

OLD BAILEY.—SATURDAY

TRIAL OF HENRY STENT.

This prisoner, the melancholy circumstances of whose case are no doubt yet fresh in the recollection of our readers, was put to the bar. The Court was almost immediately crowded with females, who during the last trial were excluded. A London Jury having been called, the prisoner was arraigned upon an indictment, charging him in the usual form with having inflicted divers wounds upon the person of his wife, Maria, on 5th Aug. last, with intent to kill and murder her, or to do her some grievous bodily harm. He pleaded not guilty. The jury was then sworn. There was no counsel for the prosecution, and Mr. Justice Best called Maria Stent. The wife of the prisoner stood up in the witness box, and was sworn. She was plainly dressed in a coloured bombazine gown, & wore a large Leghorn hat, which tended much to conceal her features. She seemed to be greatly agitated.

Mr. Alley, one of the counsel for the prisoner, instantly rose and addressed the Court. He said he was not aware that this witness would have been called so early in the proceedings; but being in the box, before she was examined, he felt it his duty to submit that, as against her husband, her evidence was not admissible. He had searched the books with great diligence for cases in which wives had been admitted as witnesses against their husbands; but found none, except that of Lord Audley, the circumstances of which were very peculiar—and even the authority of that case he had heard questioned. He recollected one case in which the question would have arisen, but the bill was ignored. Nevertheless, the opinion of Justice Buller was, on that occasion, against the propriety of the testimony of the wife being received. He knew of no instance, except in the case of a rape, where the testimony of the wife was received against her husband.

Mr. Baron Graham, as we collected, for he spoke in a very low tone, said, that there were many cases in which the wife was considered a fit witness against her husband, particularly in one where she was in a state of danger from injury which she had received from him. In such a case

evidence which she had received from him. In such a case, where the wife had died, her deposition was subsequently received against her husband as evidence of the fact.

Mr. Alley said, that the principle upon which the evidence of a wife against her husband was rejected, was, that if it were admissible, it would tend to excite disagreements in the marriage state. Where a woman spoke "in periculo mortis" this principle did not apply, and therefore the evidence might be received; but that was not the case in the present instance.

Mr. Adolphus addressed the Court in support of Mr. Alley's objection.

Mr. Justice Best said he had not the least doubts as to the admissibility of the wife's evidence in this case, or any other case of the same description; and this opinion was founded upon the principle, that a married woman, like every other subject of the realm, was entitled to the protection of the laws; which would not be the case if the objections now taken were well founded. There were many descriptions of personal injury to which a wife was subject, independent of that to which allusion had been made, which her evidence could alone support, and if her testimony were as a matter of course to be rejected, she would be altogether without the pale of the law. The decision in Lord Audley's case was perfectly analogous to the present; and the principle upon which the evidence of Lady Audley was received, was precisely the principle upon which he should admit the evidence of Mrs. Stent. Whatever might be the opinion of individual judges on this question, the opinion of the House of Lords, assisted by the twelve judges of the land, was of too solemn a nature to be easily disturbed.

Mr. Baron Graham was entirely of the same opinion; and his judgment was founded not alone upon the case of Lord Audley itself, but upon a long experience, in which he had repeatedly seen the principle laid down by his learned brother acted upon. The decisions in those cases might not be found in the books, from the universal acquiescence which they had received.

Mr. Justice Richardson agreed with the other judges, that the evidence of Mrs. Stent ought to be received. It was a general rule, with very few exceptions, that a wife was an admissible witness against her husband in cases of personal violence.

Mrs. Stent was now addressed by Mr. Justice Best, when she entreated that she might not be called on to give evidence against the best of husbands.

Mr. Justice Best: I am extremely sorry to give you pain; but it is my duty to ask you some questions, which it will be your duty to answer.

Is your name Maria Stent?—Yes.

Is the prisoner your husband? Look at him. (Here the witness turned towards the prisoner with a look of great anguish). Yes.

I believe you separated from him for some time?—Yes.

When did you leave him? On the 29th of August, 1819.

Where did you go to? To France.

When did you return to England? I returned to London in August, 1819.

Where did you come from when you came to London? from Liverpool.

To what inn did you go? To the Saracen's head.

Do you recollect the day you returned?—On the 5th Aug.

Where did the prisoner live at that time?—At Pimlico.

Did you send any letter or message to him?—I sent a letter.

On what day?—On the fifth of August. [Yes.

In the course of that day did you see your husband?—

Where?—At the Saracen's head.

He came to you?—Yes.

What time of the day?—Between seven and eight.

As you recollect, state what passed?—I have no recollection of what passed.

Did any thing happen?—Yes. [tholomew's Hospital.

What do you first recollect?—Being in bed in St. Bar-

What was the matter with you?—I was wounded.

Where were you wounded?—In the neck.

Any where else?—Yes, there were other wounds.

How long were you confined in St. Bartholomew's hospital?—A fortnight.

Have you any recollection of the prisoner's coming into the room to you at the Saracen's Head?—Yes.

Who came in with him?—I do not recollect.

Were you alone in the room?—Yes.

Before you went into the room had you any wound? No.

Afterwards the first thing you recollect was being in bed in St. Bartholomew's hospital—Yes.

Cross-examined by Mr. Alley: Your feelings con-

powered you when you saw your husband, and you have not the least recollection of what happened afterwards?—Yes.

You said you did not wish to give evidence against the prisoner, because he was one of the best of husbands?—Yes.

How long were you away from him?—About 12 months.

[Here the witness sat down and seemed extremely anxious to hide herself from public observation.]

George King, a waiter at the Saracen's Head, Snow-hill, looked at the last witness: he recollected her coming to the Saracen's Head on the 5th of August; recollected her writing a letter, which was sent by a porter to the twopenny post-office; the woman afterwards remained in the house. The prisoner came to the Saracen's Head in the evening; he inquired for a young woman that had arrived by the Liverpool coach, and he was introduced to the last witness. She got up to meet him, and witness shut the door. In ten minutes witness heard the shriek of a woman, and immediately went to the room in which he had left the prisoner and the woman. On arriving he found his two fellow-servants in the room. The woman was on her back. The prisoner was standing close by her. A knife was lying on the floor. It was bloody. Witness discovered that the woman was wounded, and went for an officer. The woman said she hoped no harm would happen to the prisoner for what he had done, for she had been a base wife, and he was one of the best of husbands.

Thomas Pithouse, also a waiter at the Saracen's Head, remembered the arrival of Mrs. Sient. She continued in the house till the evening. About half-past six he heard a shriek from the parlour. He entered the parlour with Turner, the porter, and perceived the woman on her back, and the prisoner with his knees apparently upon her. Turner said, "Thomas, the man has got a knife." Witness looked, and saw the knife—(the knife was here produced).—That was the knife. Witness saw the prisoner stab the woman in the neck. He attempted to take the knife, and the prisoner dropped it on the floor. After he had struck the blow, the prisoner said, "I have accomplished my purpose, I wish for nothing more; I shall suffer for it, I know I shall." The woman directly exclaimed, "You have! you have, Henry! but I freely forgive you, and I hope the law will take no hold of you."

and that no harm will come to you. I freely forgive you." She then asked him to kiss her. He knelt down and kissed her twice, which she returned. She said he was the best of husbands, and she was the worst of wives. She highly deserved all she had got. The woman was taken to the hospital. When witness first entered the room, the woman exclaimed "Take him away; he'll murder me."—Thomas Turner, the porter, alluded to by the last witness, corroborated his evidence.

John Hodson proved that he took the prisoner into cus-

today, and searched him; he found a letter in his possession. The letter was produced; it proved to be the same which had been directed to him by his wife; witness asked the prisoner how he could commit so rash an act; he answered that he had done it, and he knew that he should suffer for it.

Mr. Henry Benwell, house surgeon of St. Bartholemew's Hospital, recollected Mrs. Stent being brought to the hospital on the evening of the 5th of August. She had several wounds; one on the lower part of the neck, which had penetrated the windpipe; it was a dangerous wound, and might have occasioned her death, but she might have done well without a surgeon: this was probable. She had another wound on her chest, a superficial cut; a third on the right breast, a stab; a fourth in her right side, of considerable depth, which had wounded the right lung. This was likewise a dangerous wound. There was a fifth wound on the right arm. The wound in the lung might have occasioned her death. The knife produced was such an instrument as would inflict these wounds.

This was the whole of the case for the prosecution:

Mr. Justice Best now addressed the prisoner, and intimated that if he had any thing to say in his defence, the period had now arrived for so doing.

The prisoner said he would leave his case entirely in the hands of his counsel.

A vast number of witnesses were then called on behalf of the prisoner, all of whom appeared to be persons of great respectability. They stated that they had known him for many years, and had always believed him to be a kind-hearted, humane, good-natured man, as any in existence; and a particularly affectionate and indulgent husband. It was impossible, in fact, to imagine testimony more favourable than was given by these persons, who all seemed actuated by the strongest sympathy towards the prisoner.

Mr. Justice Best proceeded to sum up the evidence. He deeply regretted the important and painful duty which, in the present case, devolved upon himself as well as upon the jury: painful, however, as that duty was, he felt no doubt that they would discharge it in a proper manner. The learned judge then explained the law upon the subject. From the evidence detailed, and which he should again read

the evidence retained, and which he should again read over to them, no doubt could remain on the mind of any unprejudiced person that the crime charged upon the prisoner came within the provisions of that most excellent act of parliament, introduced by the late lamented chief justice of the King's Bench, for the protection of the subject's life. Though it did not appear in evidence upon the present occasion, the fact, however, might fairly be assumed, that Mrs. Stent, the unhappy woman who appeared before them on that day, had forsaken her husband, and by proving unfaithful to his bed, had inflicted upon him the most poignant anguish, the most acute suffering that a man devoted to a wife could possibly endure. This, however, could by no means be admitted as a justification of his crime. The law of the land, upon this subject, proceeded upon the same principles as the religion of the country, which was Christianity. If a husband detected his wife in the very fact, *in flagrante delicto*, as it were, and that at the moment he plunged some deadly weapon into her bosom so as to occasion death, it would not be considered murder. The law, like the religion of the country, making fair allowance for the frailties of human nature, considered the husband, with such provocation immediately before his eyes, as no longer under the guidance of reason, and of course not accountable for his acts. Here, however, the circumstances were quite different. A considerable time had elapsed since the elopement of the first witness, and on her return she manifested those symptoms of repentance—that appearance of returning affection, which might well be supposed to disarm vengeance, and prevent that ferocious purpose which the prisoner appeared to have deliberately contemplated. Even while her blood was flowing from the wounds inflicted, she still entreated him in the language of forgiveness—she called upon him to kiss her; and in that kiss conveyed a pardon to her assailant. [Here all who were present seemed deeply affected, and many of the ladies shed tears.] Under circumstances such as these the law did not admit of the same excuse as when a husband detected his wife in the very fact. Sufficient time having been given for cool reflection on one side, and for repentance on the other, the law, proceeding on the same principle as the benign religion which it imitated, did not allow vengeance to be inflicted with

remitted, and not allow vengeance to be inflicted with impunity. After some further observations, which the learned judge delivered with great talent and feeling, he summed up the evidence at length.

The jury then retired, and after consulting for about half an hour, returned a verdict of guilty, but recommended the prisoner strongly to mercy, on account of his good character.

Mr. Justice Best: The recommendation shall certainly be forwarded.

KEYS OF THE BANK OF ENGLAND.

Elizabeth Dunham was then put to the bar, charged with stealing two keys, the property of the Governor and Company of the Bank of England, on the 28th of August.

The prisoner pleaded guilty to the fact of taking the keys, but would not admit that it was a theft. She was respectably dressed, and while Mr. Bosanquet was stating the case, appeared to pay great attention to him. He said the only object of the Bank in bringing forward this prosecution was, that the prisoner might be sent to a place where she could be taken proper care of. It appeared that when her room was searched, there were found not less than 4000 keys. Among them were the keys of the Church Missionary Society, Bell's-buildings, of the counting-house of the Duke of York's school, the padlock of Greenwich watch house, the key of the College of Physicians, of the Royal Exchange, the Temple stairs, County prison, Maidstone jail, the Council-room, Guildhall, & many others. They were all ticketed, and the day carefully recorded on which they were taken. Mr. Bosanquet having closed the case,

Shackwell, the porter of the Bank, was called for the purpose of identifying the keys, which having done, the prisoner requested that they might be put into her hands for the purpose of ascertaining whether they were the same found in her room. This being allowed, the moment the poor woman got them into her possession, she exclaimed, with an air of high satisfaction and triumph, "Now I have got them I shall hold them for the rights of my king, my country, and myself." She then wrapped them up carefully in a pocket handkerchief, and said nothing should induce her to give them up but a free pardon from the Prince Regent.

The constable who searched her lodgings was then examined. He stated that he found there not less than 4000 keys, all of which were labelled, except about 200.

Being called upon for her defence, she said that she had done all this; that she had taken all the keys for her own rights which she could not otherwise obtain. She thought that by doing so she would secure her own rights as well as those of her country, as the persons who own them would thereby be obliged to do her justice.

Mr. Justice Richardson: Have you any witnesses to call?

Prisoner: I don't know that I have. I see no witnesses. I have got many relations, but no friends.

The jury, under the direction of the Court, acquitted the prisoner upon the ground of insanity. She was, however, detained, for the purpose of being taken the proper care of which her situation requires.

Samuel Mills, a man of gentlemanly appearance, a captain in the army, was put to the bar to take his trial on an indictment, charging him with violating the person of **Hannah Whitehorn**, a spinster, at Chelsea, on the 29th of July last. **Hannah Whitehorn**, the prosecutrix, an interesting looking girl, was put into the witness's box and sworn. She stated, that she was fifteen years of age, & went to live with the prisoner as servant on the 28th of July. She then went on to describe the circumstances which preceded and followed the violence of which she complained. In the course of her examination, however, she made such disclosures as clearly proved, that if the offence had been at all committed, she had been herself a consenting agent, and did not make the slightest resistance, nor did she make any disclosure until the 12th of August of what had passed, although she had repeated opportunities of doing so.

Mr. Baron Graham said, it was impossible to give credit to such a witness, and the prisoner was instantly acquitted.

Mr. Baron Graham, under all the circumstances, was of opinion that the whole was a foul imputation on the character of the gentleman at the bar.

Mr. Mills bowed and retired.

Mary Ann Butler was indicted for stealing four bottles of wine in the dwelling-house of **Sir Robert Seppings**. The prisoner lived servant with the prosecutor. It was observed that wine was frequently stolen from the cellar; but notwithstanding the utmost vigilance, the thief remained undiscovered. At length, on the 3d of June, the prisoner and the footboy being in the house alone, the latter detected the former in opening a wardrobe door.

in which the keys of the cellar were deposited, by means of a piece of crooked wire, with which she withdrew the bolts. The boy remonstrated with her on what she was doing, upon which she said, she thought it was no sin to rob her mistress, as she was none of the best of mistresses. She then took the keys, went to the cellar, and took out four bottles of wine. She afterwards returned the keys to the place from whence she had taken them, re-fastened the door by the same means with which she had opened it, & on returning to the kitchen, drank one bottle of the wine.—Guilty.