know me, for I never worked where they said; they may laugh and swear as much about Hounslow as they please; but I don't know nothing about Hounslow." And *Haggerty*, in another part of the conversation, says, "I worked at Gardner's, near Bow-street, and he has run away since: I can tell the very day and hour where I worked;" and again, "I know where I worked in November; I know the very street and house; but it is no use talking here about it." Had these men been concerned together in the murder, would this have been their language?—Instead of telling each other where they supposed themselves to have been employed, would they not have consulted together what story they should frame, and where they should say they had been on that particular night?

There are several other expressions tending to evince their innocence; but in no instance an acknowledgement of guilt; which surely would have dropped from them, had they been really the murderers, and considered themselves alone.

It has been observed to me, that no direct assertion of innocence was made by them in those conversations. The reason

why none was sworn to by the officer I can readily imagine. No one can doubt, that the prisoners frequently declared their innocence when before the magistrate; but not a word of this was taken down or proved by Mr. Nares. Declarations made by prisoners are seldom noticed in the proceedings before magistrates, unless they make against them. If a man say he is innocent, it passes unnoticed; but if he acknowledge his guilt, or say any thing from which it can be inferred, such sentences are sure to be written down, and adduced as evidence against him. Bishop had heard their public declarations of innocence in the office, and well knew they are never attended to. He was not stationed to hear these assertions, but to learn what might weigh against the Prisoners. All, therefore, that Bishop thought militated against them he would be careful to set down, while their assertions of innocence would pass unnoted.

William Robinson, hatter, and William Britten, shoe-maker, were the last witnesses called; the former to prove that, upon looking at Holloway's head, he should think Mr. Steele's hat would fit him tight; the latter, that the shoes produced appeared to have been worn by some person for whom they were too long; that seeing Haggerty's feet he thought they were too long for him; that he believed he might have worn Mr. Steele's boots. It was also proved that an old hat of Mr. Steele's had been tried on, and fitted Holloway.

The learned Judge observed, that this evidence amounted to nothing; that the hat of Mr. Steele would fit any man whose head was of the same dimensions; and that it did not appear that Haggerty had worn boots.

I have now gone through the evidence for the crown, and made such observations as to me appeared applicable. To those who possess superior discernment, I have no doubt many other inconsistencies will occur; but I flatter myself, sufficient have been shewn to create a doubt in every impartial mind. If this has been done, I am satisfied.

If it be asked, why were not these inconsistencies urged to the jury? it should be remembered, that counsel retained to defend

fend prisoners charged with felony, are not permitted to address the jury, and until the trial had actually commenced, their counsel was not apprised of the evidence to be produced against them; he was merely made acquainted with a few short particulars, by no means sufficient to prepare him even to direct his cross-examination, so as to shew the improbabilities here pointed out.*

It will appear somewhat strange that the defence should thus have been delayed to the last moment. Ten days had elapsed between the commitment and trial, which was all the notice the prisoners received, having been kept during the previous three months in solitary confinement, and therefore disabled from procuring exculpatory evidence. This space of ten days surely could not have been too long, even had they possessed the means of making the best use of it, when it is considered that no trouble or expense was spared in the prosecution, that it was conducted with the active and praise-worthy zeal of many able and ingenious gentlemen, and that it occupied the whole of the time the prisoners were confined. In fact, only two or three days before the sessions commenced, Holloway's father, an industrious honest man (bailiff to a small estate) applied to me, saying he had been recommended to me to defend his son, and as there was so short a time to prepare for trial, and he had not then the money to fee counsel, he should wish it to be put off till the following sessions. I told him, as the charge was so serious, it would be most advisable, and that I would see the prisoners.—I found them also desirous that their trial should be put off, but as they said, they had no material witness absent, and as the only ground upon which

* Mr. Humphreys, solicitor for the prosecution, who conducted his department with that abillty and candour which mark the whole of his professional practice, offered, should I be concerned, to let me look over the depositions; but, the short interval between the time I was employed and the trial, prevented my availing myself of the opportunity; that interval being already insufficient for the slender preparation it afforded.

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the application could be made to the court was the short time they had been allowed to prepare for their defence, I told them the court might probably, using its discretion, refuse the application, and that they should be provided against such refusal. Holloway said, that neither he nor his father had any money: Haggerty represented, that his only resource was an application to his regiment for the arrears of pay which had accrued since his imprisonment, and begged I would write to his adjutant for the amount, which I did, in his name;*—and I heard no more respecting them until Thursday, the day before the trial, when I was told that the fathers of both were seeking me. On seeing the prisoners, they said they had made up their minds to take their trial; that nothing could, with truth, be brought against them; and, upon my observing that I understood the material and strongest part of the prosecutors' case was what had passed in their private conversations in the lock-up rooms at Worship-street, they answered, that they were innocent; that they had always, both publicly and privately, said so; and that if the officer spoke the truth, he must acknowledge it. I therefore prepared, as well as I was able, the instructions, which were the following morning delivered to Mr. Andrews, their counsel.

I cannot pass over this part of my narrative without saying, that in my humble opinion the public have much reason to regret, that these unfortunate men were unprovided with the means of defence. It would have been much more satisfactory to have known that they possessed the means of vindicating their innocence.—The prosecution was carried on under the direction of government, and with the public money; the minute investigations respecting the prisoners must have shewn its conductors that they were in the greatest indigence, and even without a shilling. Was this made known to the secretary of state? I cannot think it was: or surely, considering the peculiar cir-

* The day after his condemnation he told me he had received an answer, from the adjutant, informing him, that, being an absentee from the regiment, he was not intitled to pay.

cumstances,

cumstances, they would not have been left thus destitute till the last moment.

The hardship of depriving men charged with felony of the assistance of counsel to address the jury, has been generally considered, by the first of legal authorities, as a defect in our criminal code, which affords much less security to life than the rest of our laws do to the most insignificant property. In the most trifling assaults, counsel for the defendant are permitted to address the jury. If a man dispute with his neighbour respecting a right of entry, or the breaking a fence, and an action of trespass be brought, the result of which, if against the defendant, is usually a mere nominal fine, both parties are heard, at great length, by their counsel. But, if a man be charged with breaking a house in the night, for which he may forfeit his life, his counsel cannot make a single observation to the jury, though the prosecutor's counsel open the case, state the evidence, and by ingenious arguments apply it as forcibly as possibly against the accused. A man charged with felony is more in need of the full assistance of counsel than in any other case; not only because the very confinement disables him from self-defence, but because, in proportion to the magnitude of the charge, so will be the perplexity and confusion of the accused. The most innocent of men could not avoid agitation, when put on his trial, in a crowded court, for an offence which not only impeaches his character, but affects his life. Nay, the more falsely he is sworn against, the greater his agitation, and the less is he master of his own powers. In addition to this, he may be ignorant of the law, unqualified for public debate, and unable to find words to explain his ideas with perspicuity and force, or even intelligibly. He may be unacquainted with the legal points, or what facts bear against him, and weigh most with the court and jury; he may waste his energies, and tire his hearers, on objects which irritate his feelings without affecting the case. Is a man, thus circumstanced, enabled to address the jury with effect? how can he show any inconsistencies that they have arisen during a trial

trial of many hours, or state circumstances which would best demonstrate his innocence? and does not such a code appear to savour of vulgar prejudice against every man brought to the bar of a criminal court? does not such a code require a continuation of that amendment, which it has already partly received since the times of feudal barbarism?

In cases of high treason, with which persons of superior rank are subject to be charged, and in which the crown may be supposed to take an interest, the legislature, though not till the 7th Will. III. and 20th Geo. II. have taken every necessary precaution to give the accused the best means of defence:—not only are counsel permitted to address the jury, but the prisoner may select two gentlemen from the bar, who are assigned him by the court or judge to plead his cause; besides which, he must be furnished with a copy of the indictment, a list of all the witnesses to be produced, and of the jurors to be impanelled, ten days previous to the trial. If so much care be taken as to one capital crime, ought not similar lenity to be shewn to those accused of other offences?

The following quotation from Blackstone's Commentaries, vol. IV. p. 355, shews the opinion that learned Judge entertained of the inequality of the criminal laws in this respect.

"It is a settled rule at common law, that no counsel shall "be allowed a prisoner upon his trial, upon the general issue, "in any capital crime, unless some point of law shall arise, "proper to be debated. A rule, which (however it may be "palliated under cover of that noble declaration of the law, "when rightly understood, that the judge shall be counsel "for the prisoner; that is, shall see that the proceedings "against him are legal and strictly regular) seems to be not at "all of a piece with the rest of the humane treatment of pri-"soners by the English law. For upon what face of reason "can that assistance be denied to save the life of a man, "which yet is allowed him in prosecutions for every petty "trespass? Nor indeed is it, strictly speaking, a part of our "ancient law: for The Mirrour, having observed the necessity "of counsel in civil suits, who know how to forward and defend

" defend the cause, by the rules of law and customs of the " realm, immediately after subjoins; 'and more necessary are " they for defence upon indictments and appeals of felony, " than upon other venial causes.' And the judges them- " selves are so sensible of this defect, that they never scruple " to allow a prisoner counsel to instruct him what questions to " ask, or even to ask questions for him, with respect to mat- " ters of fact; for, as to matters of law arising on the trial, " they are entitled to the assistance of counsel."

Is it not a hardship upon prisoners, that those employed to defend them should not be entitled to a copy of the informations? i. e. the evidence adduced before the magistrate. The *final* examination of a prisoner is always open, and the depositions of the witnesses publicly read in his presence; but, whether from ignorance, agitation, or want of memory, he is generally unable to retain what was sworn; and, as it most frequently occurs, that no solicitor or counsel is employed till after commitment, how can a prisoner instruct them so to shape his defence as to meet the charge, especially if he be innocent? For, in that case, the facts are completely new to him. The attorney for the prosecution, indeed, has copies of the deposition, though to him wholly unnecessary, as he knows from the witnesses what testimony they can give; while those employed by the prisoner are not allowed even a sight of them, however important, were it only to inform him who the witnesses are, and enable him to enquire into their credibility. The facts sworn may be false; but how are they to be investigated and disproved, unless they be known? And, as the depositions are publicly read, why the necessity for keeping their contents a secret to those who may afterwards be employed in the defence?

There have been a few instances in which the rule of final examination being public has been departed from; one, in particular, has come within my own immediate observation. I was employed by the relations of a woman accused with forging bank-notes, and attended in order to be present at the final examination; but, to my astonishment, I learnt, that the

solicitor for the prosecution had requested the magistrate to refuse admittance to any professional man on the part of the prisoner. To this request the magistrate had acceded, and I was therefore refused admission. What afterwards passed, shewed the impropriety of a private examination.

I waited till it was over, when the bank solicitor informed me, that if I would persuade the prisoner to plead guilty to an indictment, charging her with unlawful possession of forged notes, the bank would not try the capital charge. On my seeing the prisoner she was greatly agitated, and unable to tell what had been sworn against her, but said she was innocent; and, as I was ignorant of the case, I could not advise her to plead guilty to a charge, of which, for any thing I knew to the contrary, she might be innocent, and a conviction on which would subject her to fourteen years transportation.

A similar application for a final examination being private upon a bank prosecution, I believe has been made to the present chief magistrate of police, but he very humanely admitted the solicitor for the prisoners to be present.

I shall next describe the conduct of the sufferers from conviction to punishment.

I have already stated their uniform denial of being accessary to, or having any concern in, or knowledge of, Mr. Steele's murder. In order to judge of the sincerity of those denials, I, with all the ingenuity I possessed, and without letting them perceive my object, endeavoured to discover whether they had any latent hope of respite, or were actuated by a desire to preserve their characters from the foul imputation of murder. But I could not discover the slightest circumstance whereon to ground such a supposition. They seemed perfectly convinced that the world was so prejudiced against them, that they would always be considered the murderers, unless some strong and convincing facts should hereafter arise, from which their innocence would be rendered apparent, or the real murderers should be ultimately detected. And they always expressed a confident hope

hope that such would be the case; but, as to their punishment being delayed or averted, they, in my opinion, entertained not the least expectation of it. Nay, they never once intimated a wish that I should make any application on their behalf, though I endeavoured to lead them to it by asking if there was any thing they wished me to do for them, any message I could take, or any communication they wished me to convey to any one. To all which they answered in the negative. In short, they seemed perfectly resigned to their fate, and at the last moment met it with the calmness and fortitude becoming innocent men and christians.

I believe I have before stated that their denials were always made in a decent and respectful manner. I must again repeat that nothing could be more so. They never appeared the least captious or vexed at the numberless importunities they were subjected to; but were always ready to answer every question. They frequently called God to witness the truth of their assertions, but always with solemnity; and I particularly observed, that, whenever Haggerty mentioned the name of God, he took off his hat in token of reverence.

The night before the unfortunate men suffered, they were placed in separate cells, and each had persons remaining with them during the night, to assist in their devotions. Holloway was attended by the Rev. Mr. Knight, who officiates at the Rev. Mr. Rowland Hill's Chapel, and a young gentleman whom he brought with him. This he was induced to do, as he had not had any previous knowledge or communication with the prisoner, and could not therefore judge of his disposition; and, as he was charged with so horrid a crime as murder, Mr. Knight felt some apprehension for his own personal safety.

A respectable man of the Catholic Religion accompanied Haggerty, as did also a prisoner of the name of Nowlan. The conduct of the prisoners during the night is thus described.

The Rev. Mr. Knight's Account of Holloway's Conduct.

On Sunday afternoon I was requested by Holloway's father to attend his son during the night, to which I consented, and went to his cell between 10 and 11 o'clock that evening, accompanied by a friend. I told him I was come to sit up with him, if he had no objection; he answered, he was much obliged to me, and in a few minutes we were locked up, and commenced our devotions, occasionally singing hymns, praying, and conversing. He joined most fervently in prayers, and endeavoured to join in singing, and one hymn he gave out himself. About 12 o'clock he became heavy to sleep; and, in the course of the night, slept three times; the last time was by far the longest; and, in the whole, he slept about three hours; each time he awoke, he resumed his devotions. I particularly watched him while he slept, and he was perfectly calm and undisturbed; not even a sigh or groan escaped him during the night, either asleep or awake; but, while occupied in prayer, he wept much, and the tears ran down his face abundantly: after his devotion was ended, he became serene and composed, and smiled complacently. I asked him what made him feel so comfortable; he answered, because he was innocent. I admonished him as to the importance of not telling a falsehood in his last moments, and spoke to him with solemnity of his being about to enter into the presence of the Almighty; he still asserted his innocence; on which, we both said it was a shocking thing, if he was innocent.—He answered, "I am, and if you are within the "sound of my voice, you will hear me declare my innocence "in my last moments." In the course of the night, he expressed a wish that a few days would be given, to use his own words, to clear up things. About 5 o'clock, a letter was put through the grating of the cell, desiring us to continue our devotions, as no hopes could be entertained of respite; I read it to him; it made no visible alteration in his appearance or behaviour; he was still perfectly resigned, and as he drew nearer to eternity, his appearance was improved. At about half-past

six,

six, the doors were unlocked, and we went into a small room near the cells to breakfast. While we were there, he told Mr. Suter he wished to speak to him, and the latter followed him out. The object of this interview, I understand, was again solemnly to declare to him his innocence.* The denial of his guilt, just before he went out to suffer, was delivered in the most impressive manner I ever witnessed. Through the whole of the conduct of this man, that came under my observation, I could not discover the slightest indications of hardened depravity: he appeared to me sincerely contrite, and to feel a proper sense of his melancholy situation."

The gentleman who sat up with Haggerty said, "I went to his cell about half-past 10 o'clock on Sunday; Haggerty thanked me for my kindness in coming to spend the night; and, for some minutes there was a solemn silence, which was interrupted by my urging him to comply with the wishes of his friends, and the public at large, by an explicit confession. He answered, he could not do otherwise than as he had already done; he was innocent, and could not but declare it, and should assert his innocence at his last moment. We then commenced religious duties, in which he fervently joined, and appeared fully impressed with a sense of his duty towards God. I mentioned to him that his criminality would be much increased, if he were really guilty, by denying it; and that, above all things, he should be explicit with his Divine. He appeared perfectly aware that he could not assert a falsehood, and call God to witness its truth, without endangering eternal punishment. I asked him "what he thought of Hanfield;" he answered, that "he occupied the least of his thoughts." I told him, "what little you do think, ought to be as favourable as possible; you

* The following is what passed, as related by Mr. Suter. When they were alone, Holloway took Suter's hands, pressed them between his own, and frequently repeated, "Mr. Suter, I am innocent, I am innocent:" he then dropped down upon his knees, and said, "I am innocent by God." He arose, and kissed Suter's cheek.

should

should be sorry he is so abandoned, and lost to all sense of religion and morality, and should forgive him the injury he has done you:" he replied, "It is a hard thing to forgive a man that takes away my life unjustly." I then pointed out to him the necessity of his forgiving all injuries, however great; and, after some apparent inward struggles with his mind, he said, "well, I do forgive him: I forgive him from my heart;" he frequently repeated, he could not die better than for that he was innocent of. In the course of the night, Haggerty gave the following particulars, which I wrote down at the time. "Hanfield, during his confinement in Cold Bath Fields, acknowledged to some of his fellow-prisoners, that he himself was the only person concerned in the murder of Mr. Steele*; one to whom he mentioned it, was in the habit of working in the garden, but has since left; he was commonly called the gardener. Hanfield told one Timothy Sulivan, a prisoner in Cold Bath Fields, that Holloway knew nothing of the murder. He also sent frequent messages by one Thomas Eady, the wardman of the infirmary, to Haggerty, to make himself contented, that he should soon be discharged, and he himself sent on board ship, and that no harm would come to either of them. Hanfield told Jones, a soldier, that he would deny every thing he had said when he should be examined again: he wished he had not had any thing to do with it; and would be very glad if they would drop all, and let him serve the remainder of his time there. A prisoner, of the name of Flowers, asked him why he detained Holloway and Haggerty; he replied, with a horrid imprecation, that it was better they should be detained there a month or two, than he should be sent back to his old lodgings."

"He was very desirous that enquiries should be made respecting those particulars, and said he had no doubt that his innocence would shortly be made to appear."

"At his request I wrote a letter to his mother, of which the

* This seems to have been rather an inference from the following expressions, than the words used.

following

following is a copy; he furnished me with the facts it contains, which I put in my own language."

MY DEAR AND MOST AFFECTIONATE MOTHER,

I am convinced, from that motherly and parental affection which you ever used towards me, that you cannot lose sight of me in this moment of affliction, and have therefore forwarded these, in which I hope you will receive a lasting comfort, the more so as I die innocent of the horrid crime with which I have been charged, and for which I shall this morning forfeit my life. I most earnestly entreat you not to grieve at my departure, as it will be but a short time before we meet again. To suffer innocently is a blessing which cannot fail to infuse into the breasts of my relatives a lasting and solid consolation, which if I were guilty would be altogether impossible. I feel a firmness and inward serenity which nothing but conscious innocence can produce, and I hope and trust, before this reaches you, that I shall behold my Redeemer face to face, and before whom I stand, solemnly denying any knowledge of the crime which so cruelly removes me hence, at such an early period of life, and which was perpetrated by a man whose character is already before the public, and whose testimony is altogether false. He implicated us with no other view than to screen himself; and, in pursuing that line of conduct, he has acquired a temporary respite from justice, which must shortly overtake him. I shall so far do justice to my feelings as to assert my innocence before the public, who must shortly become better acquainted with the facts. There is one circumstance which I must beg leave to mention respecting Hanfield, before I conclude, which is, his acknowledging himself, whilst in prison, the only person concerned in the murder of Mr. Steele. He told one Timothy Sulivan, a prisoner there, that Holloway was innocent of the murder; or, to use his own words, "Holloway knows nothing about it;" and as to myself, he sent word to me several times, by one Thomas Eady the wardman of the infirmary, to make myself contented;

contented; that I should soon be discharged, and he would be sent on board ship, and that no harm would reach me. There were others in the prison to whom he communicated the same circumstance, which can easily be ascertained by inquiry. These facts must convince every one, that no attention is due to his testimony, and which I will deny, with my last breath; to persist in which, unaccompanied by truth, would betray the most excessive folly and depravity. I must now, my dear affectionate mother, bid you an eternal farewell. Give my kind love to my dear father, my dear brother and sisters, and uncle and aunts, including your dear infants; and may God prosper and protect you all, and may the blessing of the Father, Son, and Holy Ghost, be and remain with you all for ever.

I am, my dear mother,

Your truly affectionate and happy son,

OWEN HAGGERTY.

"Between 5 and 6 o'clock a letter was put into the cell, which I hoped was to communicate that a respite was received; but, on opening it, I found the contrary; it requested that the prisoner would continue his devotion, as no expectation could possibly be entertained of mercy. After a few minutes had elapsed, Haggerty said, might he be so bold as to ask the contents of the letter. I informed him: on which he leaned his head upon his hand, and for some minutes said nothing: but he afterwards observed, that if the judgment of the law was to take effect, he did not wish the time to be delayed.

"I frequently asked him, during the night, how he found himself; and his answer was uniformly, "I am very well, thank God, considering my situation."

Very shortly after 7 o'clock, on the morning of execution, I went to the cells. Haggerty was engaged with his confessor, and, as he continued so until the sheriffs and their retinue arsived, I could not have an opportunity of speaking to him; but I saw and conversed with Holloway, who still denied his guilt

guilt, and said there were people in the House of Correction, who knew that he was innocent. I asked him who they were, and by what means they could prove it. He named Charles Flower, Timothy Sulivan, and the gardener; said, that what they knew was from Hanfield himself, who had acknowledged to them that he did not know him (Holloway), and that it would give him satisfaction if I would go up and inquire of them the truth of what he said. I promised him I certainly would, and asked him how he could omit stating these circumstances before. He answered, that he could not tell, he had forgot until then.

Upon the entrance of the sheriffs, the necessary preparations were commenced. Haggerty came out into the press-yard, and had his fetters struck off. He appeared deeply depressed, but uttered not a word, and returned into what is called the long room, to be pinioned. Holloway was pinioned before his irons were removed. He again returned into the long room, and a few minutes after said, he wished to speak to the gentlemen. At this time, several noblemen, the lord mayor, Alderman Flower, and many gentlemen, besides the sheriffs and under-sheriffs, were assembled in the yard. Never shall I forget the impressive manner in which he at this moment conducted himself.

A circle was formed, and, on his entering it, he began on his right, bowing slowly and reverently, until he had completed the circle; he then stood erect in the centre, and in an audible voice said, "Gentlemen, I die innocent; I know nothing of this here affair that I am going to suffer for." He then dropped down upon his knees, and with his hands, as in the posture of prayer, said, "I am innocent, by God!" He then arose, and with great composure proceeded to the scaffold.

Many of the public prints have, with shameless effrontery, represented these unfortunate men as having evinced the utmost depravity even upon the scaffold; but there is no foundation for such assertion. It is a foul calumny. From whence it originates I can guess, but it will not have its desired effect.

It has been said that Haggerty was about to confess his guilt; that he had begun to do so, but was prevented by Holloway; that Holloway refused to communicate with the ordinary, and desired Haggerty to have nothing to say to the priest; that his language was indecorous, and his behaviour scandalous. It has also been said, that Haggerty, after coming from his confession, refused to give answers respecting his guilt or innocence, by which it might be presumed that he tacitly acknowledged his guilt. These, and many other reports injurious to the sufferers, have been industriously circulated. I might pledge my word they are false, although I did not see them on the scaffold. I could not for a moment believe, that men, who had conducted themselves in the manner I have described, should in less than five minutes, and under additional cause for solemnity, behave so infamously. I was not, however, satisfied with my own conviction, but inquired of the gentlemen who attended them, and the result perfectly confirmed my expectations. Holloway several times told the spectators he was innocent; and, in the most emphatic manner, called God to witness the truth of his assertion; and, when he was doing so, Haggerty, unasked, said. "And I also am innocent!" And the last question put to him was, as to his guilt, and he readily and solemnly aserted his innocence. After the cap was over Holloway's face, he continued repeating.—"Innocent, innocent!" until the platform dropped.

Let me now ask the candid reader, was there any thing in the conduct of these men, that could induce the most prejudiced against them to believe they would enter into the presence of God, declaring a falsehood, and calling upon his name to witness its truth? Did they believe in God? Their fervency in prayer, the tears of Holloway when praying, the reverence of Haggerty in taking off his hat, when naming the Deity, and indeed the whole of their conduct, convince me they did so believe: I would therefore put more confidence in the dying declarations made by men thus conducting themselves, than in the oath of a man so depraved as Hanfield, however consistent his story might

might appear; and the more especially, when it is considered that those declarations, however true, were made at a time when not only no benefit could by any possibility be expected in this world, but, if false, the sufferers were knowingly calling down upon themselves the just vengeance of God in the world to come; whereas, the oath or testimony of Hanfield was to obtain his pardon. *They* had, therefore, no motive to declare a falsehood; he, on the contrary, a very strong one.

O Hanfield, Hanfield, unhappy wretched man! should these pages ever meet your eyes, consider the generous behaviour of Haggerty. He forgave you, though you prematurely brought him to the grave. To the grave, did I say?—no; the crime of which, upon your testimony, he and his fellow-sufferer were convicted, was of so heinous a nature, that, by the laws of the country, they were not only doomed to the most ignominious of deaths, but their bodies mutilated and denied the rights of sepulture. Consider *their* conduct, and if you have not a heart of flint, what must be your sensations of remorse! Do not resist such sensations; *fly to religion*,* for you have much, very much, to answer for: make every possible atonement for your crime, by a full and open confession; and I, even I, who now, at the bare mention of your name, shudder with horror, will say, God forgive you!

I will in charity believe, that, when it first suggested itself to your mind to accuse these men, your own release was *all* you sought; that you supposed they would only endure a slight and temporary imprisonment, to which, as they were men of depraved habits, there would be but little crime in subjecting them; and that all which followed arose from necessity, or was the effect of chance; but, if you believe in a future state, do not thus trifle with your conscience, and risk eternal torment and damnation. Remember, that he, who commits an unlawful and immoral act, is answerable for all its fatal

* His own words to Asbee, as related in the deposition of the latter.

consequences. The incendiary, who, from interested motives, fires his house, conceives that his object will be accomplished by the destruction of his own premises alone; but the flames communicate; they carry with them desolation and dismay; many perish, thousands are ruined; yet, perhaps, this guilty man would have shrunk back with horror at the idea of taking away the life of one individual fellow-creature. Is he not, however, equally culpable? is not he the murderer of all those who became his victims?—most certainly. For with him originated the immediate cause of their destruction. Thus it is with you, if you have accused these men unjustly; for, though you might not wish, or conceive, that their lives would be endangered, you are equally criminal, and are answerable, not only for their deaths, but for all the accumulated calamities, that marked the day on which they suffered.

The last, and in my mind, the most materially-convincing proofs of the innocence of the sufferers, I am now about to lay before the reader.

It will be recollected, I promised Holloway, on the morning he suffered, that I would go to the persons he mentioned in the House of Correction. The whole of that day my mind was so agitated, not only from having beheld innocent men preparing for execution, but from the dreadful catastrophe which accompanied their fate, as to be incapable of then fulfilling my promise. I went there the following morning, and on mentioning to the governor the purpose of my visit, he said I might see the persons I inquired for. I told him I wished him to be present, and hear what passed. The several persons whose depositions follow, were then brought into his office one at a time. I asked them if they had ever conversed with Hanfield respecting the prisoners, or the murder of Mr. Steele, and particularly cautioned them not to state any thing but the truth, as the men were dead, and could not be benefited or injured by what they might say; that, besides, I should, if it appeared to be material, take down their answers, and prepare an affidavit accordingly, for them to swear, and therefore advised them not

to

to say any thing they could not conscienciously confirm upon oath. They then stated the facts in their several depositions, which I have, as nearly as possible, drawn up in their own words; and it will be found that their representations very accurately correspond with what Haggerty told the gentlemen who sat up with him the night before his execution.

At the time the depositions were prepared, I conceived, that, upon explaining the purpose to which it was intended to apply them, any magistrate for the county of Middlesex would readily attend and administer the oath to the parties; for, surely, if considerable doubts remain as to the guilt or innocence of the men that suffered, it is desirable that every fair investigation should be promoted to clear away those doubts. If the innocence of these men cannot be established, they ought to be considered as guilty; and the world will rest satisfied that Mr. Steele's murderers have been discovered, and met with their merited punishment; but, if the men are really innocent, and it can be made apparent, are there not sufficient reasons, why it should be made public? First: that the real murderers may still be sought after, and not left to prowl upon society. Secondly: that convicts may not, like Hanfield, imagine they can, by framing bold and artful stories against innocent men, extricate themselves from punishment, and ultimately escape with impunity; for, if this idea prevail among the vicious, no man's life is safe. And, thirdly: the consolation it must afford to the parents of these unfortunate sufferers, to have the odium of murder removed from their families. These reasons led me to imagine, that no difficulty or opposition would arise to prevent the depositions being sworn; but I have made very many applications to magistrates without effect, several having declined interfering without the Secretary of State's consent, advising me to wait upon Lord Spenser, or Mr. Wynne, the Under-secretary. On the 16th inst. I accordingly waited upon Mr. Wynne, Lord Spenser being then out of town, explained to him the investigation in which I was engaged, with the difficulties felt by magistrates, and solicited his interference to remove

move them. Mr. Wynne answered, that, as no legal proceedings were to be instituted upon the depositions, he was doubtful whether the Secretary of State would interfere; but that I had better communicate my request in writing, and it would be attended to; I therefore next day sent the following letter:

"MY LORD,

"Having been engaged in a minute investigation "of the case of Holloway and Haggerty, who suffered for the "murder of Mr. Steele, and the result in my mind completely "demonstrating their innocence, I feel it of importance, that "the public should also be satisfied, in order that the real murderers should not escape with impunity; and, if I satisfactorily prove that Hanfield has caused the death of two innocent men, merely to obtain his pardon, a consideration "will arise, as to instituting some proceedings against him."

"In the course of this investigation, I have learned "some very material facts from persons confined in the House "of Correction, Cold-bath Fields, to the truth of which they "are willing to make oath, and I have prepared depositions "accordingly: but several police-magistrates, to whom I have "applied, feeling a delicacy in interfering, unless they have "the direction or concurrence of your Lordship, have desired "me to make the present application. I therefore take the "liberty of soliciting your Lordship to give directions to some "one of His Majesty's Justices of the Peace for the county "of Middlesex to swear the above mentioned depositions, or "that your Lordship will condescend to notify that there is no "objection to such depositions being taken upon oath."

"I have the honor to be,
"My Lord,
"Your Lordship's
"Most obedient humble Servant,
JAMES HARMER.

"St. John's Square, Clerkenwell,
March 17, 1807.

"To the Right Hon. Earl Spencer."

To this letter no answer has yet been given; which may have arisen from subjects of more moment occupying the time and attention of his Lordship; and as, by waiting for an answer, considerable delay might be occasioned, without ultimately attaining the object, the depositions are given in their present state; and, though not sworn, the Reader will judge, whether nearly as much credit is not due to them, the men having been ready to swear at all times, since the depositions were prepared.

" WE, the Undersigned, do most solemnly declare, that the statements contained in our several depositions hereunto annexed are strictly true in every particular; and that we are ready to swear to them when called upon.

his
TIMOTHY ⋈ SULLIVAN,
Mark.

THOMAS EDEY.

his
CHARLES ⋈ FLOWER,
Mark.

his
EDWARD ⋈ JONES,
Mark.

GEO. LONGDEN.
THO. ASBEE.
ARTHUR BRUE."

" Witness, J. HARMER."

" TIMOTHY

"TIMOTHY SULLIVAN, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, that he has been acquainted with Haggerty about ten years, and has known Holloway two or three years, and Hanfield about a twelvemonth: and this Deponent saith, that he has, for the last four years, resided in or about the neighbourhood of Saint Giles's, and frequented the houses usually resorted to by thieves; and that he never saw the said three persons in company together: and this Deponent further saith, that the day after the said Hanfield became a prisoner, this Deponent saw him coming down from the Infirmary, and asked him how he came there; to which he answered, that the then last Saturday was a foggy day, and that he had made his escape; and this deponent knowing that the said Hanfield had been transported, and sent to Langston Harbour, and seeing him still dressed in the convict clothes, replied, that he could not have got out of the town (meaning Portsmouth) in those clothes; and the conversation then ended. And this Deponent further saith, that, a short time after, he learned that Hanfield had been brought to the Prison for the murder of Mr. Steele; and he then heard him sometimes express that he thought he should be hanged, and at others that he should get his pardon. And this Deponent saith, that, hearing Holloway was taken into custody for the same murder, and that Hanfield was to be the witness against him, he, the first opportunity, asked Hanfield whether Holloway knew any thing about the business, to which he answered that he did not; that he did not know any thing about Holloway: and this deponent saith, that, shortly afterwards, hearing Haggerty was in custody upon the same subject, he, the next time he saw Hanfield, told him the circumstance, upon which he changed countenance, and, at that time, said not a word: and this Deponent further saith, that he frequently afterwards saw the said Hanfield, and told him he had known Owen Haggerty for years, and that he was a man that would not hurt a worm; and that he never knew that they ever went out together, or were even acquainted with each

each other; and that it was a pity the men should lay there innocently; to all which observations he avoided giving an answer.

his
" TIMOTHY ⋈ SULLIVAN,
Mark."

Sworn at the House of Correction for the County of Middlesex, the Day of 1807. Before me

" THOMAS EDEY, nurse to the Infirmary in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That Deponent frequently went to that part of the prison where Hanfield was confined; and, as Haggerty was unwell, and a patient under this Deponent's care, Hanfield asked after him, and how he was; and, upon Deponent's saying he was in good spirits, he said, " you may tell both him and Holloway that they have no occasion to fret or make themselves uneasy, for, the next hearing they will both be turned up, and I shall have a swimmer, and that will not last me above six months, and then we shall all be at liberty." He also intimated, that it was better, they should be confined a short time, than that he should be on board the Hulks for seven years: and added, " that he would rather be at the House of Correction, if he had the same allowance he then received, a pint of beer and two loaves a day, for seven years, than have any thing farther to do in the business."— And this Deponent further saith, Haggerty's conduct, while he was in the same room with this Deponent, which was near two months, was that of an innocent man in every particular; and that Hanfield's behaviour was shocking to repeat. He behaved ill to every one, and threatened the lives of the patients without any provocation; and also abused and threatened the

 Governor,

Governor, the Doctor, and indeed every person about the prison.

"THOMAS EDEY."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

"CHARLES FLOWER, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That he was committed on the thirteenth day of January last to the said Prison, and that about a fortnight after, upon going to the Infirmary to get his shoulder dressed, this Deponent saw Benjamin Hanfield, whom he had before slightly known as being a post-chaise boy for a Mr. Shaw; and this Deponent saith that he got into conversation with him respecting the murder of Mr. Steele, and said, if they were the men, (meaning Holloway and Haggerty,) they deserved to be hanged; but, if they were innocent, they ought to be recompensed for their trouble, as their characters were lost: and this Deponent saith, that the said Benjamin Hanfield answered, that they would be sure to be cleared of it, and that it was better they should be here (meaning the House of Correction) for six or seven months, than he to be at hulks for six or seven years; and frequently repeated, that they would be cleared, and that he should have a swimmer, by which this Deponent understood that he expected to be sent on board a man of war: and this Deponent further saith, that the next day he saw Holloway, and told him what had passed.

his
"CHARLES ⋈ FLOWER,
Mark."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

"EDWARD

"EDWARD JONES, a prisoner in the House of Correction, Cold-bath Fields, maketh Oath, and saith, That, at the time of his first imprisonment in this Prison, he was unwell, and went every day to the Infirmary, where he saw Benjamin Hanfield, with whom he had frequent conversations, in which he stated that he was very sorry he had brought those men up, (alluding to Holloway and Haggerty;) and said, that what he stated at the office went for nothing; that he said what he pleased there, in order to get his liberty; that he would not hurt a hair of their heads; and that, when it came to trial, he would do all away, get them turned up, and himself sent on-board ship, or he should be very glad if they would let them off, and permit him to be a prisoner for two years: and this Deponent further saith, that he believes the said Hanfield was more communicative with him on account of his being a soldier, and he, Hanfield, having been one also; and, every morning this Deponent went to the Infirmary, Hanfield requested him to go and walk in the yard, in order that they might not be overheard, and the language above described was frequently repeated; and this Deponent saith, that, Haggerty being in the same yard with this Deponent, he communicated to him what passed with Hanfield; and this Deponent further saith, that Haggerty always said he was innocent of what he was accused of.

his
"EDWARD ⋈ JONES,
Mark."

Sworn at the House of Correction,
Cold-bath Fields, this
Day of 1807.
Before me

"GEORGE LONGDEN, one of the turnkeys at the House of Correction, Cold-bath Fields, on his Oath, saith, That he hath, at different times, heard a prisoner, named Hanfield, during his confinement, and particularly a few days before his liberation, say, that, when he got out of his confinement, he would run

 a knife

a knife into the Governor's bloody bowels, as well as his this Deponent's, or any bloody traps that should attempt to apprehend or take him; and other very bad expressions.

"GEORGE LONGDEN."

Sworn this Day of
1807. Before me }

"THOMAS ASBEE, a prisoner in the House of Correction for the County of Middlesex, maketh Oath and saith, That Benjamin Hanfield, since his commitment to the above prison, has been confined in the same Department as this Deponent, and this Deponent has had frequent conversations with him upon the subject of Mr. Steele's murder, but nothing ever passed from which this Deponent could infer the innocence of the persons accused, until Sunday, the twenty-second day of February, (the day before they suffered:) and this Deponent saith, that, seeing him, on the afternoon of that day, sitting by the fire, apparently in a desponding way, with his head reclining on his hand, and this Deponent never having observed him so serious before, thought it a good opportunity to converse with and question him; and this Deponent went and shook hands with him, and asked him how he found himself: he answered, 'Rather poorly, but as well as could be expected.' And this Deponent further saith, upon appearing solicitous about him, he requested this Deponent to permit him to have an hour's conversation by themselves, there being then several persons in the room; and deponent accordingly took him down into his own apartment, and gave him some porter, and then began conversing, as seriously as he was able, upon religion; and, as Deponent perceived he was affected, and that the tears were running down his face, Deponent pressed him very closely, and asked him 'What he thought would become of him if those men suffered innocently?' he answered, 'Innocently!—they cannot be innocent; for, if they have not done this, they have done other things as bad.' And, on this Deponent's again asking him

him what he thought would become of him, he answered, 'I shall fly to religion, and every thing is to be forgiven, I have no doubt.' Deponent observed, that, if he had any hopes of a future state, he ought immediately to confess the innocence of the men, as it was not yet too late; and asked what could induce him to charge innocent men: he answered, that self-preservation was the first law of nature; that the Hulks on board which he was confined was a shocking dreadful place; and added, 'you or any man, rather than be seven years at the Hulks, would hang as many men as were killed at the battle of Copenhagen.' And this Deponent saith, that their conversation ended a short time before lockings; and that, at the time they separated, he shook hands with this Deponent, said he had given him good advice, and hoped nothing would go any further, thereby intimating a wish (as this Deponent understood him) that this Deponent would not communicate to others any thing that had passed: but this Deponent saith, that, immediately upon his return to his fellow prisoners, he told them, and also publicly mentioned it the next morning before Hanfield was taken away from the prison. And this Deponent further saith, that, until the conversation above described, Hanfield never appeared to this Deponent to feel or express the slightest contrition or remorse; on the contrary, the greatest part of his conduct was depraved, and his language shockingly blasphemous; and so habituated was he to brutal expressions, that, while he was thus seriously conversing, he could not suppress the language to which he was addicted; for, on this Deponent's asking him, who went with him, when he gave his evidence, he answered, Bridgman; and added, that, if George (who is one of Mr. Aris's men) had gone up with him, he would have murdered the bl—dy b——r."

"THOMAS ASBEE."

Sworn at the House of Correction, for the County of Middlesex, the day of 1807. Before me

"ARTHUR

"ARTHUR BRUE, nurse in the Infirmary of the House of Correction for the County of Middlesex, maketh Oath, and saith, That Benjamin Hanfield was in the same place with this Deponent during the time he was confined in the above prison; and this Deponent had therefore an opportunity of observing his demeanour; and this Deponent saith, that his conduct was shocking; and this Deponent was always afraid of him, and dreaded, from his behaviour to Deponent and the poor people who were ill, that he would commit murder: and this Deponent saith, that he several times assaulted persons who were in the Infirmary; and that, one night in particular, at about half-past twelve o'clock, he assaulted a man of the name of James Bryant, while in bed, and tore his shirt in pieces. And this Deponent further saith, that he saw the said Hanfield in the way described by Asbee in his Affidavit, and heard him say he should like to speak to him alone.

"ARTHUR BRUE."

Sworn at the House of Correction for the County of Middlesex, the Day of 1807. Before me

Should it be objected that those who sign the above depositions are bad characters, and ought not therefore to be believed, especially as Hanfield afterwards denied having made the declarations attributed to him,—let me ask if these men are one tenth so depraved as Hanfield? Yet upon his testimony were the sufferers convicted and executed. Even admitting them to be equally bad, Hanfield, by the evidence he was giving, procured liberation from the Hulks, and pardon from transportation. The Deponents, on the contrary, had no wish to ratify, no sinister end to answer. Asbee never saw either Holloway or Haggerty, and therefore could not feel at all interested for them. Indeed, the whole of the depositions

tions were made after their death; consequently, supposing those men to have been the most intimate friends and associates of the deceased, and wicked enough to swear falsely, to save them from punishment,—they would not volunteer perjury, when it could not possibly benefit themselves or their acquaintances, and would certainly procure them no favour. If these Deponents, then, had no interested motive for asserting untruths, and if Hanfield unquestionably had, the reader may judge to whom most credit is due.

I should observe, that Brue and Edey were placed in the situation of nurses to the Infirmary, on account of their humane and proper conduct; they are therefore less liable to be suspected of perjuring themselves, even were it likely to answer some beneficial purpose. But it cannot, surely, be believed that the Deponents would willingly swear falsehoods, merely to remove the odium of murder from the characters of men with whom they were unacquainted.

The depravity of Hanfield's conduct does not rest upon the statements made in those depositions. When in the House of Correction, he has used violent threats in the hearing of the Governor's Son. The shirt which he tore in pieces from the back of a fellow-prisoner, as mentioned by Brue, is in the Governor's possession; and the following incident, which occurred only a short time before the trial, tends to shew the ferocity of his disposition. While exercising himself at Fives, a little puppy, in the playfulness of its nature, ran after him, and entangled itself for a moment between his legs. He immediately seized the poor little animal, and with the greatest malignity dashed it against the wall, so that, on its reaching the ground, it lay for some time apparently lifeless. He is besides well known in the different prisons of the metropolis for the brutality of his actions, his horrid blasphemous expressions, and his diabolical threats against those who even unintentionally offended him. The whole of this man's behaviour, therefore, completely refutes his assertion—of having felt compunction or remorse of conscience for the last four years.

Upon

Upon investigating the characters of Holloway and Haggerty, I find Holloway usually got his living by honest industry, but was once convicted of a petty theft, and sentenced to six months imprisonment in the House of Correction; and, when there, he was permitted to work in the garden,—an indulgence granted only to those who behave themselves well. The offences, of which Haggerty appears to have been guilty, were such as stealing lead from a falling and deserted house; or running away with trifling articles exposed in the street for sale; and, so far from his being a desperate man, he was the object of ridicule among those who lived entirely by thieving, because he would nearly starve rather than commit thefts; and he was at last so much reduced, as to be compelled to enlist in the Marines. They were neither of them professed thieves, who premeditated crimes, but merely yielded occasionally to present temptation when out of work. And, from all that I have been able to collect of their disposition, they were very unlikely men to have committed a crime so abhorrent from human nature as that ascribed to them.

The Public are now in possession of the Documents I have collected, and of such observations as have occurred. By some I have been censured for the undertaking,—by others threatened. I have been told, to my face, that prosecution would surely follow any publication I might send into the world, which had for its object to shew the innocence of the sufferers; that the Attorney and Solicitor General should be consulted; that, if I ventured to publish any thing, I must not expect to remain upon the Roll of Attorneys. But I was not to be intimidated or deterred from that which to me appeared right. If, because I dare give my opinion openly and dispassionately, together with the grounds upon which that opinion is formed, I am unfit to remain upon the Roll, let me be struck off! I would rather subsist by daily labour, conscious of not having violated or neglected a sacred duty, than fill the most lucrative situation, and basely suppress the truth, in compliance with magisterial menaces; but I know too well the liberality,

liberality, the honour, and the public virtue, of those who watch over the purity of the Rolls of Attorneys, to entertain for a moment the slightest apprehension that such menaces can be carried into effect.

I know not whether similar threats have been used to others; but part of my manuscript was in the hands of a printer; the press set, and a proof actually worked off, when, together with the manuscript, it was returned, accompanied by an apology from the printer; saying, that, even if no ill consequence resulted, he should feel uneasy, and therefore declined proceeding. From this circumstance, the publication has been unavoidably delayed.

I have now discharged that which I consider an imperative duty. Whether I am justified in the steps I have taken; whether the observations I have offered are deserving attention, the inferences just, or the conclusions maintainable; or, whether the facts produced are irrelevant and improbable, the Public will determine. To their tribunal I submit the whole openly and unreservedly, yet with the greatest diffidence as to the execution of the task. Whatever be the result, I shall be content. Conscious that I am prompted by none but pure and disinterested motives, and that I have no desire whatever, to misrepresent facts, or mislead the public opinion, if I err in the judgment I have formed, the error will, I hope, be deemed to proceed from the head, and not from the heart.

FINIS.

ERRATA.

Page 24, line 20, *for* only, *read* it only.
22, — repeated, *read* retracted.
31. The eleven lines at the end of this page, and the six lines at the top of the next, should have been inserted after the first paragraph in page 31.
51, line 7, *for* he, *read* it.
52, — 31, — in that, *read* in their.
53, — 2, — that, *read* this.

Lewis & Hamblin, Paternoster-row.