

SESSIONS HOUSE, OLD BAILEY,

APRIL 7, 1825.

GARRATT, MAYOR. FOURTH SESSION.

OLD COURT.

Middlesex Cases, First Jury.

Before Lord Chief Justice Abbott.

585. WILLIAM PROBERT was indicted for stealing, on the 16th of February, at St. Mary Abbots, Kensington, a mare, price 25*l.*, the property of Andrew Meredith.

MR. BOLLAND conducted the prosecution.

ANDREW MEREDITH. I am a miller, and live at Ruar-dean, Gloucestershire, which is 120 miles from London. I know the prisoner. On the 10th of February I had a black mare in my possession—my boy turned her into the orchard that night, but I did not see her there; I missed her next morning, the 11th: the prisoner had been at my house twice, but I was not at home the last time. I saw him there nine days or a fortnight before the mare was stolen; I missed her on the Friday morning, and on receiving information I went and watched the prisoner's mother's premises all Friday night; she lives about two miles from me; he had been living there a few months—I should think two months. In the morning I went home, and then went to Coleford, and got an advertisement drawn up. I went to Gloucester on Sunday morning, and to Cheltenham the same day, and then to London; from there I went to Andover, in Hampshire, and got back to London on Saturday morning, about eight o'clock, and saw the mare in possession of Ellis, an officer, at Bow-street; it is the mare I lost: I had her two years last September. She did not look so well as before; she appeared to have been worked hard: her tail had been trimmed and cropped, and her mane a little cut. I am positively sure she is mine. I have seen her here this morning.

Cross-examined by MR. BARRY. Q. Where did you get her? A. I bought her two years ago last September; she was black, with some little white about her: she had been roughly used. I cannot be mistaken in her; there was a particular mark on her, which I had not noticed before, but my son had. I could pick her out among a thousand.

Q. Did you ever hear your wife say she had lent the mare to Probert? A. Never, on any occasion whatever.

MARY MEREDITH. I am the prosecutor's wife, and know the prisoner; he resided in our neighbourhood some time, at his mother's house; I saw him first last hay making time: he was at our house three times. On Tuesday, the 8th of February, he came about a quarter to eight

o'clock in the evening; the mare was then in the fold: I was helping my son to pull her out of the shafts—the prisoner came into the fold, with a candle and lantern in his hand, and his little son with him; he asked me if that was where we kept the mare; I said Yes, sometimes, and that sometimes we turned her out in the orchard; he said nothing more about the mare—he came into the house, and stopped there till a quarter before ten, and then left; my husband was not at home then. I saw the prisoner on Thursday, the 10th, at half-past twelve o'clock in the day time, at his mother's house.

ANDREW MEREDITH, JUN. I am fourteen years old, and have known the prisoner a long time—I remember his coming into the fold one evening, when my mother was there—it was dark: he came on Tuesday night, and we lost the mare on Thursday night. I heard him ask my mother if that was where we kept the mare; she said, Yes, in bad weather we kept her there, but of a fine night we turned her out in the orchard. He came into the stable after that, but did not speak to me—I was pulling the gear off the mare. On Thursday night, about dusk, I put her into the orchard—my brother was with me. I shut the orchard gate; it has a spring lock, which catches if the gate is pushed too. I went on Friday morning to look for the mare, and it was gone. I came to town last Monday evening (not before) and have seen the mare in possession of Ellis; it is my father's: she is rather fatter now than before; her tail has been cut since. I am sure it is my father's—it is black, with a white star on the forehead, and a spot on her back, where the saddle had hurt her—I had noticed that many times.

Cross-examined. Q. A star on the forehead is not uncommon? A. No. I cannot make a mistake—I am certain of her. It was brought out of the stable to me in town by the hostler.

JAMES STAMMERS. I am hostler at Mr. Frances's livery stable, Phillimore-place, Kensington. On the 16th of February, about seven o'clock in the evening, the prisoner came to my master's stables, with a black mare; it had a saddle and bridle on, and appeared to have had a hard day's work; he said, "Hostler, will you take care of my mare for the night?" I took her into the stable—he followed me in, and said again, "Hostler, will you take care of my mare, for I have come a long way—I have come forty miles to day with her." She is about fourteen hands high, and is a strong mare—he told me to feed her well, to take care of her, and give her half a peck of oats,