

discharged—I took Thompson and Robert Utton—the prisoner is the last of those I took—he was let out on bail—I was twice before the Magistrate.

WILLIAM COOK TAYLOR. I am in the employ of Mr. Webb. I went to Robert Utton's and found two trusses of clover hay—to the best of my belief it was clover hay that I saw go from our yard to Mr. Stevens's—I saw several trusses go over there.

Cross-examined. Q. What are you? A. Assistant to Mr. Webb—we have hay brought up, two loads at a time, from Essex—this is Essex clover hay—Mr. Stevens had not any hay on his premises. Not Guilty.

1526. **WILLIAM COOK**, embezzling 30s.; the moneys of Octavian Edward Coope, and others, his masters: to which he pleaded

GUILTY. Aged 42.—*He received a good character.—Confined Six Months.*

1527. **JAMES SURRIDGE**, stealing 1 hat, value 1s. 6d.; the goods of Robert Cooper.

JOHN GOODALL (policeman, N 293). On 19th August I saw the prisoner in front of the door of the "Fountain" Inn, Chingford—there were four or five people there, and one said, "Whose hat is that you have?"—he said, "Don't halloo," and immediately went about sixty yards on the road, crossed over, and laid down under a tree—I went up to him and asked him whose hat it was—he pretended to be asleep—I asked him again, and he said, "It is mine, what have you to do with it?" I brought him back, and found a hat had been lost—this is it (*produced*).

ROBERT COOPER. On 19th August I was at the "Fountain"—I had some refreshment—I was very tired and fell asleep about half-past ten o'clock, with my hat on; I awoke in a quarter of an hour or twenty minutes, and it was gone—this (*produced*) is it.

Prisoner's Defence. I purchased the hat of a man at the house, who said he was distressed. **GUILTY.—Confined One Month.**

KENT CASES.

Before Mr. Common Serjeant.

1528. **RICHARD HITCHCOCK, GEORGE HARRIS, WILLIAM GRAHAM, JOSEPH DAVID BINKS, and CHARLES MELTON**, were indicted for a riot and assault.

MR. PARRY conducted the Prosecution.

WILLIAM COOK. I reside at Clayhill-farm, Plum-lane, Shooter's Hill. I commenced living there about Christmas, 1848—I was put in by Mrs. Lidgbird, to do the best I could with the farm, and afterwards I was to have a lease of it for twenty-one years, if it answered—it was in as bad a state as it could be; everything was all to pieces—the landlady had the house repaired, and I had the painting and papering inside to do, stoves, and everything put into the house, built a stable and pigery—the farm was of about forty-six acres, and the cultivation had been very much neglected—there had been a person of the name of Wynn in it—I expended on the repairs of the house and on the land about 300l.—I saw Mr. Dallen, the clergyman of Shooter's Hill, Mrs. Lidgbird's son-in-law, about the farm—in Oct., 1849, Mr. Dallen came to me, and said Mrs. Lidgbird was in want of a little money, and would be glad if I could let her have a little—I sent her 20l.—nothing had been said about the rent for the farm until such time as I had the lease—there was something mentioned, but there was no kind of writing whatsoever—

5th June last I was in the occupation of the farm—I had gone on cultivating and attending to it properly up to that time—there were several horses, and a cow or two, on the farm, two pigs, and one cart—I had furniture in the house, and my wife and six children resided with me—I had no servant—about March or April a distress had been put in for rent—they took the ploughs, harrows, breaks, and everything they could—if they had been fairly sold, they would have been worth nearly 50*l.*; but the ploughs, which cost me 5*l.*, were sold for about 3*s.* 6*d.*, and the harrows at 1*s.* a piece—a man named Cahan seized them—I have received no account of that sale—on 5th June, about twelve o'clock in the day, the defendant, Graham, came to the door, and demanded 60*l.* odd, as rent, for Mrs. Lidgbird—I told him I did not see what business I had to pay any rent—he then went behind the house, and gave a whistle, and the four other defendants came running in directly, like so many wild beasts—Binks is a broker—I then went to the sty, and turned two pigs out into the yard—Hitchcock said, “Lock the b—— up,” and he went to take the pigs out of the yard—I went to shy a brick to drive the pigs back, to stop them, and it hit Hitchcock on the leg—I had told them the first thing to quit the premises, and I told them so several times, and asked what authority they had—they made no answer, but “Lock him up”—Graham pulled a paper out of his pocket, something about this money—he said he wanted the rent for Mrs. Lidgbird—it was a bit of brick I threw which hit Hitchcock, not a brick—he then pulled off his coat, and challenged me to fight—Mrs. Cook was present in the yard at the time—I believe the children were in-doors, but do not know—Mrs. Cook came out of the house at the same time the men came rushing in—Hitchcock laid hold of a stick which laid in the yard, and ran after me with it; and I ran and picked up another at the back of the house, and defended myself with it—Harris also had a stick, and they all came on me together, saying, “Kill the b——”—I drove them all back, out into the yard, and from the yard into the lane—Harris there pinned me by the arms, and Hitchcock struck me on the head with the stick, and gave me a wound two inches long—I went to Mr. Turner's, a surgeon, afterwards—they then went into the village, and fetched two policemen to lock me up—the blood flowed from my head like a fountain—my wife washed my head, and had some difficulty in stopping the blood—the wound was very painful; I suffered from it for about three weeks, it is healed now—the prisoners did not go away, they remained about the premises, smoking and drinking a good deal, in the stables and in the garden—they were there seven days, night and day, all the five of them—now and then a refreshing came, and the others went away, but they came back again—on the night of the 8th, Hitchcock and Harris attempted to break into the house, at a quarter-past one—I was outside, watching—they lifted up the window, and tried to force open the shutters—the other men were walking round the front of the house at the time—at the end of the seven days, they took away seven horses, and pigs, and a cart, and a quantity of harness—the horses were grass horses that I had, and belonged to other persons—two belonged to a dealer, that I do not believe had been on the farm, but they drove them on—I cannot say exactly what they did take, but I should say it was to the value of nearly 100*l.*—I received an account of the sale some few days afterwards—this is it (produced)—it is signed “William Graham,” and states they were sold for 29*l.* 18*s.* 6*d.*

Cross-examined by MR. BALLANTINE. Q. Were you present at the sale?
A. I was not—this is the paper I had sent me—there was another paper; I do not know whether Mr. Owens has got it—F am a farmer—I have occu-

pieced several pieces of land from different landlords—the last might have been about three years ago, under Mr. Russell—I occupied that for three years, at 45*l.* rent—I never had a distress put in there—I gave it up, and had no land for about two years when I went into this—I knew it was Mrs. Lidgbird's farm, and applied to her to take it—she is an old lady—the Rev. Mr. Dallen lives with her—I was put into the farm to do the best I could—they talked of rent when I took up the lease, but I never did—there was a bother about getting a man named Wynne out before I took it—I think when I took up the lease the rent was to be about 91*l.*, or 92*l.*—it might have been 92*l.* 10*s.*; I cannot say—if the farm turned out to our satisfaction I was to have a lease for twenty-one years—I had to lay out a good deal on it—I sold two houses for 300*l.* on Mr. Davis's estate—I had to pay a mortgage on them, but I got 300*l.*—the mortgage might be about 100*l.*, but I had got money to pay it—I went in between Christmas and March, about the middle of the quarter—I was to pay no rent till they granted me the lease—no time was fixed for granting it—I was to get the land into working order—I did not expect I was to pay a farthing—they were afraid to make any agreement because another man holds the lease, and how could they grant me one; I did not know that at the time—the first distress was about twelve months after I went in—up to that time I had paid nothing; not of rent kind—Mrs. Lidgbird sent down to me, saying she wanted some money, and I sent her up 20*l.*, and this is the receipt she sent me back (*produced*)—I sent it out of kindness—I do not know whether it was lent, paid, or given—I thought, perhaps, she might have been short of money—I believe she is a lady of fortune—I thought we might arrange it somehow between us—it was neither given or paid—I thought we might come to some terms on different things—she put in the distress in March, for rent from March 1849, to March 1850—I did not replevy—I ordered the broker off the premises, and put him off—I shoved him off—he did not get his head broken—I did not strike him—he rolled over a small lump of dirt by the gate, and caught his heels as I pushed him back, and fell on his back—he was not one of the parties who distrained the second time—perhaps he had had enough of it—the greatest part of the land is grass land, and about fifteen acres of ploughing land—I have had no crops off it—how could I, when they took my ploughs and harrows away—I have had a little hay off the grass land—the two pigs were worth about 3*l.*—I did not let them out of the sty to prevent them being distrained, but because it is a thing we very often do in the yard—I should have let them out if Graham had not come—I threw the brick to stop them, to turn them back—Hitchcock could run as fast after he was hit as he did before—I might have pitched two pieces of brick; I do not know—the second did not touch the man or go near him—I did not have a bill-hook in my hand—there was one on the chopping-block at the back of the house—I will swear Hitchcock did not wrest it from my hands—I never had it in my hand—Hitchcock took it off the block at the time he took the stick—I hit Hitchcock and Harris with the stick, but the one they hit me with was as big again—I hit Harris on the hand, I think, and Hitchcock on the thumb or finger—I went to the doctor the same day—I was afterwards summoned before the Magistrate, at Woolwich, by Hitchcock and Harris, and charged with an assault on Hitchcock with the bill-hook, and a further assault on Harris—the prisoners all gave evidence against me, and I was bound over to answer the charge at the session—I immediately went before the Grand jury here, and preferred this charge against all five—I had previously taken out summonses against them, but there was no inquiry on my charge before the Magistrate.

MR. PARRY. Q. Did you go to the Magistrate for the purpose of preferring a charge against them? A. Yes, I believe I did—I think the Magistrate mentioned something about my going before the Grand jury, but I do not recollect much about it—I acted under the advice of Mr. Owens, my attorney—I hit Hitchcock and Harris when I was defending myself, after they had come at me with sticks—I let the pigs out about two or three minutes after Graham came—I do not know what replevyng a distress means—I received no notice of the distress in March—Mr. Dallen sent me a letter a day or two before, to say I was to pay the rent—I have expended about 300*l.* on this farm—Mrs. Lidgbird told me she laid out about 100*l.* in repairs—the 90*l.* rent was mentioned the first time I went to Mrs. Lidgbird's—I was to have a lease as soon as the farm was in cultivating order—I have never been offered a lease—I first heard of another man having a lease about last Christmas.

MARY ANN COOK. I am the wife of William Cook. On 5th June, as my husband and I were sitting at dinner, I heard a rap at the door—it was Mr. Graham—he wished to go in-doors, and I wished to know why—my husband went to the door, and he said he was to distrain by Mrs. Lidgbird's orders—they stood talking outside, and I closed the door—I afterwards heard Graham whistle, and five or six men came into the yard to him—they came with very abusive language, not fit for me to repeat—Hitchcock threw down his coat and hat and challenged Mr. Cook to fight—Mr. Cook wished to know what they wanted—they said they had come for 62*l.*, I think—he wished to know what it was for, and they began with their abusive language, and would not tell him, no more than it was to distrain by Mrs. Lidgbird's orders—all this was before the pigs were driven out—after the pigs were driven out Hitchcock picked up a stick and followed Mr. Cook—he picked up another, and Harris held him by the shoulders while Hitchcock struck him a blow with his stick and made a wound—I was close to them—I saw the brick thrown—Mr. Cook threw one to defend himself from Hitchcock's stick—the pigs were then driven down the lane by Melton—Hitchcock was making his way towards Mr. Cook with the stick when the brick was thrown—he threw it to defend himself from him—Harris also had a stick; none of the others—Harris had no stick at the time Mr. Cook threw the brick, he took it afterwards—the blow Hitchcock struck Mr. Cook was a very severe one—I bathed his head with two pails of water and a soft towel; it bled very much—he said, "Fetch me some water to bathe my head, I am a dead man"—none of the children were at home—the prisoners remained seven days on the premises, all five of them, and sometimes more, and they were drunk the best part of the time—they made a great noise—the place was never quiet night or day—they were walking about the premises all night, trying to get in—I was very much alarmed—I never went to bed one night while they were there—they had lights in the stable and straw to lie on.

Cross-examined. Q. Where did the brick come from that your husband threw? A. He picked it up close to him—he threw two; one hit Hitchcock on the leg, the other did not hit him—he threw it with the intention of hitting him, but it escaped him—Hitchcock was as near to him at the time as he could be to strike him, brandishing his stick towards him—the pigs were down the lane at that time, not in sight.

SARAH BISHOP. On 5th June I lived in a cottage adjoining Mr. Cook's—Mr. Graham came and asked me where Mr. Cook lived; I told him, and he went away—I afterwards saw him outside Mr. Cook's door, quarrelling with Mr. Cook—I afterwards saw Mr. Cook held by Harris, while Hitchcock, with

a thick stick, struck him on the head with all his force; that was at the end of our garden—before that I heard Hitchcock say, "Come out like a man, and I will fight you"—Harris had a stick—I heard Mr. Cook say he was a dead man when he was struck; he had a stick—I did not see any bill-hook in his hand—the men remained on the premises for some days; I only saw them in the daytime.

Cross-examined. Q. You live with your father and mother? A. Yes; they are tenants of Mr. Cook—we pay him rent regularly every week—I used not to go there very often—I have been since—I saw some one drive the pigs about, but they were very much muddled, and I did not notice who it was—I saw no bricks thrown nor any bill-hook used—I heard Hitchcock say afterwards that Mr. Cook had a bill-hook in his hand, but I did not see it—I never saw one on the premises—Mrs. Cook was close to her husband when he was struck—she did not strike anybody—she was quite quiet—she helped him away—I was at our window, thirteen or fourteen yards off.

JOHN CROWTHER. I live in Plum-lane. On 5th August, as I sat at dinner, I heard a cry of murder in the lane three or four times—I went out and saw Hitchcock and Harris dragging Mr. Cook down the lane, one having hold of each arm—his head was bleeding very much—one of them, I do not know which, said it would be a good job if they killed him—I did not see him struck.

Cross-examined. Q. Do you occupy a cottage under Mr. Cook? A. I did; I do not now—they were dragging him down the lane, and he was pulling back.

JAMES SAMUEL TURNER. I am a surgeon, in Plumstead-road. On the afternoon of 5th June, Cook came to me between four and five o'clock—he had a severe jagged cut on his head, on the right parietal bone—I dressed it, and saw him twice afterwards—he has entirely recovered from it now—he might feel the effects of it perhaps two or three weeks.

JURY to WILLIAM COOK. Q. Before this riotous attempt, was there any rent demanded by the landlady in the usual way? A. Not at all; there was no understanding that I was to pay what rent I could afford—I was only to pay rent when they granted me the lease; no other time was mentioned—the cottages occupied by Bishop and Crowther are part of the farm that I hold of Mrs. Lidgbird.

Not Guilty.

Before Mr. Common-Serjeant and the Third Jury.

1528. WILLIAM COOK was indicted for assaulting Richard Hitchcock.

MESSES. HUDDLESTON and COCKLE conducted the Prosecution.

REV. THOMAS JAMES DALLEN. I am a clergyman, and live at Spooton-hill—I reside with Mrs. Lidgbird, who is my mother-in-law—the defendant occupies Clayhill farm under her, for which he agreed to give 92*l.* 10*s.* per annum, clear of all rates and taxes—I cannot state the precise day on which that agreement was made, but it was early in Feb., 1849; it might have been the last day in Jan.—the rent was to commence at the following Lady-day—he was to have the intermediate time to prepare the land—I received a message from Mrs. Lidgbird to take to Mr. Pearce the attorney.

Cross-examined by MR. PARRY. Q. How long had the farm been unoccupied? A. The former tenant left it the Oct. previous—he went to Australis, leaving two years rent due—he held a lease under Mrs. Lidgbird, which lease has been set aside by a judgment of the Court of Queen's Bench—on 27th Jan. we obtained possession by the Sheriff—part of the farm was badly cultivated, and part was pretty well—it was through me, in Mr.

Lidgbird's presence, that the agreement with Cook was made—he offered to do the internal repair if Mrs. Lidgbird would do the external—he was to have a lease for seven, fourteen, or twenty-one years—there was no day specified for his having it—the arrangement was not that he should get the ground into good cultivation, lay out money for that purpose, and then that an amount of rent should be reserved, to be specified in the lease—he has never demanded any lease; I have never offered him one—Mrs. Lidgbird first demanded rent in Oct. 1849—I think I went to him one day for her, and one day with her—I heard Mrs. Lidgbird demand rent, and Cook admitted it to be due—I cannot say the precise terms in which I asked Cook for the rent in Oct.—I may have said Mrs. Lidgbird wanted money—this paper (produced) is my writing—this is “Paid 20*l.* for the use of Mrs. Lidgbird”—I do not know why I did not put “on account of rent”—it was a mere memorandum—the rest of the rent was to come up shortly, and then he would have had a proper receipt for the whole—I think I gave Cook the particulars of the agreement on a bit of paper—I have here a pencil memorandum which I made at the time (producing it), “Rent to be paid, 92*l.* 10*s.*, and lease seven, fourteen, or twenty-one years”—the farm was in a bad state of repair—Cook built a stable and some piggeries—I was before the Magistrate, and heard him recommend the parties to go before the Grand Jury and prefer their charge.

MR. HUDDLESTON. Q. Who found the materials for building the stable? A. Mrs. Lidgbird—there were a great many bricks, tiles, and some timber in the place belonging to a cottage which was pulled down, and they were given him to use—Cook did not tell me himself, when he paid the 20*l.*, that the rest of the rent would come shortly—that message was brought to me by Rath Coleman, his servant.

ROBERT HITCHCOCK. I live at 7, Union-buildings, Woolwich. On 5th June I went with Mr. Graham to the front of Cook's house—he was chopping some wood at the time—we left Binkes on the common; he was coming shortly after—Graham told Cook that he came to levy a distress for 60*l.* odd, if he could not pay the money—he said, “You have not shown me the account of the goods you took before”—Graham said, “I have nothing at all to do with that,” and he showed him his warrant—we came down the yard talking together, and Cook opened the pigsty, and let two pigs out belonging to Mr. Jacobs—the pigs ran about the yard; I went to stop them, Graham told me to do so—Cook up with two bricks and sent one at me—that missed me, and the second one hit me in the thigh, and knocked me down—he said he would clear the b——y yard—I got up and followed him round the back way—he said “I will cut all your b——y heads off,” and he ran to this chopper (produced) and took it up—I begged of him to be quiet—he was in the act of raising it up when I wrenched it out of his hand—he then followed me with a stick, and knocked me down with it in the yard—I said, “You are not half a man, you will murder me”—he cut at me again over the hands, and they were all bruised—it was a thick hedge-stick—they swelled very much, and one of them bled; I showed the Magistrate the state they were in—I took up a stick to defend myself—he kept swinging his stick about, so that I could not get near him—he was like a madman, running at all of us—he drove us all into the lane, and in the scuffle there my stick fell on his head.

CROSS-EXAMINED. Q. Accidentally? A. Yes—I never hit him one blow—his head was cut, and bled a good deal—Harris had a stick; he did not say “it would have been well if we had killed him,” or anything of the kind

—I swear that—I did not know anything about going there till half-past ten that morning—I knew nothing about any one else going besides me and Graham and Binks—Graham knocked at the side door—Cook came from the back of the house—I heard no whistle given for the other men to come up—they came very quietly—we made no disturbance—we did not say, “Come on, we will kill the b—r,” or anything of that sort—I am a furniture and general dealer—I sell old clothes and brokery things—I occupy a house, and pay 7s. 6d. a week—I have lived there two years and a half—I have never been engaged in this kind of thing before—I received 3s. 6d. a day for this for seven days—I was on the premises all night—I never made any attempt to break into the house—I never lifted the window, or tried to open the shutters; it is not legal to do such a thing, I have been told so—I did not strike Cook on the head with all my force; if I had I should have killed him with the stick I had got—it was a very thick one; it was the first I could pull out of the hedge—I have never been charged with any assault before this, nor with anything—I have been in a station once for being drunk, two years ago, never for anything else—I was fined 15s. then—I saw Mrs. Cook—she came out and begged Mr. Cook to be quiet—she was excited at his flourishing the stick about—I had not drunk anything that morning—Mr. Graham fetched me that morning—he said he would give me a job—I had known him for about four years—I think I had a drop of gin that morning with Graham at Spence’s; nothing else—that was about half-past ten—I was not at the Lord Bloomfield that morning—I did not challenge Cook, or pull off my coat—I said if Cook was a man he would put down the stick and fight like a man—I never fight—we had some porter when this was over—Harris had not hold of Cook when I struck him—directly I had struck him Harris went and laid hold of him.

WILLIAM GRAHAM. I am a broker, and live at 7, Grove-lane, Woolwich. On 5th June I went with Hitchcock and others to Mr. Cook’s premises—I had a distress-warrant with me—this (*produced*) is it—I received it from Mr. Binks—he could not perform it himself, and he employed me as his agent—I produced the warrant to Cook, and made a demand on him for the rent, 65l. 18s. 6d., as stated in the warrant—he saw it, and I read it to him in the usual course—he said, “I am very sorry; you know me very well; you should have let me know, and I would have made it all right”—I said, “I have a duty to perform, Cook, which I am sorry so to do, but I will perform my duty as mildly as I possibly can”—this took place opposite the door of his dwelling-house—we then proceeded round to the back of the house—I told him he had better allow the duty to be done quietly—he said, “I don’t blame you at all”—I then said, “My men are close handy, I will give notice to them”—Cook proceeded into the farm-yard; and on seeing the two men to place in execution, and Mr. Binks, and a person named Melton, who was taking a walk up that way, and came in likewise, Cook used a dreadful oath, stooped down, took up a brickbat, or a portion of a brickbat, and violently threw it at Hitchcock—it struck him, and he fell—he threw two bricks—nothing had been done with respect to the pigs previous to this—he went to the pigsty immediately afterwards, removed the pigs, and sent them down the lane; and I drove them back again—I said to him, “You must not let these pigs out”—he said, “Oh they are not my pigs, they belong to a cow-keeper down here, therefore you will let them go”—I said, “No, I can allow nothing to go off the premises;” and I and Melton drove them back—Hitchcock was not with me then—he was taking care of the premises—I did not send him after the pigs—when I returned, I found Cook attacking

Hitchcock with a stick—Harris seeing Hitchcock attacked, immediately ran to his rescue, and he received a blow from Cook with a hedge-stick, which broke his little finger—Hitchcock had a stick to defend himself, and that stick by some means struck Cook on the head—I saw Cook with a bill-hook in his hand, and he threatened to assault us all with it if we did not leave the premises—I said, "You had better just walk away quietly, and perhaps he will come to in temper after a time"—we did not go off the premises—we retreated, of course, from the man with such a weapon in his hand—we were obliged to retreat—Hitchcock got it from him.

Cross-examined. Q. Did you go up and tap at the door? A. No, I met him—the other men were there, at the outer gate, in the lane, waiting for my instructions—I did not whistle—I saw Mrs. Cook through the window, not out of the house—she took good care to secure the house while we went round—she was not in the yard till after the row was over—I knew Binks and Melton before—Melton had not received any intimation from me to be there—we met him on the road, and said, "We are going up to su-and-so, on unpleasant duty; will you accompany us?"—I had nothing to drink that morning—I have been tried before, and was honourably acquitted before his Honour: it was for a forcible entry—I was never charged with anything else—that is about twelve months ago—Mr. Huddleston defended me—I saw blood flow from Cook's head—it was not a very large quantity—it was a hedge-stick—I was in possession of the premises for seven days, not with all my men, Hitchcock, Harris, and a man named Telfer; not Binks or Melton—I did not remain there all night; I used to go away to my business, and return again to see that everything was going on right—I was in the Lord Bloomfield that morning, on my return, not on my way—I took nothing on my way—I had no porter with Hitchcock, to my recollection—I know Spence's, I had no porter there with Hitchcock or Harris that morning—Hitchcock and Harris had come from Thomas-street that morning—Hitchcock lives in a place called the Gardens; he met us at his uncle's shop—I, Harris, and Hitchcock, all went together—Mr. John Campbell appraised the goods.

MR. HUDDLESTON. Q. Do you recollect whether you went to Spence's at all that morning? A. Two or three went in to get a little refreshment, I stopped outside to see a person.

COURT. Q. You saw two bricks thrown, you say? A. I did; I saw the first one hit Hitchcock.

GEORGE HARRIS. On 5th June I followed Graham and Hitchcock to Cook's premises—I saw Graham, Binks, and Hitchcock in the yard—I saw some pigs in the sty—I saw them turned out by Cook—I heard him say they belonged to Mr. Jacob—Hitchcock ran to stop them, and they went out of the gate—I saw Cook throw the bricks at Hitchcock before the pigs were turned out; one hit him on the right thigh, and knocked him down—I saw a bill-hook when I first went into the yard: I did not see anything done with it, no more than I saw Hitchcock with it, coming from the rear of the house—Cook was close behind him; and before I saw Hitchcock, I heard Cook say, "I will chop your b—y heads off"—Hitchcock said, "Look at what he was going to use"—Cook said, "Get off my premises"—I said, "Cook, if anything is wrong, and this seizure is wrong, you have your remedy"—"You," he said, "you b—y rogue, you are the biggest b—y rogue of the lot"—he then took up this stick, and struck me a severe blow across the right-hand—he then made several attacks on all of us—he afterwards struck me across the right-hand, and broke my finger just above the knuckle—he was very violent—he drove us all out into the lane with the stick—he was making a blow at

Hitchcock with this stick, and Hitchcock had a stick raised at the same time; as I considered, to defend himself from the blow—I rushed in to Cook at the same time, and seized him round the middle, and took this stick from him—at the same time the two sticks came in contact together, and Hitchcock's stick fell on Cook's head—I had picked up a small stick, but I threw it away, and said, "We will have none of this."

Cross-examined. Q. Did you go before the Magistrate? A. I did; I preferred a charge of assault; that was not dismissed—it was not gone into, on condition that an indictment should be preferred here—it never has been; I expected it would—I had no surgeon to set my finger; some men there cut some pieces of wood, and I had it put together and bandaged it up; it is crooked now, it was straight before—I was in great pain, and had some goulard-water for it, which I purchased at Mr. Stewart's, a chemist in the town next day—it was bandaged up for three weeks—the stick I had was a small one—this stick has been in the possession of the police since the day the case came on for hearing at the police-court; I seized it from Cook—his head was hurt; it bled a little—I have had many a worse crack of the head than that—I was seventeen years in the police, and am now receiving a pension of 21l a year—I have not got the stick that Hitchcock had: it was not so long as this; it was about as thick as this end, it was about two feet six inches long—I had come from Thomas-street, Woolwich that morning—I came alone—I never saw Graham till I got to the farm—I know Melton; I saw him there with Mr. Binks—I had not been drinking with Mr. Graham that morning—I had had nothing to drink that morning—I had 3s. 6d. a day for this, and my food.

CHARLES MELTON. On 5th June, I saw Mr. Binks, Hitchcock, Harris, and Graham at Cook's farm—it was quite accidentally that I was there—I was standing, with Mr. Binks, in the lane, and saw Hitchcock, Harris and Graham there, by the gate—Mr. Binks said to Graham, "You go and demand the rent of Mr. Cook"—Graham went, and Mr. Binks and I stood in the lane for a minute or two—Graham and Harris then returned, and said, "The house is closed, the doors are locked the windows are bolted, and we cannot get admission"—Mr. Binks then went with them to the back of the house—I stood in the lane, looking over the farm-gate—in about five or six minutes, Hitchcock said, "He has got the bill-hook"—he ran back, and came and said, "I have got the bill-hook away from him"—then Cook, Harris, and Graham, came from behind the house, and Cook said, "Be off out of my premises"—he ran to the pigsty, opened it, and drove out two pigs—he then took up two or three good-sized brickbats; he flung one at Hitchcock, caught him on the thigh, and knocked him down on his back—he then flung the other; I do not know whether he aimed it at any one, but it did not strike any one—he then said, "Off my premises, you b——s, or else I will kill every b——m n of you"—he took up a stick, and struck Hitchcock with it violently—Hitchcock said, "If you are a man, don't kill me; if you want to fight, I will fight you like a man, but not with this"—he then turned to Harris, and struck him across the hand, after he had driven us all out into the lane, and I believe broke his finger—he then turned to Hitchcock again, and they had stick and stick, Cook trying to strike Hitchcock, and Hitchcock defending himself, and their two sticks came together, and Hitchcock's stick slipped down, and cut Cook's head open—Harris then said, "Down with your sticks;" threw his own down, and ran and caught hold of Cook in his arms, to prevent any further struggle.

Cross-examined. Q. When did Harris take up a stick? A. I do not know; I did not see him take it up, or use it—I remained there about half

at hour, and then went home—I did not assist in driving the pigs—I had nothing to do with this matter, I was there accidentally—I have been a tradesman in Woolwich twenty years, and rent a 52*l.* house—I have known Binks five years—I knew Harris when he was a policeman—I have only known Hitchcock very recently—I did not go inside the gate—I took nothing to eat or drink with them—I took the men something to eat in the evening, by Binks' orders—I keep an eating-house; I supplied them for seven days.

JOHN DAVID BINKS. I am an upholsterer and auctioneer. I went after Graham, on 5th June, to Cook's—I gave him this paper (*produced*), which I got from Mr. Pearce, Mrs. Lidgbird's solicitor—Graham went to the back of the house, Cook came out, and Graham demanded 65*l.* 18*s.* 6*d.*, due for rent—Cook said he did not owe it, and he should not pay it—Graham said he did—Cook said, "What authority have you to come here?" and he produced this warrant—Cook then said if every one did not leave the premises, he would make them; and he went and took up a bill-hook, and held it up in an attitude, and said if the whole did not leave the premises he would cleave every b—b—down—Graham said certainly we should not leave; and Hitchcock wrested the bill-hook out of his hand—he repeatedly said, would we leave the premises, and we said, "Certainly not"—he then took up two brickbats, and one struck Hitchcock on the thigh, and knocked him down— as he was rising, he aimed another at his head, which missed him—he then flew to a hedge-stake, and took up a stick similar to this, put himself in an attitude, and said if we did not leave the premises what he would do; and he not only said it, but he put it into execution, for he struck both Hitchcock and Harris with the stick, and drove us all out into the lane—we had nothing to protect ourselves with, and were obliged to fly—he aimed a blow at my head—in the lane he used the same expressions, and held up the stick, and Hitchcock and Harris flew to a hedge, and picked up a stick each to protect themselves—Cook made a blow at Hitchcock, which fell short of him—he then made another, which Hitchcock parried; he then slew himself round and struck Cook on the head—I saw the blood come, and then ran for the police—I had received the warrant from Mr. Pearce previous to going on the premises.

COURT. Q. Did you have any instructions from Mrs. Lidgbird? **A.** I did—what I did was in consequence of those instructions.

Cross-examined. Q. How was it that Hitchcock struck Cook on the head? **A.** He dropped the stick on his head—I did not think it would hurt him, but it did, and the blood came, not a great quantity—I was not in possession for the seven days, I merely went there to see Graham execute the warrant—I took no part in it—I appraised the goods.

WILLIAM GRAHAM, re-examined. I took possession on Wednesday, 5th June—the sale was on 11th or 12th, at the right time, seven days—I did not get possession of all the goods on the same day—some I did not get till the 9th; but they were on the same premises, consequently it was a seizure of anything they contained.

JOSEPH JACOBS. A person who lives in one of Cook's tenements, who they call "Jack the brickmaker," came to me with a message from Cook—I saw Cook that evening, and told him that the pigs he had sent to me to own I could not own as they did not belong to me—I told him that Jack the brickmaker had come to me and said my pigs were down in the lane, and I was to go and take them away; that I said they did not belong to me, and that he said there was a seizure, and I was to take them; but I would not, as they did not belong to me—Cook made a laugh at it, and then said they belonged

to a relation of his, named Gardiner; and Gardiner was with me at the time, and said they did not belong to him.

Cross-examined. Q. Who has got the pigs? A. They were sold.

JOHN CAMPION. I am a sworn appraiser. I condemned the goods in this case on 11th June, and produce the condemnation-paper—I was regularly sworn in the usual way.

Cross-examined. Q. Had Binks appraised them before? A. No, we did it together.

MR. PARRY, for the Defence, called Sarah Bishop and Mr. Turner, who gave the same evidence as at page 571.

(The defendant received a good character.) GUILTY.—Fined Ten Pounds.

Before Mr. Baron Platt.

1529. WILLIAM FINNERTY, feloniously cutting and wounding Nicholas Butler, on the right eye, with intent to maim him.

MR. BIRNIX conducted the Prosecution.

NICHOLAS BUTLER. I keep the Duchess of Brunswick public-house, at Deptford. On Sunday evening, 11th Aug., I was in my bar—the prisoner came in between four and five, and asked for a pot of porter—he was tipsy, and I think he had no money—I said “No, young man, if you had your pockets full of money, you would have no drink at present; recollect it is Sunday, if you will come to-morrow I will give you a pot or a pint, or what you like, but it does not look well to see a young man tipsy on Sunday afternoon—he began abusing me, and call me all manner of bad names—I never touched him—he went towards the door, turned short round, as much as to say, “you be d—d,” and his foot caught the door, and he made a slight stumble, and the latch of the door caught his cheek and caused a slight scar; the blood came from it—I went behind the bar, wetted a towel, and went towards him to wipe his face—when I came within reach of him he kicked towards me, and the last time but one he kicked me in the bottom of the belly—I said, “You have hurt my stomach”—he then made another kick at me, and upset a form in front of the bar—I stooped to pick it up, and as I was rising he took the pipe out of his mouth, and whether he threw it at me or *jobbed* it in my eye, the pain was so great and it was done so quickly, I could not swear—I put my hand up to my eye, and said, “Oh dear, my eye is out!” and he said, “Now I have got my revenge on you”—I have been under medical treatment ever since—I never applied any contemptuous name to him, that I swear, nor laid my hand on him.

Cross-examined by MR. O'BRIEN. Q. He was in the habit of attending the house? A. Not often; he has been there—I might be half a yard from him when the pipe hit my eye—I was sufficiently near for him to strike me—I heard the pipe fall on the ground after it hit my eye—I did not go to turn him out before he fell—I wished him to go out—I was advancing towards him with the cloth to wipe his face after he fell—he might have been nearly ten minutes in the house—I did not say to him “Go out of my house three-fingered Jack”—I do not know whether he goes by that name; I never heard it mentioned till he stated it at the police-court—I distinctly heard him say, “I have had my revenge”—I recollected that before the Magistrate, but I was in great pain then.

Cross-examined by MR. BIRNIE. Q. Did you move towards him at all before you went to wipe his face? A. Yes, I did, when he asked for the poster, but not in any hostile way.

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