



James Mitchell

Old Bailey Proceedings, 14th September 1814

THE WHOLE PROCEEDINGS On the KING's Commission of the PEACE, OYER AND TERMINER, AND GAOL DELIVERY, FOR THE CITY OF LONDON, AND ALSO THE GAOL DELIVERY FOR THE COUNTY OF MIDDLESEX, HELD AT Justice-Hall, in the Old Bailey, On WEDNESDAY the 14th of SEPTEMBER, 1814, and following Days;

BEING THE SEVENTH SESSION IN THE MAYORALTY OF The Right Honourable WILLIAM DOMVILLE ,
LORD-MAYOR OF THE CITY OF LONDON

TAKEN IN SHORT-HAND BY JOB SIBLY, No. 4, CARTHUSIAN-STREET, ALDERSGATE-STREET.

LONDON:

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THE WHOLE PROCEEDINGS On the KING's Commission of the PEACE, OYER AND TERMINER, AND
GAOL DELIVERY FOR THE CITY OF LONDON.

Before the Right Honorable WILLIAM DOMVILLE . Lord Mayor of the City of London; John Heath , esq. one of the Justices of His Majesty's Court of Common Pleas; Sir Robert Graham , knt. one of the Barons of His Majesty's Court of Exchequer; Sir Henry Dampier , knt. one of the Justices of His Majesty's Court of King's Bench; Sir William Curtis , bart. Sir. Charles Price , bart. John Ansley , esq. Aldermen of the said City; John Silvester , esq. Recorder of the said City; Sir Claudius Stephen Hunter ; Christopher Smith , esq. William Heygate , esq. Aldermen of the said City; and Newman Knowlys , esq. Common Serjeant of the said City; His Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City, and County of Middlesex.

London Jury.

Henry Neville ,

William Moore ,
Charles Wright ,
Robert Gunstone ,
George Hedley ,
Alexander Waugh ,
James Entweezle ,
Charles Christie ,
William Palmer ,
James Hammond ,
William Cousens ,
Joseph Wilkinson .

First Middlesex Jury.

Richard Norton ,
William Roper ,
John Clark ,
Richard Angell ,
Richard Waits ,
John Eason ,
John Jackson ,
John Hill ,
Thomas Laye ,
William Haydren ,
John Whitehead ,
William Preston .

Second Middlesex Jury.

John Brathwaite ,
William Whitehall ,
John Patworth ,

James Jandrell ,
John Patridge ,
Thomas Davis ,
Thomas Langley ,
Jenkins Lake ,
Thomas Wilson ,
Thomas Blankley ,
William Mackey ,
Arthur Seal .

700. JAMES MITCHELL was indicted for the wilful murder of Mary Ann Welchman , spinster .

MARY MACEY . Q. Where did you live on the 4th of August - A. No. 27, Mount-street; I was a dress-maker at that time.

Q. Did you know the deceased, Miss Welchman - A. Yes; I had known her three years. She had been in my employment during that time.

Q. Was there an agreement between you and Miss Welchman, that she should take your business - A. Yes. She was then residing in my house.

Q. Do you recollect the prisoner at the bar coming to your house on the 4th of August last - A. Yes.

Q. Had you known or seen the prisoner before - A. Yes, frequently; he went by the name of Smith at that time.

Q. Have you ever heard him describe his business or situation of life - A. Not to me; to Miss Welchman.

Q. What time of the day was it when he came to your house - A. A little before eight in the evening. I saw him when he first came in; he was shewed into the work-room, the middle room; that communicates with the front room.

Q. To whom did the house belong to - A. To Mr. Watkins; he lodged in it.

Q. Who was in the work-room when the prisoner came in - A. Her sister, Hannah Welchman, a work-woman, myself, Miss Maynard, the servant girl, Mary Sissel , a Miss Few, and the deceased, Mary Ann Welchman , was there.

Q. What passed between him and the deceased. Miss Welchman - A. He sat down quiet at first, until she accused him of taking a pair of scissars; he was then very impertinent, and used very improper language. We all left the room, except Miss Welchman; we went into the adjoining-room, the front room.

Q. In the front room could you hear what passed in the work-room - A. Yes; we could hear. We heard him name to her, to go out to supper with him; she said, she could not go. Then he wished her to send for salmon, that he might have supper there after eleven o'clock. After we had done work, I went into the work-room again, into the middle room, where the deceased was. I desired the prisoner to go; he said, he would not go until Miss Welchman had given him a letter which she had of his. Miss Welchman said, she had destroyed it. We left him in the work-room some little time after, and went down to supper, me and the others; Hannah Maynard , myself, and family, went down to supper. We left the prisoner and the deceased in the work-room; they were quite alone.

Q. At the time that you left the front room, how was the window that looked towards the street - A. The shutters were bolted. There are two windows; they were both so when we went into the kitchen to supper.

Q. How long had you been in the kitchen before you either saw the prisoner or the deceased again - A. About five minutes; I saw the deceased, Miss Welchman; the deceased came down to us.

Q. Did the prisoner follow - A. No. Miss Welchman was in the kitchen only a minute; she said, she must return to the prisoner, not for us to wait supper for her; she must return to the prisoner, and she hoped she should soon get him out. In about five minutes, I was alarmed by Miss Welchman screaming; next was the report of the pistol, and instantly the report of another. I ran up stairs, not farther than the parlour. I did not go at all to the first floor; I stopped in the parlour.

Q. Did you see the prisoner any more that night - A. No.

Q. If he had come down stairs to have gone out, must not you have met him as you went to the parlour - A. No.

Q. When you went to the parlour, how near did you stand to the door - A. That parlour is a back room.

COURT. Might not he have gone out before you might have met him - A. He might. I did not see him, or hear him; or hear the door shut, or open; the street door was shut.

Mr. Knapp. Does the door open inside - A. Yes.

Q. He might have come down stairs, and you not have seen him - A. He might.

Q. How many persons were there lodging in this house; where there other lodgers besides you - A. In the second floor an old lady and her niece. This happened between eleven and twelve at night.

Q. Do you know whether all the persons in the house were within that night when the murder was committed - A. All.

Q. You did not fasten the door yourself - A. No.

Q. Nor had you fastened the window - A. I saw the girl fasten it; it was fastened inside.

ROBERT WATKINS . Q. I believe you were the house-keeper of the house in which Miss Macey lodged - A. I was.

Q. On the night of the 4th of August, at what time had you gone to bed - A. About eleven o'clock I went to bed. I sleep in a room that is built in the yard, behind the house, belonging to the house.

Q. At a little before twelve, were you called by your house-keeper - A. I was. As soon as I was called, I got up. While I was getting up, I heard a screaming in the first floor.

Q. Were you called up on account of the dispute - A. I was. I went to the noise. The scream was followed immediately by the report of a pistol; the report of a pistol was followed by the report of a second pistol. I ran up stairs as quick as I could; when I got on the top of the stairs Miss Welchman was laying half way out of the room; her legs were in the room; her head out. She was bleeding at the head; she appeared to be dead at that moment, quite dead. I went into the room directly, and saw no one. I found no man there; from the back-room, I went into the front.

Q. Did you search the middle room also - A. Yes.

Q. As you did not find any body there, did you find any means by which any person might have got away - A. Yes; the window of the front-room over the door was open.

Q. Is there a perch under that window - A. There is a lead over the door; he might have got out upon the lead of the door, and have got down without falling upon the spikes. I saw a pistol in the front room, and one in the middle-room.

Q. Did they appear to have been recently discharged - A. I did not examine them.

Q. Did you find a hat in the room - A. I do not recollect seeing a hat until a quarter of an hour afterwards. The hat and pistols Mr. Moon, the constable, has them. A surgeon was sent for immediately by Mr. Russell, in Mount-street.

THOMAS MOON . I am a constable of St. George's, Hanover-square. In consequence of the alarm, I went to 27, Mount-street. I went with two or three watchmen immediately. I gave orders that the house might be searched. I immediately went up stairs to the first floor. On entering the first floor front room I saw the deceased, Miss Welchman, supported in a chair, with two wounds upon her head. I observed a wound in the right temple. I found the pistols in about a quarter of an hour afterwards. The pistols were both found in my presence. A hat and one pistol was found in the front room where the deceased was supported, and one pistol in the middle room, called the work room. These are the pistols, and that is the hat. The pistols were examined, both of them; both appeared to have been recently discharged. The surgeon examined them; I did not.

Q. to Miss Macey. How was the prisoner dressed that night - A. A dark coat (I think, black) and light gaiters.

WILLIAM COLLINSON . Q. I believe you keep a public-house next door to Mr. Watkins's house - A. Yes.

Q. On the night of the 4th of August, a little before twelve, were you alarmed by any noise in Mr. Watkins's house - A. Yes; I first heard a scream in Mr. Watkins's house, then I put up the window, and saw a man lay upon the pavement, apparently opposite of the door of Mr. Watkins's house, as if he had come out of the window; he got up directly, and ran away towards Charles-street. He had no hat on.

Q. Has the prisoner been ever at your house - A. He has been there once; I did not see him.

Q. Does he bear any resemblance to the person whom you saw run away, turn round, and look - A. I have seen that gentleman come to Mr. Watkins.

Q. Does he bear any resemblance of the person who lay on the pavement and run away - A. I cannot say.

Q. You have no belief about it - A. No.

WILLIAM KINGSTON. Q. Did you happen to be in Mount-street on the night of the 4th of August - A. Yes; I saw a man pass by me between Mr. Watkins's house and Charles-street; he came in a direction as if he had been at Mr. Watkins's, and was without a hat; he went to Charles-street.

MR. RUSSELL. I am a surgeon. On the 4th of August last, I was sent for to Miss Macey's; I went, and saw Miss Welchman; she was just expiring; the cause of her death was the two wounds she had received, one in the right temple, the other on the left side of the head. They appeared both pistol wounds. The pistols were found in the room. I had the holding them, and on putting my finger in them they were damp, therefore I think they had been recently discharged.

ANN STENNETT . I am housekeeper to Mr. Watkins.

Q. Did you call Mr. Watkins up in consequence of what was told you - A Yes that was before the pistol was fired. After the pistols were fired, I found a bullet on the spot, where the deceased's head laid. I gave the bullet to Mr. Watkins.

THOMAS CHAPMAN . I am a hatter, in Bond-street.

Q. Do you know the prisoner at the bar - A. Yes, sir, very well; I knew him as the servant of Mr. Crawford, in Old Burlington-street. In the early part of June, he purchased a hat of me. He told me he was about to marry a young lady, who was a forewoman in Mount-street. This is the hat I saw at Bow-street, and I believe it to be the same I sold him.

Mr. Alley. You do not finish the hats yourself, do you - A. No.

Q. If you had not have heard of the murder, you would not have know any thing about that hat - A. I could not.

Q. Did not you hear that the prisoner had lost his hat at Burlington Gardens - A. Not this hat; an old hat.

Mr. Gurney. You seeing the hat again, do you believe that to be the hat that you sold him - A. Yes, sir.

JOHN PICKEN. I am a soldier in the 3rd regiment of foot guards, and a servant to General Jelks .

Q. Do you know the prisoner - A. Yes, perfectly well. On the Friday evening, the 5th of August, a quarter before ten o'clock, he came without a hat to me, and borrowed a hat. I did not hear of the murder of Miss Welchman until the Sunday following. I asked him how he came to be without a hat; he said he happened to get himself into a hobble at Bartholomew fair, and lost his hat. The fair was over that day, I believe.

THOMAS FOY . I am an officer. I searched the prisoner's lodgings, 16, Grosvenor-mews; I found the cases of a pair of pistols, the bullet moulds, four bullets, and a key. The bullets, cases, and the key, fits the pistols I have produced to-day.

HENRY BRACKEN . I am a farmer at Sutton, near Salisbury.

Q. Did you formerly know the prisoner at the bar - A. Yes, sir, he worked for me formerly.

Q. Early in the month of August, did you see him near Salisbury - A. Yes, on Tuesday the 9th of August; I caused him to be apprehended. I read the description of him in the newspaper, and caused him to be taken up.

Q. How near Salisbury was it - A. Between eleven and twelve miles the other side of Salisbury.

Prisoner's Defence. I am certainly innocent of the charge. It was never my intention to murder Miss Welchman, nor ever did such a thought enter my head; and that hat Mr. Chapman, the hatter, knows is not mine. I lost my hat in Burlington Gardens. Them pistols are not mine; I never had any pistols since I left Spain. I never offered or asked for supper, the witness knows it well. I went down stairs with my hat a little before eleven o'clock, or about that time.

GUILTY - DEATH , aged 33.

First Middlesex jury, before Mr. Justice Heath.

(From Old Bailey [Online](#))
