

The Northern Circuit

The Experiences of a Barrister, #2

by Samuel Warren, 1807-1877

Published: 1878



About the commencement of the present century there stood, near the centre of a rather extensive hamlet, not many miles distant from a northern seaport town, a large, substantially-built, but somewhat straggling building, known as Craig Farm (popularly Crook Farm) House. The farm consisted of about one hundred acres of tolerable arable and meadow land; and at the time I have indicated, belonged to a farmer of the name of Armstrong. He had purchased it about three years previously, at a sale held, in pursuance of a decree of the High Court of Chancery, for the purpose of liquidating certain costs incurred in the suit of *Craig versus Craig*, which the said high court had nursed so long and successfully, as to enable

the solicitor to the victorious claimant to incarcerate his triumphant client for several years in the Fleet, in "satisfaction" of the charges of victory remaining due after the proceeds of the sale of Craig Farm had been deducted from the gross total. Farmer Armstrong was married, but childless; his dame, like himself, was a native of Devonshire. They bore the character of a plodding, taciturn, morose-mannered couple: seldom leaving the farm except to attend market, and rarely seen at church or chapel, they naturally enough became objects of suspicion and dislike to the prying, gossiping villagers, to whom mystery or reserve of any kind was of course exceedingly annoying and unpleasant.

Soon after Armstrong was settled in his new purchase another stranger arrived, and took up his abode in the best apartments of the house. The new-comer, a man of about fifty years of age, and evidently, from his dress and gait, a sea-faring person, was as reserved and unsocial as his landlord. His name, or at least that which he chose to be known by, was Wilson. He had one child, a daughter, about thirteen years of age, whom he placed at a boarding-school in the adjacent town. He seldom saw her; the intercourse between the father and daughter being principally carried on through Mary Strugnell, a widow of about thirty years of age, and a native of the place. She was engaged as a servant to Mr. Wilson, and seldom left Craig Farm except on Sunday afternoons, when, if the weather was at all favorable, she paid a visit to an aunt living in the town; there saw Miss Wilson; and returned home usually at half-past ten o'clock—later rather than earlier. Armstrong was occasionally absent from his home for several days together, on business, it was rumored, for Wilson; and on the Sunday in the first week of January 1802, both he and his wife had been away for upwards of a week, and were not yet returned.

About a quarter-past ten o'clock on that evening the early-retiring inhabitants of the hamlet were roused from their slumbers by a loud, continuous knocking at the front door of Armstrong's house: louder and louder, more and more vehement and impatient, resounded the blows upon the stillness of the night, till the soundest sleepers were awakened. Windows were hastily thrown open, and presently numerous footsteps approached the scene of growing hubbub. The unwonted noise was caused, it was found, by Farmer Armstrong, who accompanied by his wife, was thundering vehemently upon the door with a heavy black-thorn stick. Still no answer was obtained. Mrs. Strugnell, it was supposed, had not returned from town; but where was Mr. Wilson, who was almost always at home both day and night? Presently a lad called out that a white sheet or cloth of some sort was hanging out of one of the back windows. This announcement, confirming the vague apprehensions which had begun to germinate in the wise heads of the villagers, disposed them to adopt a more effectual mode of obtaining admission than knocking seemed likely to prove. Johnson, the constable of the parish, a man of great shrewdness, at once proposed to break in the door. Armstrong, who, as well as his wife, was deadly pale, and trembling violently, either with cold or agitation, hesitatingly consented, and crowbars being speedily procured, an entrance was forced, and in rushed a score of excited men. Armstrong's wife, it was afterwards remembered, caught hold of her husband's arm in a hurried, frightened manner, whispered hastily in his ear, and then both followed into the house.

"Now, farmer," cried Johnson, as soon as he had procured a light, "lead the way up stairs."

Armstrong, who appeared to have somewhat recovered from his panic, darted at once up the staircase, followed by the whole body of rustics. On reaching the landing-place, he knocked at Mr. Wilson's bedroom door. No answer was returned. Armstrong seemed to hesitate, but the constable at once lifted the latch; they entered, and then a melancholy spectacle presented itself.

Wilson, completely dressed, lay extended on the floor, a lifeless corpse. He had been stabbed in two places in the breast with some sharp-pointed instrument. Life was quite extinct. The window was open. On farther inspection, several bundles containing many of Wilson's valuables in jewelry and plate, together with clothes, shirts, silk handkerchiefs, were found. The wardrobe and a secretary-bureau had been forced open. The assassins had, it seemed, been disturbed, and had hurried off by the window without their plunder. A hat was also picked up in the room, a shiny, black hat, much too small for the deceased. The constable snatched it up, and attempted to clap it on Armstrong's head, but it was not nearly large enough. This, together with the bundles, dissipated a suspicion which had been growing in Johnson's mind, and he roughly exclaimed, "You need not look so scared, farmer; it's not you: that's quite clear."

To this remark neither Armstrong nor his wife answered a syllable, but continued to gaze at the corpse, the bundles, and the broken locks, in bewildered terror and astonishment. Presently some one asked if any body had seen Mrs. Strugnell?

The question roused Armstrong, and he said, "She is not come home: her door is locked."

"How do you know that?" cried the constable, turning sharply round, and looking keenly in his face. "How do you know that?"

"Because—because," stammered Armstrong, "because she always locks it when she goes out."

"Which is her room?"

"The next to this."

They hastened out, and found the next door was fast.

"Are you there, Mrs. Strugnell?" shouted Johnson.

There was no reply.

"She is never home till half-past ten o'clock on Sunday evenings," remarked Armstrong in a calmer voice.

"The key is in the lock on the inside," cried a young man who had been striving to peep through the key-hole.

Armstrong, it was afterwards sworn, started as if he had been shot; and his wife again clutched his arm with the same nervous, frenzied gripe as before.

"Mrs. Strugnell, are you there?" once more shouted the constable. He was answered by a low moan. In an instant the frail door was burst in, and Mrs. Strugnell was soon pulled out, apparently more dead than alive, from underneath the bedstead, where she, in speechless consternation, lay partially concealed. Placing her in a chair, they soon succeeded—much more easily, indeed, than they anticipated—in restoring her to consciousness.

Nervously she glanced round the circle of eager faces that environed her, till her eyes fell upon Armstrong and his wife, when she gave a loud shriek, and muttering, "They, they are the murderers!" swooned, or appeared to do so, again instantly.

The accused persons, in spite of their frenzied protestations of innocence, were instantly seized and taken off to a place of security; Mrs. Strugnell was conveyed to a neighbor's close by; the house was carefully secured; and the agitated and wondering villagers departed to their several homes, but not, I fancy, to sleep any more for that night.

The deposition made by Mrs. Strugnell at the inquest on the body was in substance as follows:

On the afternoon in question she had, in accordance with her usual custom, proceeded to town. She called on her aunt, took tea with her, and afterwards went to the Independent Chapel. After service, she called to see Miss Wilson, but was informed that, in consequence of a severe cold, the young lady was gone to bed. She then immediately proceeded homewards, and consequently arrived at Craig Farm more than an hour before her usual time. She let herself in with her latch key, and proceeded to her bedroom. There was no light in Mr. Wilson's chamber, but she could hear him moving about in it. She was just about to go down stairs, having put away her Sunday bonnet and shawl, when she heard a noise, as of persons entering by the back way, and walking gently across the kitchen floor. Alarmed as to who it could be, Mr. and Mrs. Armstrong not being expected home for several days, she gently closed her door, and locked it. A few minutes after, she heard stealthy steps ascending the creaking stairs, and presently her door was tried, and a voice in a low hurried whisper said, "Mary, are you there?" She was positive it was Mr. Armstrong's voice, but was too terrified to answer. Then Mrs. Armstrong—she was sure it was she—said also in a whisper, and as if addressing her husband, "She is never back at this hour." A minute or so after there was a tap at Mr. Wilson's door. She could not catch what answer was made; but by Armstrong's reply, she gathered that Mr. Wilson had lain down, and did not wish to be disturbed. He was often in the habit of lying down with his clothes on. Armstrong said, "I will not disturb you, sir; I'll only just put this parcel on the table." There is no lock to Mr. Wilson's door. Armstrong stepped into the room, and almost immediately she heard a sound as of a violent blow, followed by a deep groan and then all was still. She was paralyzed with horror and affright. After the lapse of a few seconds, a voice—Mrs. Armstrong's undoubtedly—asked in a tremulous tone if "all was over?" Her husband answered "Yes: but where be the keys of the writing-desk kept?" "In the little table-drawer," was the reply. Armstrong then came out of the bedroom, and both went into Mr. Wilson's sitting apartment. They soon returned, and crept stealthily along the passage to their own bedroom on the same floor. They then went down stairs to the kitchen. One of them—the woman, she had no doubt—went out the back way, and heavy footsteps again ascended the stairs. Almost dead with fright, she then crawled under the bedstead, and remembered no more till she found herself surrounded by the villagers.

In confirmation of this statement, a large clasp-knife belonging to Armstrong, and with which it was evident the murder had been perpetrated, was found in one corner of Wilson's bedroom; and a mortgage deed, for one thousand pounds on Craig Farm, the property of Wilson, and which Strugnell swore was always kept in the writing-desk in the front room, was discovered in a chest in the prisoner's sleeping apartment, together with nearly one hundred and fifty pounds in gold, silver, and county bank-notes, although it was known that Armstrong had but a fortnight before declined a very advantageous offer of some cows he was desirous of purchasing, under the plea of being short of cash. Worse perhaps than all, a key of the back-door was found in his pocket, which not only confirmed Strugnell's evidence, but clearly demonstrated that the knocking at the door for admittance, which had roused and alarmed the hamlet, was a pure subterfuge. The conclusion, therefore, almost universally arrived at throughout the neighborhood was, that Armstrong and his wife were the guilty parties; and that the bundles, the broken locks, the sheet hanging out of the window, the shiny, black hat, were, like the knocking, mere cunning devices to mislead inquiry.

The case excited great interest in the county, and I esteemed myself professionally fortunate in being selected to hold the brief for the prosecution. I had satisfied myself, by a perusal of the depositions, that there was no doubt of the prisoners' guilt, and I determined that no effort on my part should be spared to insure the accomplishment of the ends of justice. I drew the indictment myself; and in my opening address to the jury dwelt with all the force and eloquence of which I was master upon the heinous nature of the crime, and the conclusiveness of the evidence by which it had been brought home to the prisoners. I may here, by way of parenthesis, mention that I resorted to a plan in my address to the jury which I have seldom known to fail. It consisted in fixing my eyes and addressing my language to each juror one after the other. In this way each considers the address to be an appeal to his individual intelligence, and responds to it by falling into the views of the barrister. On this occasion the jury easily fell into the trap. I could see that I had got them into the humor of putting confidence in the evidence I had to produce.

The trial proceeded. The cause of the death was scientifically stated by two medical men. Next followed the evidence as to the finding of the knife in the bedroom of the deceased; the discovery of the mortgage deed, and the large sum of money, in the prisoners' sleeping apartment; the finding the key of the back-door in the male prisoner's pocket; and his demeanor and expressions on the night of the perpetration of the crime. In his cross-examination of the constable, several facts perfectly new to me were elicited by the very able counsel for the prisoners. Their attorney had judiciously maintained the strictest secrecy as to the nature of the defence, so that it now took me completely by surprise. The constable, in reply to questions by counsel, stated that the pockets of the deceased were empty; that not only his purse, but a gold watch, chain, and seals, which he usually wore, had vanished, and no trace of them had as yet been discovered. Many other things were also missing. A young man of the name of Pearce, apparently a sailor, had been seen in the village once or twice in the company of Mary Strugnell; but he did

not notice what sort of hat he generally wore; he had not seen Pearce since the night the crime was committed; had not sought for him.

Mary Strugnell was the next witness. She repeated her previous evidence with precision and apparent sincerity, and then I abandoned her with a mixed feeling of anxiety and curiosity, to the counsel for the defence. A subtle and able cross-examination of more than two hours' duration followed; and at its conclusion, I felt that the case for the prosecution was so damaged, that a verdict of condemnation was, or ought to be, out of the question. The salient points dwelt upon, and varied in every possible way, in this long sifting, were these:—"What was the reason she did not return in the evening in question to her aunt's to supper as usual?"

"She did not know, except that she wished to get home."

"Did she keep company with a man of the name of Pearce?"

"She had walked out with him once or twice."

"When was the last time?"

"She did not remember."

"Did Pearce walk with her home on the night of the murder?"

"No."

"Not part of the way?"

"Yes; part of the way."

"Did Pearce sometimes wear a black, shiny hat?"

"No—yes: she did not remember."

"Where was Pearce now?"

"She didn't know."

"Had he disappeared since that Sunday evening?"

"She didn't know."

"Had she seen him since?"

"No."

"Had Mr. Wilson ever threatened to discharge her for insolence to Mrs. Armstrong?"

"Yes; but she knew he was not in earnest."

"Was not the clasp-knife that had been found always left in the kitchen for culinary purposes?"

"No—not always; generally—but not *this* time that Armstrong went away, she was sure."

"Mary Strugnell, you be a false-sworn woman before God and man!" interrupted the male prisoner with great violence of manner.

The outbreak of the prisoner was checked and rebuked by the judge, and the cross-examination soon afterwards closed. Had the counsel been allowed to follow up his advantage by an address to the jury, he would, I doubt not, spite of their prejudices against the prisoners, have obtained an acquittal; but as it was, after a neutral sort of charge from the judge, by no means the ablest that then adorned the bench, the jurors, having deliberated for something more than half an hour, returned into court with a verdict of "guilty" against both prisoners, accompanying it, however, with a strong recommendation to mercy!

"Mercy!" said the judge. "What for? On what ground?"

The jurors stared at each other and at the judge: they had no reason to give! The fact was, their conviction of the prisoners' guilt had been very much shaken

by the cross-examination of the chief witness for the prosecution, and this recommendation was a compromise which conscience made with doubt. I have known many such instances.

The usual ridiculous formality of asking the wretched convicts what they had to urge why sentence should not be passed upon them was gone through; the judge, with unmoved feelings, put on the fatal cap; and then a new and startling light burst upon the mysterious, bewildering affair.

"Stop, my lord!" exclaimed Armstrong with rough vehemence. "Hear me speak! I'll tell ye all about it; I will indeed, my lord. Quiet, Martha, I tell ye. It's I, my lord, that's guilty, not the woman. God bless ye, my lord; not the wife! Doant hurt the wife, and I'se tell ye all about it. I alone am guilty; not, the Lord be praised, of murder, but of robbery!"

"John!—John!" sobbed the wife, clinging passionately to her husband, "let us die together!"

"Quiet, Martha, I tell ye! Yes, my lord, I'se tell ye all about it. I was gone away, wife and I, for more nor a week, to receive money for Mr. Wilson, on account of smuggled goods—that money, my lord, as was found in the chest. When we came home on that dreadful Sunday night, my lord, we went in the back way; and hearing a noise, I went up stairs, and found poor Wilson stone-dead on the floor. I were dreadful skeared, and let drop the candle. I called to wife, and told her of it. She screamed out, and amaist fainted away. And then, my lord, all at once the devil shot into my head to keep the money I had brought; and knowing as the keys of the desk where the mortgage writing was kept was in the bedroom, I crept back, as that false-hearted woman said, got the keys, and took the deed; and then I persuaded wife, who had been trembling in the kitchen all the while, that we had better go out quiet again, as there was nobody in the house but us: I had tried that woman's door—and we might perhaps be taken for the murderers. And so we did; and that's the downright, honest truth, my lord. I'm rightly served; but God bless you, doant hurt the woman—my wife, my lord, these thirty years. Five-and-twenty years ago come May, which I shall never see, we buried our two children. Had they lived, I might have been a better man; but the place they left empty was soon filled up by love of cursed lucre, and that has brought me here. I deserve it; but oh, mercy, my lord! mercy, good gentlemen!"—turning from the stony features of the judge to the jury, as if they could help him—"not for me, but the wife. She be as innocent of this as a new-born babe. It's I! I! scoundrel that I be, that has brought thee, Martha, to this shameful pass!" The rugged man snatched his life-companion to his breast with passionate emotion, and tears of remorse and agony streamed down his rough cheeks.

I was deeply affected, and felt that the man had uttered the whole truth. It was evidently one of those cases in which a person liable to suspicion damages his own cause by resorting to a trick. No doubt, by his act of theft, Armstrong had been driven to an expedient which would not have been adopted by a person perfectly innocent. And thus, from one thing to another, the charge of murder had been fixed upon him and his hapless wife. When his confession had been uttered, I felt a species of self-accusation in having contributed to his destruction, and gladly would I have undone the whole day's proceedings. The judge, on the contrary, was quite undisturbed. Viewing the harangue of Armstrong as a mere tissue of

falsehood, he coolly pronounced sentence of death on the prisoners. They were to be hanged on Monday. This was Friday.

"A bad job!" whispered the counsel for the defence as he passed me. "That witness of yours, the woman Strugnell, is the real culprit."

I tasted no dinner that day: I was sick at heart; for I felt as if the blood of two fellow-creatures was on my hands. In the evening I sallied forth to the judge's lodgings. He listened to all I had to say; but was quite imperturbable. The obstinate old man was satisfied that the sentence was as it should be. I returned to my inn in a fever of despair. Without the approval of the judge, I knew that an application to the Secretary of State was futile. There was not even time to send to London, unless the judge had granted a respite.

All Saturday and Sunday I was in misery. I denounced capital punishment as a gross iniquity—a national sin and disgrace; my feelings of course being influenced somewhat by a recollection of that unhappy affair of Harvey, noticed in my previous paper. I half resolved to give up the bar, and rather go and sweep the streets for a livelihood, than run the risk of getting poor people hanged who did not deserve it.

On the Monday morning I was pacing up and down my breakfast-room in the next assize town, in a state of great excitement, when a chaise-and-four drove rapidly up to the hotel, and out tumbled Johnson the constable. His tale was soon told. On the previous evening, the landlady of the Black Swan, a roadside public-house about four miles distant from the scene of the murder, reading the name of Pearce in the report of the trial in the Sunday county paper, sent for Johnston to state that that person had on the fatal evening called and left a portmanteau in her charge, promising to call for it in an hour, but had never been there since. On opening the portmanteau, Wilson's watch, chains, and seals, and other property, were discovered in it; and Johnson had, as soon as it was possible, set off in search of me. Instantly, for there was not a moment to spare, I, in company with Armstrong's counsel, sought the judge, and with some difficulty obtained from him a formal order to the sheriff to suspend the execution till further orders. Off I and the constable started, and happily arrived in time to stay the execution, and deprive the already-assembled mob of the brutal exhibition they so anxiously awaited. On inquiring for Mary Strugnell, we found that she had absconded on the evening of the trial. All search for her proved vain.

Five months had passed away; the fate of Armstrong and his wife was still undecided, when a message was brought to my chambers in the Temple from a woman said to be dying in St. Bartholomew's Hospital. It was Mary Strugnell; who, when in a state of intoxication, had fallen down in front of a carriage, as she was crossing near Holborn Hill, and had both her legs broken. She was dying miserably, and had sent for me to make a full confession relative to Wilson's murder. Armstrong's account was perfectly correct. The deed was committed by Pearce, and they were packing up their plunder when they were startled by the unexpected return of the Armstrongs. Pearce, snatching up a bundle and a portmanteau, escaped by the window; she had not nerve enough to attempt it, and crawled back to her bedroom, where she, watching the doings of the farmer through the chinks of the partition which separated her room from the passage, concocted the story which convicted the prisoners. Pearce thinking himself

pursued, too heavily encumbered for rapid flight, left the portmanteau as described, intending to call for it in the morning, if his fears proved groundless. He, however, had not courage to risk calling again, and made the best of his way to London. He was now in Newgate under sentence of death for a burglary, accompanied by personal violence to the inmates of the dwelling he and his gang had entered and robbed. I took care to have the deposition of the dying wretch put into proper form; and the result was, after a great deal of petitioning and worrying of authorities, a full pardon for both Armstrong and his wife. They sold Craig Farm, and removed to some other part of the country, where, I never troubled myself to inquire. Deeply grateful was I to be able at last to wash my hands of an affair, which had cost me so much anxiety and vexation; albeit the lesson it afforded me of not coming hastily to conclusions, even when the truth seems, as it were, upon the surface of the matter, has not been, I trust, without its uses.

