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MARTIN'S CLOSE

Some few years back I was staying with the rector of a parish in the West, where the society to which I belong owns property. I was to go over some of this land: and, on the first morning of my visit, soon after breakfast, the estate carpenter and general handy man, John Hill, was announced as in readiness to accompany us. The rector asked which part of the parish we were to visit that morning. The estate map was produced, and when we had showed him our round, he put his finger on a particular spot. "Don't forget," he said, "to ask John Hill about Martin's Close when you get there. I should like to hear what he tells you." "What ought he to tell us?" I said. "I haven't the slightest idea," said the rector, "or, if that is not exactly true, it will do till lunch-time." And here he was called away.

We set out; John Hill is not a man to withhold such information as he possesses on any point, and you may gather from him much that is of interest about the people of the place and their talk. An unfamiliar word, or one that he thinks ought to be unfamiliar to you, he will usually spell—as c-o-b cob, and the like. It is not, however, relevant to my purpose to record his conversation before the moment when we reached Martin's Close. The bit of land is noticeable, for it is one of the smallest enclosures you are likely to see—a very few square yards, hedged in with quickset on all sides, and without any gate or gap leading into it. You might take it for a small cottage garden long deserted, but that it lies away from the village and bears no trace of cultivation. It is at no great distance from the road, and is part of what is there called a moor, in other words, a rough upland pasture cut up into largish fields.

"Why is this little bit hedged off so?" I asked, and John Hill (whose answer I cannot represent as perfectly as I should like) was not at fault. "That's what we call Martin's Close, sir: 'tes a curious thing 'bout that bit of land, sir: goes by the name of Martin's Close, sir. M-a-r-t-i-n Martin. Beg pardon, sir, did Rector tell you to make inquiry of me 'bout that, sir?" "Yes, he did." "Ah, I thought so much, sir. I was tell'n Rector 'bout that last week, and he was very much interested. It 'pears there's a murderer buried there, sir, by the name of Martin. Old Samuel Saunders, that formerly lived yurr at what we call South-town, sir, he had a long tale 'bout that, sir: terrible murder done 'pon a young woman, sir. Cut her throat and cast her in the water down yurr." "Was he hung for it?" "Yes, sir, he was hung just up yurr on the roadway, by what I've 'eard, on the Holy Innocents' Day, many 'undred years ago, by the man that went by the name of the bloody judge: terrible red and bloody, I've 'eard." "Was his name Jeffreys, do you think?" "Might be possible 'twas—Jeffreys—J-e-f—Jeffreys. I reckon 'twas, and the tale I've 'eard many times from Mr. Saunders,—how this young man Martin—George Martin—was troubled before his crule action come to light by the young woman's sperit." "How was that, do you know?" "No, sir, I don't exactly know how 'twas with it: but by what I've 'eard he was fairly tormented; and rightly tu. Old Mr. Saunders, he told a history regarding a cupboard down yurr in the New Inn. According to what he related, this young woman's sperit come out of this cupboard: but I don't racollect the matter."

This was the sum of John Hill's information. We passed on, and in due time I reported what I had heard to the Rector. He was able to show me from the parish account-books that a gibbet had been paid for in 1684, and a grave dug in the following year, both for the benefit of George Martin; but he was unable to suggest anyone in the parish, Saunders being now gone, who was likely to throw any further light on the story.

Naturally, upon my return to the neighbourhood of libraries, I made search in the more obvious

places. The trial seemed to be nowhere reported. A newspaper of the time, and one or more newsletters, however, had some short notices, from which I learnt that, on the ground of local prejudice against the prisoner (he was described as a young gentleman of a good estate), the venue had been moved from Exeter to London; that Jeffreys had been the judge, and death the sentence, and that there had been some "singular passages" in the evidence. Nothing further transpired till September of this year. A friend who knew me to be interested in Jeffreys then sent me a leaf torn out of a second-hand bookseller's catalogue with the entry: JEFFREYS, JUDGE: *Interesting old MS. trial for murder*, and so forth, from which I gathered, to my delight, that I could become possessed, for a very few shillings, of what seemed to be a verbatim report, in shorthand, of the Martin trial. I telegraphed for the manuscript and got it. It was a thin bound volume, provided with a title written in longhand by someone in the eighteenth century, who had also added this note: "My father, who took these notes in court, told me that the prisoner's friends had made interest with Judge Jeffreys that no report should be put out: he had intended doing this himself when times were better, and had shew'd it to the Revd. Mr. Glanvil, who encourag'd his design very warmly, but death surpriz'd them both before it could be brought to an accomplishment."

The initials W. G. are appended; I am advised that the original reporter may have been T. Gurney, who appears in that capacity in more than one State trial.

This was all that I could read for myself. After no long delay I heard of someone who was capable of deciphering the shorthand of the seventeenth century, and a little time ago the typewritten copy of the whole manuscript was laid before me. The portions which I shall communicate here help to fill in the very imperfect outline which subsists in the memories of John Hill and, I suppose, one or two others who live on the scene of the events.

The report begins with a species of preface, the general effect of which is that the copy is not that actually taken in court, though it is a true copy in regard to the notes of what was said; but that the writer has added to it some "remarkable passages" that took place during the trial, and has made this present fair copy of the whole, intending at some favourable time to publish it; but has not put it into longhand, lest it should fall into the possession of unauthorized persons, and he or his family be deprived of the profit.

The report then begins:

This case came on to be tried on Wednesday, the 19th of November, between our sovereign lord the King, and George Martin Esquire, of (I take leave to omit some of the place-names), at a sessions of oyer and terminer and gaol delivery, at the Old Bailey, and the prisoner, being in Newgate, was brought to the bar.

Clerk of the Crown. George Martin, hold up thy hand (which he did).

Then the indictment was read, which set forth that the prisoner "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, upon the 15th day of May, in the 36th year of our sovereign lord King Charles the Second, with force and arms in the parish aforesaid, in and upon Ann Clark, spinster, of the same place, in the peace of God and of our said sovereign lord the King then and there being, feloniously, wilfully, and of your malice aforethought did make an assault and with a certain knife value a penny the throat of the said Ann Clark then and there did cut, of the which wound the said Ann Clark then and there did die, and the body of the said Ann Clark did cast into a certain pond of water situate in the same parish (with more that is not material to our purpose) against the peace of our sovereign lord the King, his crown and dignity."

Then the prisoner prayed a copy of the indictment.

L. C. J. (Sir George Jeffreys). What is this? Sure you know that is never allowed. Besides, here is a plain indictment as ever I heard; you have nothing to do but to plead to it.

Pris. My lord, I apprehend there may be matter of law arising out of the indictment, and I would humbly beg the court to assign me counsel to consider of it. Besides, my lord, I believe it was done in another case: copy of the indictment was allowed.

L. C. J. What case was that?

Pris. Truly, my lord, I have been kept close prisoner ever since I came up from Exeter Castle, and no one allowed to come at me and no one to advise with.

L. C. J. But I say, what was that case you allege?

Pris. My lord, I cannot tell your lordship precisely the name of the case, but it is in my mind that there was such an one, and I would humbly desire——

L. C. J. All this is nothing. Name your case, and we will tell you whether there be any matter for you in it. God forbid but you should have anything that may be allowed you by law: but this is against law, and we must keep the course of the court.

Att.-Gen. (Sir Robert Sawyer). My lord, we pray for the King that he may be asked to plead.

Cl. of Ct. Are you guilty of the murder whereof you stand indicted, or not guilty?

Pris. My lord, I would humbly offer this to the court. If I plead now, shall I have an opportunity after to except against the indictment?

L. C. J. Yes, yes, that comes after verdict: that will be saved to you, and counsel assigned if there be matter of law: but that which you have now to do is to plead.

Then after some little parleying with the court (which seemed strange upon such a plain indictment) the prisoner pleaded *Not Guilty*.

Cl. of Ct. Cul-prit. How wilt thou be tried?

Pris. By God and my country.

Cl. of Ct. God send thee a good deliverance.

L. C. J. Why, how is this? Here has been a great to-do that you should not be tried at Exeter by your country, but be brought here to London, and now you ask to be tried by your country. Must we send you to Exeter again?

Pris. My lord, I understood it was the form.

L. C. J. So it is, man: we spoke only in the way of pleasantness. Well, go on and swear the jury.

So they were sworn. I omit the names. There was no challenging on the prisoner's part, for, as he said, he did not know any of the persons called. Thereupon the prisoner asked for the use of pen, ink, and paper, to which the *L. C. J.* replied: "Ay, ay, in God's name let him have it." Then the usual charge was delivered to the jury, and the case opened by the junior counsel for the King, Mr. Dolben.

The Attorney-General followed:

May it please your lordship, and you gentlemen of the jury, I am of counsel for the King against the prisoner at the bar. You have heard that he stands indicted for a murder done upon the person of a young girl. Such crimes as this you may perhaps reckon to be not uncommon, and, indeed, in these times, I am sorry to say it,

there is scarce any fact so barbarous and unnatural but what we may hear almost daily instances of it. But I must confess that in this murder that is charged upon the prisoner there are some particular features that mark it out to be such as I hope has but seldom if ever been perpetrated upon English ground. For as we shall make it appear, the person murdered was a poor country girl (whereas the prisoner is a gentleman of a proper estate) and, besides that, was one to whom Providence had not given the full use of her intellects, but was what is termed among us commonly an innocent or natural: such an one, therefore, as one would have supposed a gentleman of the prisoner's quality more likely to overlook, or, if he did notice her, to be moved to compassion for her unhappy condition, than to lift up his hand against her in the very horrid and barbarous manner which we shall show you he used.

Now to begin at the beginning and open the matter to you orderly: About Christmas of last year, that is the year 1683, this gentleman, Mr. Martin, having newly come back into his own country from the University of Cambridge, some of his neighbours, to show him what civility they could (for his family is one that stands in very good repute all over that country), entertained him here and there at their Christmas merrymakings, so that he was constantly riding to and fro, from one house to another, and sometimes, when the place of his destination was distant, or for other reason, as the unsafeness of the roads, he would be constrained to lie the night at an inn. In this way it happened that he came, a day or two after the Christmas, to the place where this young girl lived with her parents, and put up at the inn there, called the New Inn, which is, as I am informed, a house of good repute. Here was some dancing going on among the people of the place, and Ann Clark had been brought in, it seems, by her elder sister to look on; but being, as I have said, of weak understanding, and, besides that, very uncomely in her appearance, it was not likely she should take much part in the merriment; and accordingly was but standing by in a corner of the room. The prisoner at the bar, seeing her, one must suppose by way of a jest, asked her would she dance with him. And in spite of what her sister and others could say to prevent it and to dissuade her——

L. C. J. Come, Mr. Attorney, we are not set here to listen to tales of Christmas parties in taverns. I would not interrupt you, but sure you have more weighty matters than this. You will be telling us next what tune they danced to.

Att. My lord, I would not take up the time of the court with what is not material: but we reckon it to be material to show how this unlikely acquaintance begun: and as for the tune, I believe, indeed, our evidence will show that even that hath a bearing on the matter in hand.

L. C. J. Go on, go on, in God's name: but give us nothing that is impertinent.

Att. Indeed, my lord, I will keep to my matter. But, gentlemen, having now shown you, as I think, enough of this first meeting between the murdered person and the prisoner, I will shorten my tale so far as to say that from then on there were frequent meetings of the two: for the young woman was greatly tickled with having got hold (as she conceived it) of so likely a sweetheart, and he being once a week at least in the habit of passing through the street where she lived, she would be always on the watch for him; and it seems they had a signal arranged: he should whistle the tune that was played at the tavern: it is a tune, as I am informed, well known in that country, and has a burden, "*Madam, will you walk, will you talk with me?*"

L. C. J. Ay, I remember it in my own country, in Shropshire. It runs somehow thus, doth it not? [Here his lordship whistled a part of a tune, which was very observable, and seemed below the dignity of the court. And it appears he felt it so himself, for he said:] But this is by the mark, and I doubt it is the first time we have had dance-tunes in this court. The most part of the dancing we give occasion for is done at Tyburn. [Looking at the prisoner, who appeared very much disordered.] You said the tune was material to your case, Mr. Attorney, and upon my life I think Mr. Martin agrees with you. What ails you, man? staring like a player that sees a ghost!

Pris. My lord, I was amazed at hearing such trivial, foolish things as they bring against me.

L. C. J. Well, well, it lies upon Mr. Attorney to show whether they be trivial or not: but I must say, if he has nothing worse than this he has said, you have no great cause to be in amaze. Doth it not lie something deeper?

But go on, Mr. Attorney.

Att. My lord and gentlemen—all that I have said so far you may indeed very reasonably reckon as having an appearance of triviality. And, to be sure, had the matter gone no further than the humouring of a poor silly girl by a young gentleman of quality, it had been very well. But to proceed. We shall make it appear that after three or four weeks the prisoner became contracted to a young gentlewoman of that country, one suitable every way to his own condition, and such an arrangement was on foot that seemed to promise him a happy and a reputable living. But within no very long time it seems that this young gentlewoman, hearing of the jest that was going about that countryside with regard to the prisoner and Ann Clark, conceived that it was not only an unworthy carriage on the part of her lover, but a derogation to herself that he should suffer his name to be sport for tavern company: and so without more ado she, with the consent of her parents, signified to the prisoner that the match between them was at an end. We shall show you that upon the receipt of this intelligence the prisoner was greatly enraged against Ann Clark as being the cause of his misfortune (though indeed there was nobody answerable for it but himself), and that he made use of many outrageous expressions and threatenings against her, and subsequently upon meeting with her both abused her and struck at her with his whip: but she, being but a poor innocent, could not be persuaded to desist from her attachment to him, but would often run after him testifying with gestures and broken words the affection she had to him: until she was become, as he said, the very plague of his life. Yet, being that affairs in which he was now engaged necessarily took him by the house in which she lived, he could not (as I am willing to believe he would otherwise have done) avoid meeting with her from time to time. We shall further show you that this was the posture of things up to the 15th day of May in this present year. Upon that day the prisoner comes riding through the village, as of custom, and met with the young woman; but in place of passing her by, as he had lately done, he stopped, and said some words to her with which she appeared wonderfully pleased, and so left her; and after that day she was nowhere to be found, notwithstanding a strict search was made for her. The next time of the prisoner's passing through the place, her relations inquired of him whether he should know anything of her whereabouts; which he totally denied. They expressed to him their fears lest her weak intellects should have been upset by the attention he had showed her, and so she might have committed some rash act against her own life, calling him to witness the same time how often they had beseeched him to desist from taking notice of her, as fearing trouble might come of it: but this, too, he easily laughed away. But in spite of this light behaviour, it was noticeable in him that about this time his carriage and demeanour changed, and it was said of him that he seemed a troubled man. And here I come to a passage to which I should not dare to ask your attention, but that it appears to me to be founded in truth, and is supported by testimony deserving of credit. And, gentlemen, to my judgment it doth afford a great instance of God's revenge against murder, and that He will require the blood of the innocent.

[Here Mr. Attorney made a pause, and shifted with his papers: and it was thought remarkable by me and others, because he was a man not easily dashed.]

L. C. J. Well, Mr. Attorney, what is your instance?

Att. My lord, it is a strange one, and the truth is that, of all the cases I have been concerned in, I cannot call to mind the like of it. But to be short, gentlemen, we shall bring you testimony that Ann Clark was seen after this 15th of May, and that, at such time as she was so seen, it was impossible she could have been a living person.

[Here the people made a hum, and a good deal of laughter, and the Court called for silence, and when it was made]——

L. C. J. Why, Mr. Attorney, you might save up this tale for a week; it will be Christmas by that time, and you can frighten your cook-maids with it [at which the people laughed again, and the prisoner also, as it seemed]. God, man, what are you prating of—ghosts and Christmas jigs and tavern company—and here is a man's life at stake! (To the prisoner): And you, sir, I would have you know there is not so much occasion for you to make merry neither. You were not brought here for that, and if I know Mr. Attorney, he has more in his brief

than he has shown yet. Go on, Mr. Attorney. I need not, mayhap, have spoken so sharply, but you must confess your course is something unusual.

Att. Nobody knows it better than I, my lord: but I shall bring it to an end with a round turn. I shall show you, gentlemen, that Ann Clark's body was found in the month of June, in a pond of water, with the throat cut: that a knife belonging to the prisoner was found in the same water: that he made efforts to recover the said knife from the water: that the coroner's quest brought in a verdict against the prisoner at the bar, and that therefore he should by course have been tried at Exeter: but that, suit being made on his behalf, on account that an impartial jury could not be found to try him in his own country, he hath had that singular favour shown him that he should be tried here in London. And so we will proceed to call our evidence.

Then the facts of the acquaintance between the prisoner and Ann Clark were proved, and also the coroner's inquest. I pass over this portion of the trial, for it offers nothing of special interest.

Sarah Arscott was next called and sworn.

Att. What is your occupation?

S. I keep the New Inn at ——.

Att. Do you know the prisoner at the bar?

S. Yes: he was often at our house since he come first at Christmas of last year.

Att. Did you know Ann Clark?

S. Yes, very well.

Att. Pray, what manner of person was she in her appearance?

S. She was a very short thick-made woman: I do not know what else you would have me say.

Att. Was she comely?

S. No, not by no manner of means: she was very uncomely, poor child! She had a great face and hanging chops and a very bad colour like a puddock.

L. C. J. What is that, mistress? What say you she was like?

S. My lord, I ask pardon; I heard Esquire Martin say she looked like a puddock in the face; and so she did.

L. C. J. Did you that? Can you interpret her, Mr. Attorney?

Att. My lord, I apprehend it is the country word for a toad.

L. C. J. Oh, a hop-toad! Ay, go on.

Att. Will you give an account to the jury of what passed between you and the prisoner at the bar in May last?

S. Sir, it was this. It was about nine o'clock the evening after that Ann did not come home, and I was about my work in the house; there was no company there only Thomas Snell, and it was foul weather. Esquire Martin came in and called for some drink, and I, by way of pleasantry, I said to him, "Squire, have you been looking after your sweetheart?" and he flew out at me in a passion and desired I would not use such expressions. I was amazed at that, because we were accustomed to joke with him about her.

L. C. J. Who, her?

S. Ann Clark, my lord. And we had not heard the news of his being contracted to a young gentlewoman elsewhere, or I am sure I should have used better manners. So I said nothing, but being I was a little put out, I begun singing, to myself as it were, the song they danced to the first time they met, for I thought it would

prick him. It was the same that he was used to sing when he came down the street; I have heard it very often: "*Madam, will you walk, will you talk with me?*" And it fell out that I needed something that was in the kitchen. So I went out to get it, and all the time I went on singing, something louder and more bold-like. And as I was there all of a sudden I thought I heard someone answering outside the house, but I could not be sure because of the wind blowing so high. So then I stopped singing, and now I heard it plain, saying, "*Yes, sir, I will walk, I will talk with you,*" and I knew the voice for Ann Clark's voice.

Att. How did you know it to be her voice?

S. It was impossible I could be mistaken. She had a dreadful voice, a kind of a squalling voice, in particular if she tried to sing. And there was nobody in the village that could counterfeit it, for they often tried. So, hearing that, I was glad, because we were all in an anxiety to know what was gone with her: for though she was a natural, she had a good disposition and was very tractable: and says I to myself, "What, child! are you returned, then?" and I ran into the front room, and said to Squire Martin as I passed by, "Squire, here is your sweetheart back again: shall I call her in?" and with that I went to open the door; but Squire Martin he caught hold of me, and it seemed to me he was out of his wits, or near upon. "Hold, woman," says he, "in God's name!" and I know not what else: he was all of a shake. Then I was angry, and said I, "What! are you not glad that poor child is found?" and I called to Thomas Snell and said, "If the Squire will not let me, do you open the door and call her in." So Thomas Snell went and opened the door, and the wind setting that way blew in and upset the two candles that was all we had lighted: and Esquire Martin fell away from holding me; I think he fell down on the floor, but we were wholly in the dark, and it was a minute or two before I got a light again: and while I was feeling for the fire-box, I am not certain but I heard someone step 'cross the floor, and I am sure I heard the door of the great cupboard that stands in the room open and shut to. Then, when I had a light again, I see Esquire Martin on the settle, all white and sweaty as if he had swounded away, and his arms hanging down; and I was going to help him; but just then it caught my eye that there was something like a bit of a dress shut into the cupboard door, and it came to my mind I had heard that door shut. So I thought it might be some person had run in when the light was quenched, and was hiding in the cupboard. So I went up closer and looked: and there was a bit of a black stuff cloak, and just below it an edge of a brown stuff dress, both sticking out of the shut of the door: and both of them was low down, as if the person that had them on might be crouched down inside.

Att. What did you take it to be?

S. I took it to be a woman's dress.

Att. Could you make any guess whom it belonged to? Did you know anyone who wore such a dress?

S. It was a common stuff, by what I could see. I have seen many women wearing such a stuff in our parish.

Att. Was it like Ann Clark's dress?

S. She used to wear just such a dress: but I could not say on my oath it was hers.

Att. Did you observe anything else about it?

S. I did notice that it looked very wet: but it was foul weather outside.

L. C. J. Did you feel of it, mistress?

S. No, my lord, I did not like to touch it.

L. C. J. Not like? Why that? Are you so nice that you scruple to feel of a wet dress?

S. Indeed, my lord, I cannot very well tell why: only it had a nasty ugly look about it.

L. C. J. Well, go on.

S. Then I called again to Thomas Snell, and bid him come to me and catch anyone that come out when I

should open the cupboard door, "for," says I, "there is someone hiding within, and I would know what she wants." And with that Squire Martin gave a sort of a cry or a shout and ran out of the house into the dark, and I felt the cupboard door pushed out against me while I held it, and Thomas Snell helped me: but for all we pressed to keep it shut as hard as we could, it was forced out against us, and we had to fall back.

L. C. J. And pray what came out—a mouse?

S. No, my lord, it was greater than a mouse, but I could not see what it was: it fled very swift over the floor and out at the door.

L. C. J. But come; what did it look like? Was it a person?

S. My lord, I cannot tell what it was, but it ran very low, and it was of a dark colour. We were both daunted by it, Thomas Snell and I, but we made all the haste we could after it to the door that stood open. And we looked out, but it was dark and we could see nothing.

L. C. J. Was there no tracks of it on the floor? What floor have you there?

S. It is a flagged floor and sanded, my lord, and there was an appearance of a wet track on the floor, but we could make nothing of it, neither Thomas Snell nor me, and besides, as I said, it was a foul night.

L. C. J. Well, for my part, I see not—though to be sure it is an odd tale she tells—what you would do with this evidence.

Att. My lord, we bring it to show the suspicious carriage of the prisoner immediately after the disappearance of the murdered person: and we ask the jury's consideration of that; and also to the matter of the voice heard without the house.

Then the prisoner asked some questions not very material, and Thomas Snell was next called, who gave evidence to the same effect as Mrs. Arscott, and added the following:

Att. Did anything pass between you and the prisoner during the time Mrs. Arscott was out of the room?

Th. I had a piece of twist in my pocket.

Att. Twist of what?

Th. Twist of tobacco, sir, and I felt a disposition to take a pipe of tobacco. So I found a pipe on the chimney-piece, and being it was twist, and in regard of me having by an oversight left my knife at my house, and me not having over many teeth to pluck at it, as your lordship or anyone else may have a view by their own eyesight——

L. C. J. What is the man talking about? Come to the matter, fellow! Do you think we sit here to look at your teeth?

Th. No, my lord, nor I would not you should do, God forbid! I know your honours have better employment, and better teeth, I would not wonder.

L. C. J. Good God, what a man is this! Yes, I *have* better teeth, and that you shall find if you keep not to the purpose.

Tb. I humbly ask pardon, my lord, but so it was. And I took upon me, thinking no harm, to ask Squire Martin to lend me his knife to cut my tobacco. And he felt first of one pocket and then of another and it was not there at all. And says I, "What! have you lost your knife, Squire?" And up he gets and feels again and he sat down, and such a groan as he gave. "Good God!" he says, "I must have left it there." "But," says I, "Squire, by all appearance it is *not* there. Did you set a value on it," says I, "you might have it cried." But he sat there and put his head between his hands and seemed to take no notice to what I said. And then it was Mistress Arscott come tracking back out of the kitchen place.

Asked if he heard the voice singing outside the house, he said "No," but the door into the kitchen was shut, and there was a high wind: but says that no one could mistake Ann Clark's voice.

Then a boy, William Reddaway, about thirteen years of age, was called, and by the usual questions, put by the Lord Chief Justice, it was ascertained that he knew the nature of an oath. And so he was sworn. His evidence referred to a time about a week later.

Att. Now, child, don't be frighted: there is no one here will hurt you if you speak the truth.

L. C. J. Ay, if he speak the truth. But remember, child, thou art in the presence of the great God of heaven and earth, that hath the keys of hell, and of us that are the king's officers, and have the keys of Newgate; and remember, too, there is a man's life in question; and if thou tellest a lie, and by that means he comes to an ill end, thou art no better than his murderer; and so speak the truth.

Att. Tell the jury what you know, and speak out. Where were you on the evening of the 23rd of May last?

L. C. J. Why, what does such a boy as this know of days. Can you mark the day, boy?

W. Yes, my lord, it was the day before our feast, and I was to spend sixpence there, and that falls a month before Midsummer Day.

One of the Jury. My lord, we cannot hear what he says.

L. C. J. He says he remembers the day because it was the day before the feast they had there, and he had sixpence to lay out. Set him up on the table there. Well, child, and where wast thou then?

W. Keeping cows on the moor, my lord.

But, the boy using the country speech, my lord could not well apprehend him, and so asked if there was anyone that could interpret him, and it was answered the parson of the parish was there, and he was accordingly sworn and so the evidence given. The boy said:

"I was on the moor about six o'clock, and sitting behind a bush of furze near a pond of water: and the prisoner came very cautiously and looking about him, having something like a long pole in his hand, and stopped a good while as if he would be listening, and then began to feel in the water with the pole: and I being very near the water—not above five yards—heard as if the pole struck up against something that made a wallowing sound, and the prisoner dropped the pole and threw himself on the ground, and rolled himself about very strangely with his hands to his ears, and so after a while got up and went creeping away."

Asked if he had had any communication with the prisoner, "Yes, a day or two before, the prisoner, hearing I was used to be on the moor, he asked me if I had seen a knife laying about, and said he would give sixpence to find it". And I said I had not seen any such thing, but I would ask about. Then he said he would give me sixpence to say nothing, and so he did.

L. C. J. And was that the sixpence you were to lay out at the feast?

W. Yes, if you please, my lord.

Asked if he had observed anything particular as to the pond of water, he said, "No, except that it begun to have a very ill smell and the cows would not drink of it for some days before."

Asked if he had ever seen the prisoner and Ann Clark in company together, he began to cry very much, and it was a long time before they could get him to speak intelligibly. At last the parson of the parish, Mr. Matthews, got him to be quiet, and the question being put to him again, he said he had seen Ann Clark waiting on the moor for the prisoner at some way off, several times since last

Christmas.

Att. Did you see her close, so as to be sure it was she?

W. Yes, quite sure.

L. C. J. How quite sure, child?

W. Because she would stand and jump up and down and clap her arms like a goose (which he called by some country name: but the parson explained it to be a goose). And then she was of such a shape that it could not be no one else.

Att. What was the last time that you so saw her?

Then the witness began to cry again and clung very much to Mr. Matthews, who bid him not be frightened. And so at last he told this story: that on the day before their feast (being the same evening that he had before spoken of) after the prisoner had gone away, it being then twilight and he very desirous to get home, but afraid for the present to stir from where he was lest the prisoner should see him, remained some few minutes behind the bush, looking on the pond, and saw something dark come up out of the water at the edge of the pond farthest away from him, and so up the bank. And when it got to the top where he could see it plain against the sky, it stood up and flapped the arms up and down, and then run off very swiftly in the same direction the prisoner had taken: and being asked very strictly who he took it to be, he said upon his oath that it could be nobody but Ann Clark.

Thereafter his master was called, and gave evidence that the boy had come home very late that evening and been chided for it, and that he seemed very much amazed, but could give no account of the reason.

Att. My lord, we have done with our evidence for the King.

Then the Lord Chief Justice called upon the prisoner to make his defence; which he did, though at no great length, and in a very halting way, saying that he hoped the jury would not go about to take his life on the evidence of a parcel of country people and children that would believe any idle tale; and that he had been very much prejudiced in his trial; at which the L. C. J. interrupted him, saying that he had had singular favour shown to him in having his trial removed from Exeter, which the prisoner acknowledging, said that he meant rather that since he was brought to London there had not been care taken to keep him secured from interruption and disturbance. Upon which the L. C. J. ordered the Marshal to be called, and questioned him about the safe keeping of the prisoner, but could find nothing: except the Marshal said that he had been informed by the underkeeper that they had seen a person outside his door or going up the stairs to it: but there was no possibility the person should have got in. And it being inquired further what sort of person this might be, the Marshal could not speak to it save by hearsay, which was not allowed. And the prisoner, being asked if this was what he meant, said no, he knew nothing of that, but it was very hard that a man should not be suffered to be at quiet when his life stood on it. But it was observed he was very hasty in his denial. And so he said no more, and called no witnesses. Whereupon the Attorney-General spoke to the jury. [A full report of what he said is given, and, if time allowed, I would extract that portion in which he dwells on the alleged appearance of the murdered person: he quotes some authorities of ancient date, as St. Augustine *de cura pro mortinis gerenda* (a favourite book of reference with the old writers on the supernatural) and also cites some cases which may be seen in Glanvil's, but more conveniently in Mr. Lang's books. He does not, however, tell us more of those cases than is to be found in print.]

The Lord Chief Justice then summed up the evidence for the jury. His speech, again, contains nothing that I find worth copying out: but he was naturally impressed with the singular character of the evidence, saying that he had never heard such given in his experience; but that there was nothing in law to set it aside, and that the jury must consider whether they believed these witnesses or not.

And the jury after a very short consultation brought the prisoner in Guilty.

So he was asked whether he had anything to say in arrest of judgment, and pleaded that his name was spelt wrong in the indictment, being Martin with an I, whereas it should be with a Y. But this was overruled as not material, Mr. Attorney saying, moreover, that he could bring evidence to show that the prisoner by times wrote it as it was laid in the indictment. And, the prisoner having nothing further to offer, sentence of death was passed upon him, and that he should be hanged in chains upon a gibbet near the place where the fact was committed, and that execution should take place upon the 28th December next ensuing, being Innocents' Day.

Thereafter the prisoner being to all appearance in a state of desperation, made shift to ask the L. C. J. that his relations might be allowed to come to him during the short time he had to live.

L. C. J. Ay, with all my heart, so it be in the presence of the keeper; and Ann Clark may come to you as well, for what I care.

At which the prisoner broke out and cried to his lordship not to use such words to him, and his lordship very angrily told him he deserved no tenderness at any man's hands for a cowardly butcherly murderer that had not the stomach to take the reward of his deeds: "and I hope to God," said he, "that she *will* be with you by day and by night till an end is made of you." Then the prisoner was removed, and, so far as I saw, he was in a swoon, and the Court broke up.

I cannot refrain from observing that the prisoner during all the time of the trial seemed to be more uneasy than is commonly the case even in capital causes: that, for example, he was looking narrowly among the people and often turning round very sharply, as if some person might be at his ear. It was also very noticeable at this trial what a silence the people kept, and further (though this might not be otherwise than natural in that season of the year), what a darkness and obscurity there was in the court room, lights being brought in not long after two o'clock in the day, and yet no fog in the town.

It was not without interest that I heard lately from some young men who had been giving a concert in the village I speak of, that a very cold reception was accorded to the song which has been mentioned in this narrative: "*Madam, will you walk?*" It came out in some talk they had next morning with some of the local people that that song was regarded with an invincible repugnance; it was not so, they believed, at North Tawton, but here it was reckoned to be unlucky. However, why that view was taken no one had the shadow of an idea.

[End of *Martin's Close* by M. R. James]