

1818 August 5

Murder at Epsom¹

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The Jury being sworn, went to Mr. Tessier's mansion, and took a view of the body; the deceased was 18 years of age, his face and neck were very black, and the violent marks about his neck and other parts of his body proved that he died by violent means.

The Jury having returned, the following evidence was taken: George Milson sworn. - He is servant to James Tessier, Esq; the deceased was gamekeeper, and used to have his board in the house. On the 2d of August, about eight o'clock in the morning, witness took breakfast as usual at Mr Tessier's with the men servants; the deceased was absent; witness went to church, and on his return he found that the deceased had not returned home; dinner being ready, the servants suspected that something had happened to him. Witness went to the farm, and inquired after him; he there could learn nothing of him; witness went back, and asked Smith, a fellow servant, to go with him to look for the deceased; they set off together, and took two dogs with them; they went to Crockingham corner, where the deceased used to go, and perceived a rail much bent. They looked over it; and saw the deceased lying on the ground; witness and Smith went up to him, and discovered that he was dead. They went back to the farm, and got the servants to go hack with them to carry the body to Mr Tessier's house. Mr Mayd, the surgeon, was sent for; he attended immediately. The body was lying in a wood belonging to Sir Gilbert Heathcote; it appeared to have been thrown over the rails; which divide Mr. Tessier's premises from Sir Gilbert Heathcote's.

John Smith sworn: - He is a servant to James Tessier Esq; he slept in a room adjoining that the deceased slept in; on the morning of the 2d instant, between the hours of three and four, he heard the deceased get up got out; he did not see him afterwards till about

¹ The Morning Chronicle (London, England) 5 August 1818

two o'clock in the afternoon, when he saw him quite dead. About five in the morning witness heard the report of a pistol, which he thought came from the spot where the deceased was found. Witness, when he heard of the deceased being found murdered, went to the: spot and found him lying on his back in the wood-yard; he saw that his neck-kerchief had been twisted very tight round his neck. Witness was about half a mile from the spot where he heard the report of the pistol.

James Finch sworn: - He is a bricklayer in Mr. Tessier's employ. On the 2d instant, hearing the alarm about Cox's death, he went with others immediately to see him. Mr Mayd, the surgeon came soon afterwards, and found his right hand had been cut in two places, and a handkerchief was twisted round his neck so very tight that it had strangled him; his arm was broken, and a swelling was on his abdomen, caused by a violent kick apparently. Witness lifted the deceased to carry him home, and found a quantity of blood on the ground. There was a stick at the back of the deceased's neck put through the knot of the handkerchief, and twisted round till the deceased had expired. Witness looked round the place where the deceased lay, and found a clasp knife lying on the ground, which was shut; the knife was about fifteen yards from the body. He also saw one (?) Smith who was there, pick up a knife: which he dropped, and witness took it up. - [Both knives were: produced and examined by the Coroner and Jury]. Witness did not know to whom the knives belonged.

Joseph Abbot, sworn: - He is a mason. On the 2d instant, he went to the: spot where Cox was found, and saw him lying on the ground, quite dead; he saw in the Wood-yard, about 26 yards from the body of the deceased, a pistol lying on the ground, which witness took up, and found, upon examining it, that it had recently been discharged; there was. a figure of a boar on the lock, which is the crest of James Tessier, Esq; the stock of the pistol was broken.

Charles Srammers, of Epsom, sworn: - He is a fruit gardener. On the morning of the 2d instant, about five o'clock, he was going up a place called Chalk Lane, in Epsom, and about a quarter of a mile from the wood-yard, he heard the report of a pistol or gun, which he thought proceeded from the direction of the wood, and at the same time he heard some one cry out, " Oh Lord!" twice, and the person made use of some other expression that he did not understand: he heard the word but very indistinctly; they were faintly spoken.

John Williams, of Epsom, sworn: - He is servant to Felix Ladbroke, Esq; on Sunday last, the 2d instant, between three and four o'clock in the afternoon, he was informed that the deceased had been found dead in Sir Gilbert Heathcote's grounds, adjoining to Mr Tessier's. He went to the place, and found some persons in the act of taking up the body; he assisted in removing it to the house. He afterwards looked about the place where the deceased was found, and he found a sock belonging to a shoe lying on the ground, about 30 yards from the place where the deceased lay. The grass about the place was torn up, the shrubs were broken, there appeared to have been a severe scuffle about the spot.

John Winslow Mayd, sworn: - He is a surgeon at Epsom; on Sunday last, about the hour of three in the afternoon, he was sent for to the premises of Mr. Tessier, to the deceased, whom he found lying on the from the appearance of the neck and face of the deceased, that his death was caused by his being strangled. On raising him up, he

found a deep indentation round his neck, caused by the neck handkerchief having been twisted round, by a stick being fastened in the knot, which had caused all respiration to cease. There was a deep cut in the right hand of the deceased, apparently done with a sharp instrument; the fingers were wounded, the right arm was broken, and the abdomen dreadfully injured by a violent kick. The thumb on the left hand was cut also, and the little finger completely severed. The body was removed to the laundry of Mr. Tessier's house, and he again examined it, and found other marks of violence; but witness was decidedly of opinion that the deceased died from strangulation.

Thomas Page, of Epsom, sworn: - He lives about fifty yards from the premises of Sir Gilbert Heathcote, and the spot where the body was found. On Sunday morning last, between the hours of four and five, he was awoke by the report of a gun or pistol, the noise seemed to proceed from the premises of Mr. Tessier. His wife was also awoke by the noise and the both got up to the window, but they did not see or hear more until about the hour of six or thereabouts, when witness got up and looked out of his window; he then saw Thomas Osborn (a person taken into custody yesterday upon suspicion of committing the murder), who lived in the adjoining house, and who was standing at his door and told witness what as the time of the day. Witness saw Osborn afterwards go into his house, and did not hear anything further until the afternoon, when he was informed that Ely Cox was murdered.

The witnesses were severally examined, if they knew to whom the knives and sock belonged? Some of them said that they had seen Osborn with one like the clasp knife, but they could not swear that the one produced was the same, nor would they swear it was not his knife.

The Coroner then addressed the Jury, having summed up the evidence very minutely. He said their duty was to inquire, "how and by what means the deceased came to his death," and when they had done that, their next duty was to return a verdict according to the evidence brought before them. By the evidence adduced, there could be no doubt that the deceased had been murdered; he appeared to have resisted very much, from the dreadful injuries he had received about different parts of his body. There was not sufficient evidence against any individuals to warrant them to return a verdict of murder against them. The persons in custody might be left to the judicious care of the Magistrates, and they (the Jury) might return a verdict of Wilful Murder against some persons unknown, or what other verdict they might consider best suited to the case before them.

Verdict - Wilful Murder against some person or persons unknown.

Two persons, named Arnold, have been apprehended on suspicion of committing the murder; one of them is strongly suspected. A man named Osborn is in custody, and is also suspected of being the owner of one of the knives found near the body of the deceased. The parties are to be examined this day before a Bench of County Magistrates.

1818 August 6 Epsom: Atrocious Murder of a Gamekeeper. A shocking murder was discovered to have been committed on Sunday morning the 2d inst. at Epsom, on the person of a respectable man, who was for many years gamekeeper to Mr. Tessier,

the proprietor of Woodcot Park, Epsom. The unfortunate man was discovered by his fellow servants in a copse, quite dead, and they found he had been most barbarously strangled, by placing a stick between his neck-kerchief and his throat and twisting it round until life was extinct. The perpetrators of this dreadful act are supposed to be a gang of poachers, who have for a considerable time committed depredations on the grounds in that neighbourhood. The deceased had made himself very obnoxious by his zeal and attention to the interests of his master. Mr. Tessier is in France at this time. The most active means are adopted to discover the perpetrators of the horrid crime. Three men have been apprehended on suspicion, but afterwards discharged for want of proof against them.²

1818 Tuesday 11 August: Murder at Epsom: On Thursday last Ely Cox the young man who was murdered at Epsom was interred at eight o'clock in the evening at Epsom Church. The crowds who witnessed the funeral were very great. He was only between 19 and 20 years of age. On Sunday the magistrates who have met daily since the murder formed a committee to prosecute the affair met again at the coffee house and a man named Thomas Osborne was brought before them by May, of Union-hall, and examined upon suspicion of being the murderer of Cox. After the examination he was committed and taken by May to Horsemanger-lane Gaol. The cause of the apprehension was a baker's boy who delivered bread to his house on the morning of Monday the day after the murder saw an apron in his house in a bloody condition and from other circumstances that came out during his examination. The prisoner worked for Mr Northey at Epsom in his gardens, and prior to the murder he used to cut the fruit trees with a clasp pruning knife, and on Monday the day after the murder he used a long case knife to prune the trees and such a knife as the prisoner used was found by the body. The prisoner on being shown the knife said it was not his and he did not commit the murder. He was committed by the magistrates for re-examination on a future day.³

1818 Aug 14: Murder at Epsom: Ely Cox gamekeeper to Mr Tessier on Sunday night. May and Hall of Union-hall have been furnished with clues as to who was responsible. It was ascertained by the officers that a man of notorious character who travels with a caravan and donkey and who is generally accompanied by his two sons was within a quarter of a mile of Crockington Corner on the night before the murder. The man lives the life of those persons so called gypsies and supports himself and his family by the same unlawful means. On the morning that Cox was found the gypsy complained very much of a back injury and that he had bled so much he feared bleeding to death. He said he had received the injury in an affray. It was believed he was wounded in the back by the discharge of Cox's pistol, which was found discharged some distance from his body. The sock of a shoe was found also near the body was seen some days prior to the murder putting socks into his shoes as he was sitting on his baggage on the road-side.

On Tuesday an inquest was held at Epsom on the body of Ely Cox. The back part of his head appeared beaten in, the face entirely black, the neck compressed to the size of a man's fist by a handkerchief being twisted with extreme tightness round it, by means of a stick fastened in the knot; the bottom of the stomach literally kicked to

² Trewman's Exeter Flying Post or Plymouth and Cornish Advertiser 6 August 1818

³ The Morning Post Tuesday 11 Aug 1818

pieces, the right arm and two ribs broken, a finger cut off the left hand; and both hands cut with gashes deep and long. A clasp knife was found about 15 yards from the body; also a pistol was picked up about 20 yards from the corpse. A gardener walking down the road at 5am on the Sunday heard the report of a pistol, and immediately afterwards an exclamation "Oh Lord" and some other expressions but saw nobody. The jury returned a verdict of wilful murder.⁴

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⁴ Liverpool Mercury Friday Aug 14 1818

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MURDER AT EPSOM

Yesterday the Magistrates, whose endeavours to discover the murderer of Mr. Tessier's Game-keeper have been unceasing, with about six other Magistrates, met at the Coffee-house and Tavern, Epsom, to examine the person who had been taken into custody.

⁵ The Morning Chronicle (London, England) 5 August 1818

May and Hall, officers of Union-hall, stated that with the assistance of Mr. May, the game-keeper of Lord Arden, they had apprehended THOMAS and JAMES ARNOLD, and a man named OSBORN, on suspicion of being concerned in the murder of Elijah Cox. They had searched their cottages; in Osborn's they found a gun loaded, and from his being near the spot when the murder was committed, and from there being marks about his person, they thought proper to apprehend him, as he appeared to have been lately in a scuffle, and received a cut on his forehead. They apprehended the Arnolds, being informed that one of them was a man of suspicious character; and from his being from home on the night the murder was perpetrated, and from his having slept in the open fields, according to his own account, not more than a quarter of a mile from the place where Cox was murdered.

John Halliday, a shoemaker, residing at Epsom, sworn. Knows the prisoner Thomas Arnold; he has been in the habit of frequently coming to his house; was there on Saturday last, and went away at eight in the evening perfectly sober; did not see him again until Sunday morning at six o'clock; he then said he had not been at home all night, but had slept on an oat stack near the skirts of the town.

Mr William Butcher, a cutler and ironmonger at Epsom, remembered selling a knife like the one (clasp knife) shewn him; he did not recollect Osborn purchasing a knife at his shop; was in the habit of selling knives with the same maker's name upon them as upon the one produced.

Mary Ann Hear, sister-in-law to the prisoner Osborn, thought she had seen a knife resembling the clasp knife (covered with blood) in Osborn's hand; she could not say it was his knife, nor would she swear it was not; she had been informed that a knife had been found near Cox's dead body; if she was certain the knife was Osborn's she would say so, without considering the consequences to him.

The prisoner Osborn then stated, that he would answer every thing that had been alleged against him in evidence in the most satisfactory manner. He slept at home on Saturday night, and was aroused in the morning, as was his wife, by the report fire arms, about five o'clock. The circumstance of the report was not much noticed either by him or his wife, they being in the habit of hearing guns fired off by persons shooting. When he was seen at his cottage door at six, he had just come down stairs, and had never left the cottage. The gun found in his house was the property of a gentleman of the neighbourhood (Mr. Doherty), who was at present from home, and who had placed a large quantity of linen under his care during his absence, and had left him the gun to protect the property if occasion required. As to the cut and bruises on his face and fore-head, they were occasioned by a fall from an apple tree in his own garden; he was willing to strip, and if the bruises were caused by a scuffle or fight, there would assuredly be some marks of violence on his person besides the bruises alluded. He then stripped, and was examined by Mr. Mayd, the surgeon, who stated that no marks were apparent on his body that indicated he had been in a scuffle; the marks on his forehead he thought had, from their appearance, been occasioned as described by the prisoner.

William Tanner deposed, that he lodged at Osborn's father's house; on Sunday morning, between six and seven, he saw the prisoner Osborn in his garden. Osborn's

cottage is not more than fifty yards from Crockingham Corner, where Cox was murdered.

J. Saunders, servant to Mr. Northey, for whom Osborn also works, had seen him use a knife somewhat similar in appearance to the knife covered in blood found at Crockingham Corner; but cannot say positively that the knife produced is the same. Within a few days he observed that Osborn had used a pruning knife like the one in question, but on Monday he used a long knife to cut the strawberries for the first time. Witness had observed the bruises on Osborn's forehead, they were not there on Saturday night. Osborn came to work, as usual, on Monday; but witness thought he appeared very shy, and seemed to avoid him.

Thomas Arnold, on being called upon to give an account of himself from Saturday night to six o'clock on Sunday morning, when he was seen at Epsom, stated that he left the house of Halliday about eight o'clock on Saturday night, and at that time intended to go to his mother's, at Banstead and sleep, but meeting with some companions, he drank until he was intoxicated and then he went to a stack of oats, and slept there all night. He did not know what time on Sunday morning it was when he awoke, but the sun was up very high; he went immediately into Epsom to Halliday's house, and he then found it was six o'clock; he afterwards went to his brother's residence to breakfast. The stack of oats is about a quarter of a mile from the spot where the murder was committed. He never made use of any words about shooting hares, as had been attributed to him. He had been employed as a reaper by Mr. Hall, of Epsom, for some time. This prisoner (Thomas Arnold) was asked by the Magistrates to state where he slept on Friday night; he refused to answer the question, stating that wherever he might have slept on Friday could not in any way be connected with the inquiry about the murder. He was willing to give an account of himself from Saturday night to Sunday, beyond that time he did not conceive he had a right to be questioned.

James Arnold was next examined. He declared that he had no knowledge of the transaction; he slept at Banstead on Sunday night; he did not know where his brother passed the night; his brother was a wild rackets chap, and might be drinking. - He was as innocent as a new born child of the murder, and he hoped his brother was. He could prove he was at Banstead all Sunday night.

May, the officer said, he had found on inquiry that James Arnold was at Banstead all Sunday night; but he thought it strange that Thomas Arnold should not have heard the report of the pistol, sleeping (if his account was true) so near the place where the murder was committed, when persons who resided further off could hear the noise of the report.

Thomas Arnold was again called, when he entered the room, he said, "I have nothing more to say," and was very angry at being suspected of having any participation in the murder. The Chairman (Mr. Trotter) said, that he must be committed, unless he chose to answer the questions put to him, for it implied guilt if he refused to assist in the investigation. Arnold replied, that he would answer questions; but he knew nothing more than he had said, he did not hear any report of a pistol, he was quite drunk, and when he was told that he was suspected of committing the murder, he thought it was a

joke, and that they wanted to take him before the justices, to punish him for being drunk on Sunday.

A number of other witnesses were examined, their evidence did not materially affect the prisoners; the investigation lasted seven hours, when the Magistrates, after a long and mature deliberate consideration, discharged all the prisoners.⁶

MURDER AT EPSOM

Sunday the Magistrate (who have met daily since this transaction took place), who formed themselves into a Committee to prosecute the affair with the greater success, met again at the Coffee House, when a man named Thos. Arnold, was brought before them by May, the officer of Union Hall, and examined upon suspicion of being the murderer of Cox; after his examination, he was committed, and conveyed to town on Sunday night, by May, and lodged in Horsemonger Lane goal.

The cause of his apprehension was, that a baker's boy, who delivered bread at his house on the morning of Monday, the day after the murder was committed, had stated, that he saw an apron (such as prisoner generally wore) in his house in a bloody condition; other circumstances also came out during his examination.

The prisoner worked for Mr. Northey, at Epsom, in his gardens, and prior to the murder he used to cut the fruit trees with a clasp pruning knife; Monday the day after the murder was committed, he used a long case knife to prune the trees, and such a knife as the prisoner used was found near the body of the deceased. The prisoner's sister-in-law, and a man named Saunders, who worked with prisoner at Mr. Northey's gardens, deposed that the knife found near the dead body was very much like the one they had seen the prisoner use, but they could not speak positively that it was the same. Saunders stated also, that the prisoner on the Monday after the murder was committed worked with him in Mr. Northey's garden, and his conduct was very different from what it formerly was, he was not so sociable as before, but kept at a distance, and "appeared very shy." This witness did not observe the injuries on the prisoner's head on Saturday, the day before the murder was committed, nor on the Monday after, for he wore his hat, and that covered them.

There could be little doubt that some of the persons, whoever they were, that committed the murder, must have received some personal injury from the determined resistance made by Cox. The prisoner was found to have received some injuries on his forehead, and also on other parts of his head. The account he gives of them is, that he received them on the day the murder was committed, by falling from a fruit tree; but he brought no person forward to whom he had mentioned having met with the accident.

⁶ The Morning Chronicle (London, England) 6 August 1818

The prisoner denied the assertions of the baker's boy, he declared that no bloody apron was in his house, and said it must be all an invention of the lad. The boy, however, persisted in his story.

When the prisoner was examined on this day week before the Magistrates, he was asked if he wore socks in his shoes, he very calmly replied, "no I do not".

On Sunday, when the prisoner was again before the Magistrates, the question about his wearing socks was not again put to him, (?) but it occurred to May that his former account might not be correct, he thought it proper to examine his shoes, and to his surprise found a new sock in one shoe, and an old one in the other, resembling the one found near Cox's dead body.

The prisoner Osborn is more strongly suspected, from his being a poacher, but it is not believed that he was alone in the transaction.????????? May, the officer, left London immediately after he had secured Osborn in ?????????????? Goal, having received information on ???????? being concerned.

The prisoner being shown the bloody knife found near Cox's corpse said that it was not his, and that he was innocent of the murder. The Magistrates, Mr. Trotter, General Howarth, Mr. Whitmore &c. were of opinion that there was sufficient evidence against the prisoner? To warrant his committal, and they committed him for re-examination on a future day.

Thursday the remains of Ely Cox, the young man who was murdered at Epsom, on the morning of Sunday night, were interred at eight o'clock in the evening at Epsom Church; the crowds who witnessed his funeral were very great. The deceased was only between 19 and 20 years of age. He was a remarkable fine stout? young man.⁷

MURDER AT EPSOM

Some further particulars having transpired respecting the atrocious murder of Ely Cox, yesterday James Trotter, Esq., Joseph Grimsted, Esq., and other Magistrates, assembled at Epsom, when the officers, May and Hall, brought before them three men strongly suspected to belong to a desperate gang of poachers; whose depredations about that part of the country have been very extensive and daring. Their names are, JOHN JONES, WILLIAM BORER, and WILLIAM JEFFREYS; but after a long investigation, in which the officers and prisoners were examined, the former as to the grounds of suspicion against the parties, and the latter in explanation of their conduct in reference to the charge against them, the Magistrates considered that the evidence was not sufficiently strong to implicate them in the murder, and they were discharged.

Hall, the officer, stated to the Magistrate that he had a communication to make respecting Thomas Osborn, the man in custody in Horsemonger-lane Goal on suspicion of the murder, which he considered to be of great importance. When Osborn was first examined, he and May the officer searched his cottage in every part with particular, carefulness, but found nothing that could support the suspicion which led

⁷ The Morning Chronicle (London, England) 11 August 1818

to his apprehension. Subsequently a baker's boy having stated that he saw a bloody apron in Osborn's cottage, when he was delivering some bread at his door, caused him to make a second search, and he found an apron in the condition described by the boy, in a dark room in his premises, which caused his committal to prison. Since then, he and his brother officer went to Osborn's cottage, and again made search, when a pair of pantaloons, extremely bloody, and a waistcoat, with several marks of blood upon it, were found, between the sacking of his bedstead and the bed, a place which was searched in the first instance in the most careful manner, and at that time the bloody apparel could not have been there deposited, without having been discovered. The pantaloons and waistcoat were very much torn, and a shirt, which appeared to be newly washed, was found by them in the same place, that was literally torn to pieces. The officer produced the articles, and the Magistrates having viewed them for some time with great attention, seemed to entertain much stronger suspicions of Osborn's being concerned in the murder than they had before.

An order was sent to Horsemonger Lane goal, that Osborn should be kept in a room by himself, that he might not have an opportunity of communicating with improper persons. Exertions for the detecting of the guilty persons continue to be carried on with increased vigour, as more than one are supposed to have been implicated in the murder.⁸

MURDER AT EPSOM FINAL COMMITMENT OF THOMAS OSBORNE

Saturday Sir James Alexander Bart. James Trotter, John Whitmore, Joseph Grimstead, Geo. Cripps, C; Hawkins and Robert Hudson, Esquires, Magistrates, assembled at the, Coffee-house, Epsom, when Thomas Osborne was brought before them in custody of May and Hall, the officers of Union Hall, to undergo a final examination, upon the charge of being concerned in the murder of Ely Cox, the gamekeeper of Mr Tessier.

Some of the former witnesses were again examined.

Mr. Mayde, surgeon; of Epsom, described the mangled state in which he found the body of Cox upon being called in, and stated his belief that the murder was effected by strangulation. He searched the pockets of the deceased; there was no money in them; a handkerchief was tied round his neck, with the knot behind, and in the knot was introduced a thick stick, with a hook at the end, as if for the purpose of twisting it with extraordinary tightness.

Charles Tanners, a labourer, stated, that as he was standing with another man near Crockenham-corner, on the Sunday of the murder, at about five in the morning, he heard some person exclaim in a mournful manner, " Oh Lord! Oh Lord!" and immediately said to the other man, "There be some person shot by a spring; gun." They looked about the park and up and down the road to discover from whom the

⁸ The Morning Chronicle (London, England) 13 August 1818

exclamation proceeded but could see no person. The place where he stood, when he heard the voice is very near Crockenham-corner.

Joseph Crompton, servant to Mr. Ladbrook, of Epsom, stated that he assisted in removing the body of Ely Cox to the house of Mr. Tessier, and afterwards returned to the place, where the murder was committed, to make his observations. The bushes and trees were much broke, as if a violent struggle had taken place, and there were various marks on the ground, which denoted the same circumstance. At one place it appeared as if the toe of a man's shoe had caught in the ground, and close by he found an inside sock of a shoe, made out of an old hat, and cut to a man's size. [The sock was then produced to the Magistrates, and fitted to the shoe of the prisoner; it appeared to correspond with the size of his shoe.]

May, the officer, said, that when he apprehended the prisoner the second time he made him pull off his shoes, and he then discovered two socks similar to the one produced by the last witness, of the same materials, and cut in the same manner; one of them appeared to him much more worn than the other.

The Magistrates carefully compared the socks found by May in the shoes of the prisoner, and the one found by Crompton. The latter appeared about three quarters of an inch longer than the others, but in other respects much resembled them.

May further stated, that having been informed that a bloody apron had been seen at the house of the prisoner subsequent to the murder, he searched and found an article of that description; there were several spots of blood in, the centre of it. During the confinement of the prisoner in gaol, he was asked what clothes he had on the day of the murder, and described, amongst other things, a pair of grey trowsers, very much faded and torn.

Hall, the officer, stated, that on the 4th instant he searched the cottage of the prisoner, but consequence of having no warrant, and Osborne being at that time but slightly suspected, he was not very strict in his search. On the 11th instant he again searched, and then discovered between his bed and the sacking a pair of grey trowsers, much faded and torn, and stained with blood; he also found a waistcoat, upon which were several spots of blood; a torn shirt was found at the same time, and he remarked that the shirt and waistcoat were both torn at a place under the arm, as if rent by the same motion or exertion at the same time. A hat was also discovered with marks on the front bearing the appearance of blood. He had carefully examined the place where the murder was committed, and it appeared by the mark of blood upon some gates, and particularly upon a tree by a breach in the fence opposite the prisoner's house, that the murderer had made his retreat from Crockenham-corner in a direct line with Osborne's house, over the fence in front of it. He had been informed that Osborne usually wore short boots, but there was a person who would state that on the day of the murder he saw him in shoes.

James Coombs, a labourer, corroborated the latter part of Hall's statement.

James Saunders, head-gardener to Mr. Northey, was called to identify the clasp knife found near the body of Cox as belonging to the prisoner; but although he had

frequently seen a similar knife in his possession, he could not say that the bloody knife produced was the same.

The prisoner protested his innocence in the most solemn manner, and said, that however appearances were against him, he should be able to explain every thing. He was attended by Mr. Alley and Mr. Harmer, and was recommended to keep silence in the present stage of the business.

The Chairman, after a consultation with the other Magistrates, addressed the prisoner, and said, that under all the circumstances of the case he felt it his duty to commit him for trial.

The examination was attended by a vast number of the gentry of the surrounding country. The prisoner is a young man apparently about 27 years of age, fair complexion, and light hair: he has been several years in the navy, and served under Captain. (Now Commodore) Hoste.

The Overseers of Epsom were bound over to prosecute, and the witnesses to attend and give their evidence at the next Assizes.⁹

1818 Monday August 17: Murder: Thomas Osborne was brought before the magistrates assembled at the Coffee House, in the custody of Hall and May of Union-hall to undergo a final examination for the **murder of Eli Cox**. Some of the former witnesses were re-examined with the surgeon Mr Mayde describing the mangled state in which the body was found. Details of how Cox was murdered as set out above were repeated. Charles Tanners a labourer also repeated his earlier evidence about hearing the cry "Oh Lord! Oh Lord!" but after a search unable to find anyone he and his companion moved off. Joseph Crompton helped remove the body to the house of Mr Tessier and afterwards returned to the scene where he found the trees much broken and many marks on the ground as if a violent struggle had taken place. At one place it appeared as if the toe of one man had been caught in the ground and close by found an inside sock of a shoe made out of an old hat and cut to a man's size. (The sock was then produced to the magistrates and fitted to the shoe of the prisoner; it seemed to correspond with the size of the shoe.

May the officer said that when he apprehended the prisoner the second time he made him pull off his shoes, and then discovered two socks, similar to the one produced of the same materials and cut in the same manner; one appeared to be much more worn than the other. The magistrates carefully compared the socks found by May in the shoes and the one found by Crompton. The latter appeared to be about three quarters of an inch longer than the others but in other respects closely resembled them. May further stated that having been informed that a bloody apron had been seen in the house of the prisoner he searched and found one with several spots of blood in the centre of it. During the confinement of the prisoner in gaol he was asked what clothes he had on the day of the murder and described amongst other things a pair of grey trousers very much faded and torn.

⁹ The Morning Chronicle (London, England) 17 August 1818

Hall, the officer, stated that on the 4th instant he searched the cottage of the prisoner but in consequence of having no warrant and Osborne at that time only being slightly suspected, he was not very strict in his search. On 11th instant he again searched and then discovered between his bed and the sacking a pair of grey trousers much faded and torn, and stained with blood, he also found a waistcoat upon which there were several spots of blood, a torn shirt was found at the same time and he remarked that the shirt and the waistcoat were torn at a place under the arm, as if rent by some motion or exertion at the same time. A hat was found with some marks on the front bearing the appearance of blood. He had carefully examined the place where the murder was committed and it appeared by the mark of blood upon some gates and particularly upon a tree by a breach in the fence opposite the prisoner's house that the murderer had made his retreat from Crockenham-corner in a direct line with Osborne's house., over the fence in front of it. He had been informed that Osborne usually wore short boots but there was a person who would state that on the day of the murder he saw him in shoes. James Coombs a labourer corroborated the latter part of this statement. The prisoner protested his innocence but on the advice of his two lawyers he remained silent. Osborne was committed for trial.

The examination was attended by a vast number of the gentry of the surrounding country. The prisoner is a young man, about 27, fair complexion and light hair. He had for several years been in the navy.

The Overseers of Epsom were bound over to prosecute and the witnesses to attend and give evidence at the next Assizes.¹⁰

**LENT ASSIZES.
KINGSTON, (SURREY), APRIL 6.
MURDER.**

Thomas; Osborne was indicted for the wilful murder of Eli Cox, on the 2d of August last, at Epsom, in this county. The indictment, which was extremely long, and contained several counts, charged the death of the deceased to have been produced in three different ways - by striking with a stick, cutting, with a knife, and strangling by means of a stick and a handkerchief.

The trial of this case excited an uncommon degree of interest, from its singular circumstances, and the barbarous manner in which the deceased was murdered.

The prosecution was conducted by: Mr Gurney, Mr Bolland, and Mr Adolphus

It is unnecessary to enter into a full detail of the evidence, which was adduced on the part of the prosecution, and in the defence.

The trial lasted from 9 o'clock in the morning until past five in the evening. The following were the most important features of the case. The deceased, a youth, about 19 years of age, was employed in the service of Mr. Tessier, of Woodcot-park, near Epsom, as under game-keeper. On Saturday evening, the 1st of August last, he had

¹⁰ The Morning Chronicle Monday Aug 17 1818

supped with his fellow servants at his master's home, and about 10 o'clock he loaded his pistol from a powder horn, which his master had given him, and went out for the purpose of sleeping at his master's farm-house. Announcing his intention of being up at an early hour the next morning to look out for poachers. He was heard to go out of the farm-house, which was near his master's mansion, about three o'clock on the Sunday morning. He, however, did not make his appearance in the breakfast-hall, as usual nor at church with the rest of the servants; and being still absent at the dinner hour, the latter became alarmed, and would not sit down to their meal until some inquiry - was made about him. Several persons went in different directions, and in a very short time his body was found in the wood-yard of Sir Gilbert Heathcote, which adjoined Mr. Tessier's premises, exhibiting unquestionable appearances of violence and murder.

On examining his body, there was found round his neck his own silk neckerchief, containing the stiffener, tied behind in a great number of knots, and, twisted in such a manner as to reduce his neck to the size of a man's wrist; and in the twisting was inserted a piece of stick, so as to form what the seamen call a Spanish windlass. He was lying then upon his back, with his legs crossed, so that it was quite evident he must have been upon his face when the neckerchief was tied in the manner above described. His right arm, between the wrist and the elbow, was fractured; in the inner part of the same arm was a long, deep, incised wound; but the coat which covered it was untouched by the weapon, and the shirt wrist remained buttoned. The inside of the hand of the same arm had a deep gash across the fingers, as if a knife had been drawn through it; and the little finger of the left hand was nearly severed from the limb. On the left side of the head there was a severe wound, but not so severe as to have produced death; and in the opinion of the surgeon who was examined, the death was produced by strangulation. On searching about the wood-yard the flick of a hare was strewed about the ground, indicating that the deceased had been engaged in a conflict with some person who had been poaching. Near to the body was the pistol of the deceased, the stock of which was broken, and its contents discharged; and at a few yards distant was an odd sock made out of an old hat. Upon the gate, which led from the wood-yard, were the marks of bloody fingers, as of a person who had escaped that way; and near the gate was found a clasped knife, covered with blood, and which evidently must have fallen from the murderer in his retreat. These were the principal circumstances touching the causes of death to the deceased.

The facts charged against the prisoner to support the indictment were these:-The prisoner lived in a cottage about 40 yards from Sir Gilbert Heathcote's wood-yard, where the body of the deceased was found, there was a mode of communication from the back part of the cottage to the spot where the body was discovered. On Sunday morning, the 2d of August about 6 o'clock, the prisoner came home to his cottage, and was seen by his next door neighbour, who observed him from his window, to be in a very great heat, and sweating profusely from his forehead. In the course of that morning he was seen to take some water in a wash keel, and shut himself up in his house, and afterwards hung his shirt and neck cloth out to dry; upon which articles of apparel were afterwards observed by the same neighbour faint marks of blood. The prisoner, who was a journeyman gardener, had on the following day been set to work by the person by whom he was employed, to cut strawberry-roots; but instead of employing the clasp knife which he was accustomed to use, he performed his work with a case-knife. The bloody knife, which was found as above-mentioned, resembled

that which the prisoner usually carried about him. The prisoner had been a seaman and as the knot which, had been tied round the neck of the deceased was what is called a granny knot which could only have been made by a person who had been at sea, or had been taught to make it by a seamen, it was urged as matter of inference amongst other circumstances, as proof of guilt against the prisoner. When the prisoner's house was searched three hat-socks were found, one of which completely matched, in point of appearance and texture, with that which had been picked up near the body of the deceased. On the Sunday morning after the murder the prisoner's forehead was observed to be scratched, as if it had come in contact with some bushes; and upon being asked to account for the scratches, he said, that on Sunday morning he had got into one of his apple trees, for the purpose of gathering some fruit, to take to his father and that one of the branches giving way, he fell into a gooseberry-bush, and thereby scratched his face.

On the Tuesday he told the same story, but described the accident to have taken place on the Monday morning. Mr. Howarth, the Member of Parliament, had examined his garden but no traces could then be found of any gooseberry bush or apple-tree having been injured in the branches, as must have been the case if the prisoner had fallen as he had represented. Whereas, on the Tuesday the prisoner pointed out where a currant, and not a gooseberry-bush, had been broken in the branches, and had then been recently tied up; but the branches were not withered, which would probably have been the case had they have been broken on the Sunday morning, in the then hot weather. Mr. Howarth, however, positively swore that he did not observe the same currant-bush to have been broken when he examined it on the Monday. Another circumstance of suspicion alleged against the prisoner was, that on the Sunday morning, about 9 o'clock he came out of his house, and was met without any stockings upon him, and upon being asked why he so appeared he said the reason was, that he could not find a pair of stockings handy. Under the prisoner's bed between the sacking and the mattress, were found a pair of faded grey pantaloons and an old waistcoat, upon each of which appeared visible marks of blood, which were considerably faded. Within a few inches of the prisoner's garden fence was found the powder-flask of the deceased, stained with blood. These were the principal circumstances adduced in evidence to sustain the inference of the prisoner's guilt.

Mr Common-Sergeant and Mr Curwood conducted the prisoner's defence.

The prisoner, who was a very well looking man, about six feet high, and who, during the whole time, was cool and collected, and betrayed no other anxiety than another man in the like perilous situation, put in a written defence, which was extremely well drawn up, (we presume by his solicitor, Mr. Harman), and which stated that on the Sunday morning in question, the prisoner had risen about six o'clock, and had gone into his garden and gathered some apples; and in doing so had fallen from the tree, by which means he had scratched his face against a gooseberry bush. He then took the apples to his father's, where he remained half an hour and then returned to his own house, where he remained the whole day. He totally disclaimed any knowledge of the cause of death to the deceased, for whom he had the highest respect, and would be the last man in the world to injure him, still less would he disposed to commit upon him the foul crime of murder. With respect to the clothes found under his bed, he said, that they had lain by there for six or seven months as old and useless, and no longer capable of being worn, as he had grown lusty in his person, and could not put them

on. He admitted that he was in the habit of wearing socks made from old hats, as poor people in the country were accustomed to do; but knew nothing whatever of the odd sock which had been found in Sir Gilbert Heathcote's wood-yard. As to the bloody knife and the powder-flask he knew nothing of them, and he conjured the jury to dismiss from their minds those prejudices which some persons had taken great pains to excite against him; relying upon the intelligence and discernment of the court and jury to relieve him from the heavy consequences of a charge of which he was innocent, and which was abhorrent to his nature.

Several witnesses were examined, whose evidence was perfectly compatible with the prisoner's statement. Two of them deposed, that that the man Page, who spoke to the fact of the prisoner having been seen on the Sunday morning, in a state of perspiration, was not to be believed upon his oath; and all the witnesses gave the prisoner a good character for humanity and general good conduct. The other circumstances which appeared in evidence favourable to the prisoner's innocence were, that the witness, Page, never mentioned a single word of the material part of his evidence until after his second examination, and until after a reward of £200 had been offered for the detection and conviction of the murderer. That the prisoner, after his first examination, had been discharged by the Magistrates, and remained at large, without any attempt on his part to fly from justice; that, in point of fact, the pantaloons and waistcoat said to have been stained with blood, had been for seven months previous to the murder in the same situation in which they were found.

Mr. Justice Park summed up the case for the Jury with the greatest perspicuity, and with his wonted regard and humanity for the interests of the accused, in all cases which come before him, cautioned them against anything like prejudice, and impressing upon them the necessity of deciding the question of guilt or innocence in this case according to the facts proved in the evidence.

The Jury, after deliberating for about five minutes, returned their verdict - *Not Guilty*.

The prisoner retired from the bar, unmoved by the result of the trial.¹¹

¹¹ The Times 07 April 1819