

The Ipswich Journal - Saturday 29 March 1856

ASSAULT AT BUXHALL.

John Poole, 36, was indicted for feloniously and violently assaulting Eliza Edwards, a married woman, residing in Buxhall.

Mr. Worlledge appeared for the prosecution; Mr. Mills defended the prisoner.

It appeared from the evidence for the prosecution that the prosecutrix resided with her husband at an off-hand farm at Buxhall. On the 2nd of January the prisoner went to the house of prosecutrix to leave the key of the barn there; and, on that occasion, she said, the assault complained of was committed.

The prosecutrix underwent a lengthened cross-examination by Mr. Mills. In answer to questions she said that she had not been on terms of intimacy with another man; that she had had no children, and had never said she would give £20 if she had a child like one of the prisoner's. The assault took place between five and six in the evening.

Christopher Edwards, husband of the prosecutrix, deposed to going home at about a quarter past six in the evening, at which time his wife told him what had taken place between her and the prisoner. He saw the prisoner the following morning, and told him that when he left off work at night, he wished he would go home instead of pulling his wife about. The prisoner said, it was a lie. The prisoner did not deny having spoken to witness's wife on the night in question, but he denied assaulting her. Witness told his master, Mr. Kemble, on the Wednesday morning, what had happened on the Monday.

Mr. William Kemble, master of the prisoner, was called as a witness for the prosecution. After stating, that he had heard of the charge, a day or two after the offence was alleged to have been committed, he gave the prisoner an excellent character.

Police Constable Sillett said, before he took the prisoner into custody he read the charge over to him. The prisoner replied "I know about the case, but when a woman asks-." The prisoner said no more. [A statement made before the committing magistrates by the prisoner was here put in and read. It was to the effect that the

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prisoner had done that which he was charged of doing having first been solicited by the prosecutrix.

Mr. Mills made an able address on behalf of the prisoner to the jury, he concluded by saying that he should call persons who were so near the house of the prosecutrix at the time the alleged offence took place, I who would depose that, if the woman had shrieked out, which she said she had done, they must have heard her cries. His case was this, that the prosecutrix was a consenting party, and that his client, under the circumstances, was entitled to an acquittal.

James Mann, a labourer, said that, on the evening in question, he was at work about three rods from the house of the prosecutrix. He had been using a chaff engine until 20 minutes to 6 o'clock in the evening. He left the building about a quarter past 6. Had the prosecutrix screamed, or shrieked out, he must have heard her if the machine was not in motion.

William Parish, a labourer, in the parish of Buxhall, deposed to having a mug of beer on the day in question at the prosecutrix's. On that occasion he wished her luck and that she might be a mother by that time twelve months."

Mr. Mills (to witness): Now do you think that is a proper way for a married woman to conduct herself.

His Lordship: Really Mr. Mills.

Mr. Mills: I will not put the question if your Lordship objects.

His Lordship: If you will put your professional reputation on the propriety of putting such a question, you can.

Mr. Mills said that was the case for the defence.

Mr. Worlledge replied upon the whole case. His Lordship, in summing up the case said, it was undoubtedly one of great importance, and he must be permitted to say it had occupied more time than the nature of the case required. The learned counsel for the prisoner had, in the defence he had urged for the prisoner, alleged that the prosecutrix had been the tempter. Now, if they acquitted the man, the woman's happiness would be destroyed for life; her husband having no means of obtaining a separation from the woman who had tempted his fellow labourer to commit the crime, as alleged by the learned counsel for the prisoner. But on the

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other hand, the prosecutrix had distinctly sworn that the prisoner had committed the offence. It was, however, after all a question for the consideration of the jury. If the jury believed that the evidence given by the prosecutrix had been confirmed by the statement 'she had made to her husband and her sister immediately after the occurrence had taken place if the jury believed the women's statement they must find the prisoner guilty. If they had a doubt on their minds, and did not believe the woman's statement, they must acquit the prisoner.

The Jury found the prisoner guilty.

His Lordship said, there could be no doubt whatever of the jury having arrived at a just conclusion. He was sorry to say the offence against the prisoner had been greatly aggravated in the course the prisoner took when the charge was made against him by endeavouring, not only to destroy the happiness of that unfortunate woman by the brutal outrage he had committed upon her, but attempting to destroy the happiness of the husband likewise, by imputing to the wife a want of chastity, and by saying that he (the prisoner) had yielded to her temptations. It was a very bad case, the more particularly so, as the prisoner was a married man with a family. The sentence of the court upon the prisoner was, that he be transported beyond the seas for the term of fourteen years.