Surrey Constabulary History
'An in depth history of policing in Surrey'

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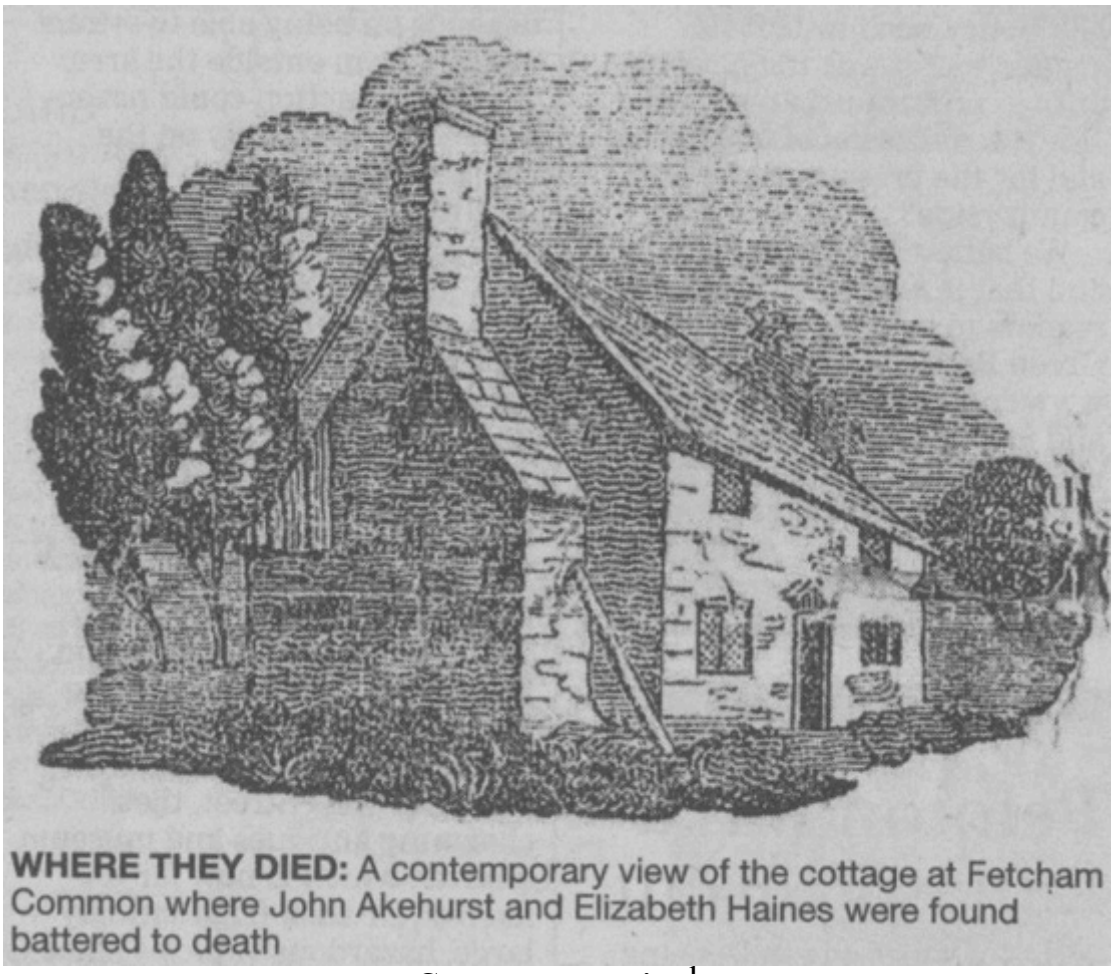
www.surrey-constabulary.com
Editor Robert Bartlett
938@938.me.uk

The Fetcham Common Murders 1826

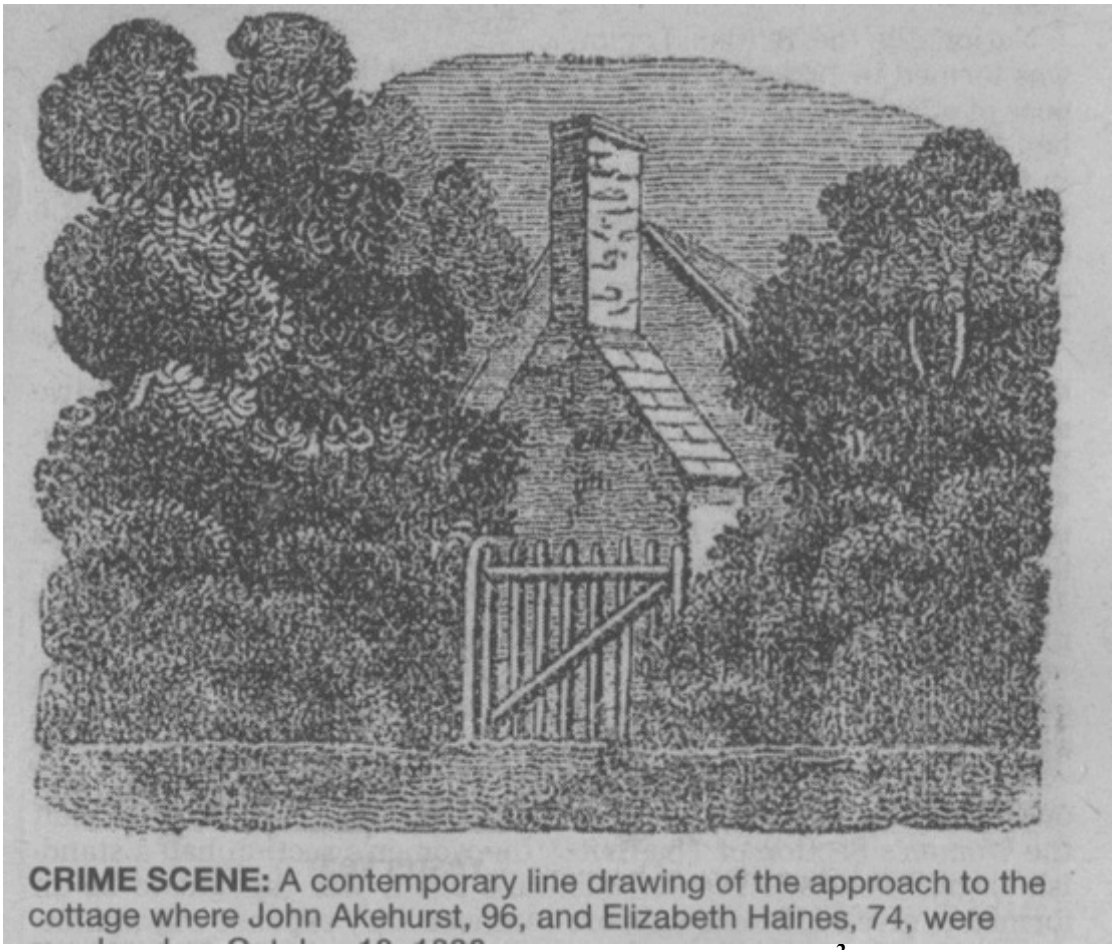


Contemporary view[1]

[1] Dorking Advertiser Yesteryear column 13 August 2015

1826: This is a particularly interesting case – two elderly people murdered in Fetcham. It is soon obvious that there was a structured and orderly response to this serious crime with the magistrates taking the lead and parish officials, constables including a chief constable from Union Hall acting under their direction. Thorough searches were made and hundreds of miles travelled to find suspects. A body was exhumed to test the injuries causing the deaths with tools recovered from a suspect. The suspects were detained and remanded to prison by the magistrates but later released when the officers of Union Hall tested their alibi.

One of the officers deployed from Union Hall was named Grossmith. Was Grossmith to go on to become a Bow Street Runner and then an Inspector in the Metropolitan Police founded three years later? This is an unusual name and there was a Grossmith that became a Bow Street Runner who joined the Metropolitan Police as a sergeant and who was among the investigators for the Banstead murder of 1834. Grossmith seems to be at the centre of the great changes that were developing in policing.



The approach to the scene of the murders[2]

1826 October 14: Fetcham Common Murders: Two elderly people were murdered at Fetcham Common close to the Guildford Road, John Akehurst an helpless old man aged 96 and his housekeeper Elizabeth Haines aged 74. They lived in an isolated cottage in the middle of an orchard. It was thought that the killers were intending to steal the money obtained from the selling of an abundant harvest of fruit from the

[2] Dorking Advertiser Yesteryear column 13 August 2015

trees. A lad called Brown came to the orchard on the Sunday morning to undertake his work of collecting fruit. He found the house insecure and called out for Mrs Haines and getting no reply realised something was wrong and left to get his parents. The boy's mother came, entered the house and found the body of Mrs Haines. She left immediately and sent for her husband's employer who attended immediately and found the two dead bodies mutilated in a shocking manner. He immediately sent word to the county magistrates who were resident in the immediate neighbourhood and in less than hour the following gentlemen from the commission of the police were on the spot: the Rector of Fetcham Mr Bolland Mr Hankey and the Reverend Hebberden all who testified their horror on entering the premises. Despatches were sent to Union Hall Police Office and Mr Caldwell the Chief Constable along with Richard Pope a zealous and indefatigable officer of the establishment proceeded in post chaise and four and soon arrived at the cottage. The officers undertook an examination of the scene and bodies, which had not been moved**.** [3]

Entrance to the cottage had been gained by removing a pane of glass from the washhouse and taking out a slight iron bar. Nothing seems to have been disturbed downstairs and the officers went to the next floor where they found the women dead on the floor with her head in a pool of blood. The skull was severely fractured by a heavy bludgeon. There were black marks on her neck as if an attempt had been made to strangle her and one of her hands was badly bruised probably trying to ward off a blow. It would appear that she was about to enter the room of the old man possibly having heard the noises down stairs of the criminals breaking in. The old man was in his bed where he had been confined for a number of years with both his hands above his head as if trying to ward off blows. The knuckles across the back parts of the hands were severely lacerated and there was a wound to the head just above the ear that would have caused his death. The bedclothes were streaming with gore and the bed cap was saturated with blood. The officers having examined the bodies searched the room to see if the criminals had left any clue behind as to their identity. The house was minutely examined and it was found that the murderer or murderers had made a thorough search. Neighbours said nothing seemed to be missing and that in any case there were nothing valuable to be stolen on the premises. Three years previously the couple had been robbed and the man responsible sent to prison. The Reverend Bolland immediately had bills printed and circulated offering a reward.

> Sir George Warren had in the meantime sold Fetcham Great House and estates to Thomas Hankey, a wealthy banker. The transfer was not complete until 1792 but in 1793 Thomas Hankey died leaving his widow to manage the estate until his infant son John Barnard Hankey, who was to be squire until his death in 1868, came of age. [4]
>
> The new Rector John Bolland (1818 - 1833) was the only son of a wealthy father; they both have memorials in the church on opposite sides of the West Window.

1826 October 16: Inquest: Saturday at 5pm a jury empanelled at the Bell Fetcham. The Jury accompanied by the Coroner and several magistrates visited the cottage to

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[3] Morning Chronicle 14 October 1826

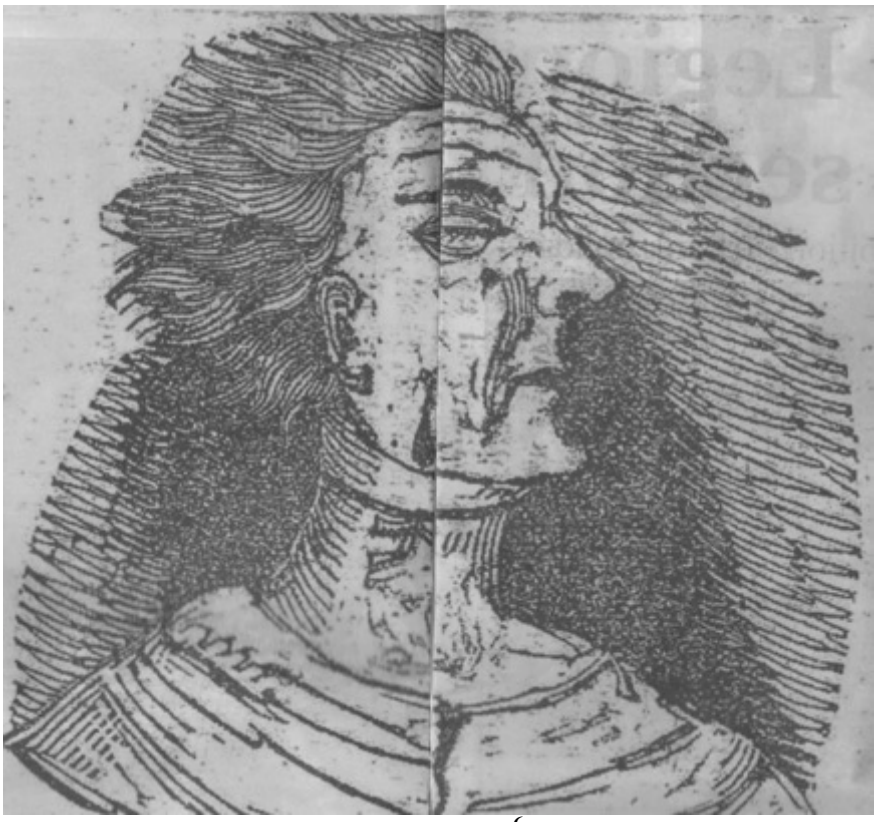
49. http://www.stmarysfetcham.org.uk/Docs/History%20of%20Fetcham%20Church%20-%20John%20Mettam%2023-3-97.pdf

view the bodies. The cottage was surrounded by fruit trees and is much concealed thereby only the chimney pot was visible from the adjoining lane. The 96-year-old man conversed freely with the clergyman who visited him frequently and conversed so freely he could talk about current events and was a living historian. Having examined the house and grounds the jury returned to the Bell.

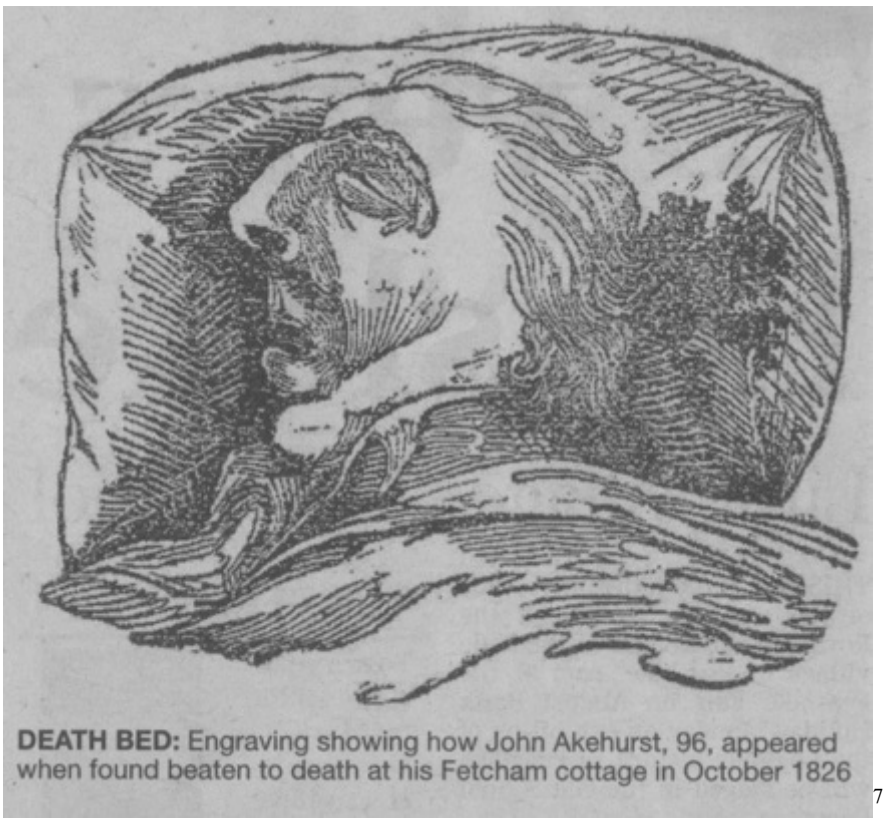
Thomas Brown aged 21 lived about 150 yards from the cottage. He received four shillings for his work from the housekeeper on Friday week for his work – she brought the money down stairs. On Friday morning last at about a quarter past six brown went to the cottage to borrow a basket and found the door partly open. He pushed and entered and seeing no one called out. On going out of the front door he noticed the wash house window open and that the pain of glass in the centre of the window had been taken out and also an iron bar that fastened the window from top to bottom had been removed. A door to the kitchen links the washhouse. He picked up the iron bar outside at the corner of the house. He saw no footmarks. He left to fetch his mother who immediately came to the cottage went upstairs and screamed. "Mrs Haines the housekeeper is murdered" Brown was standing about three steps up the stairs but did not have the courage of his mother and so he ran to Mrs Sherlock and told her what his mother had said. Thinking more assistance was required he went to a neighbouring farmer called Gibbs. He was absent nearly and hour and went up stairs with the men and saw the old woman lying on her back in a heap of blood in her master's room by the side of his bed with her head beaten to pieces. He saw the old man on his bed covered with clothes but left to go downstairs. Brown's mother Elizabeth Bennett: She called at the door for some time before entering the cottage finding the housekeeper lying on the floor in a bedroom. She went downstairs and fetched Mrs Sherlock and another woman. On entering the room with Mrs Sherlock they found the housekeeper naked. I did not see the old man until Mr Gibbs arrived when going back up stairs with him and Mrs Sherlock she saw him in the bed he was seen covered in blood and quite dead. She saw some of the drawers and boxes open.

After medical evidence the foreman of the jury J B Hankey Esq, said that he and his brother magistrates had used every exertion to discover the murderer but was sorry to say without success for so secretly had the crime been contrived and executed that they had not been able at present to obtain anything in the shape of legal evidence against any individual. The Rev M Bolland said that no person of a suspicious character had been seen in the neighbourhood where the deceased person resided, except one man who was seen to be lurking about there about a fortnight ago. The coroner said that it was manifest that a murder as cold-blooded, cowardly and inhuman as ever stained the annals of this, and he might say with truth, any other country, has been perpetrated by some person or persons unknown. The jury without consulting a moment returned a verdict of "Wilful murder against some person or persons unknown." [5]

[5] 1826 16 October The Times



Mrs Haines[6]



DEATH BED: Engraving showing how John Akehurst, 96, appeared when found beaten to death at his Fetcham cottage in October 1826

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[6] Dorking Advertiser Yesteryear column 13 August 2015
[7] Dorking Advertiser Yesteryear column 13 August 2015

PLAN OF THE UPPER FLOOR.

[A. Staircase by which the murderers must have entered.

B. Passage in the housekeeper's room.

C. Housekeeper's bed (a very antique one with stuff hangings) rumpled, as if it had been slept in, and left in a hurry.

D. The old man's bed, with his body covered, excepting the head, by the bed-clothes. The dot under the head shows the blood upon his pillow.

E. The housekeeper's body, with the head and neck and feet exposed, but having an apron and chemise thrown over it. The dots under the head represent the blood, which was in great quantity, and had trickled through the floor.

F. The antique chest of drawers. The drawers partially pulled out, and their simple contents tumbled about.—The old man's clothes lay on a chair at the foot of his bed, and a small tin pan, as if it had been used in warming drink for him, stood on a chair between him and the wall.

G. In the master's room, a broken table.

G. G. In the housekeeper's room, boxes which had been broke open.]

LAYOUT: Plan of the cottage on Fetcham Common. The position of the bodies is sketched out

Plan of the murder scene[8]

[8] Dorking Advertiser Yesteryear column 13 August 2015

1826 October 16: Will found: Hall, the chief office of Union-hall in the course of his examination of the premises on the morning that the murders were perpetrated discovered the old man's will which was executed in 1805. The cottage was to remain in the occupation of Elizabeth Haines the housekeeper for one year after his death after which she was to resign all claim to the property, which then devolved to his daughter. There was a codicil allowing the housekeeper to select dome furniture when she left. If his daughter died the estate should be sold for the benefit of her children.

On being told of the murder the daughter and her husband went immediately to the cottage and took possession of it being said that neither of them exhibit the slightest horror on witnessing the murdered bodies. The Reverent Bolland who had been indefatigable in his exertions to find out some clue to the discovery of this shocking murder, on perusing the will and also being made aware of the apathy of feeling displayed by the daughter of the deceased on this occasion, thought proper to examine her very minutely with respect to her own family. She admitted to having a daughter who co-habited with a man of very bad character. She did not know how they gained their livelihood but knew they were in the habit of tramping about the country. She had not been in the habit of visiting her father recently and during the interrogation by the vicar the husband sat by the fire and said nothing. [9]

1826 October 16: On Saturday a young man named **Jones was taken into custody** by a turnkey of the King's Bench Prison on suspicion of being implicated in the murder. Jones seemed to know a great deal of the murder and was detained by the turnkey and brought to the Union –hall. Jones had gone to London from Leatherhead and said that the clothing and money he had with him he found at Leatherhead fair. When Pople the officer asked him some questions about the murder Jones pulled up the sleeves of his coat "You may see that I have no blood upon me: and if you examine these clothes you will not find a speck of blood on them." He was immediately taken down to Fetcham where Rev Bolland questioned him where nothing he said could be believed. On being threatened with prison he told a different story which led to the fact that he had robbed a man named Ball at Leatherhead Fair - he was locked up in the cage on Saturday night. In addition to the charge of robbery the magistrates were still investigating any links to the murder[10]

1826 October 16: Monday: Borders of Fetcham common within two miles of Leatherhead and at a short distance from the high road to Guildford.

It was generally rumoured in the neighbourhood that the old man was possessed of some property, as the house and some acres of land adjoining it were in his possession and it is supposed that the miscreants were prompted to the commission of the murder in the expectation of finding money, the produce of fruit, which had been extremely plentiful this season in the grounds belonging to the poor old man.

Information was also dispatched to Union-hall Police Office by the Rev. Mr. Bolland who communicated the fact of the murder in a letter addressed to the sitting magistrate and requesting two of the officers to be sent down immediately

[9] 1826 16 October: The Times
[10] 1826 16 October The Times

Mr Caldwell after perusing the letter instantly complied with the request when Mr Hall, the Chief Constable, together with Richard Pope a zealous and indefatigable officer of the establishment proceeded in a post chaise and four and soon arrived at the cottage.

The whole of Friday many inhabitants of the village volunteered their services in assisting the two officers from Union-hall Police Office in endeavouring to trace out the perpetrators of this bloody deed; and they were on the hunt during the whole of the night about leatherhead, Epsom and other places for an individual who is strongly suspected to be the murderer, but although he has been seen in the former places only the day before the murder was discovered he was now not to be seen any where, which circumstance adds strongly to the suspicion already entertained against him.
The magistrates ordered some special constables were placed at the door to prevent the populace from entering the cottage. [11]

1826 October 17: The jury accompanied the Coroner and several magistrates attended the scene. The jury examined the bodies minutely and concluded that a hammer had killed the victims. Brown the "boy" gave evidence - he was 21- and said that he had not been as brave as his mother and not gone into the cottage. The mother and the doctor who attended the scene gave evidence. They gave detailed testimony and were questioned by the Coroner. The Coroner ordered a proclamation to be made for any other witnesses to come forward. The foreman of the Jury Mr Hankey said he and his fellow magistrates had done what they could but there were no clues as to who was responsible. The jury without a moment's consultation returned a verdict of "Wilful murder against some person or persons unknown" In Cock Lane under a hedge a new pair of shoes and a scarlet waistcoat the property of the deceased man was discovered. [12]

1826 October 18: Three officers attached to the Union Hall Police had been despatched into the country in different directions to trace the route of Mary Ayres the granddaughter of the deceased man and her paramour both of whom with two other persons were seen in the immediate neighbourhood. The Chief Constable had been sent to the fair at Brentwood in Essex where the fair had moved to and where the suspected persons may have gone without success despite a detailed search of the area. He left handbills. Pope who set out the same day as the Chief Constable went to Farnham in Kent where a fair had then commenced but again without success. [13]

1826 October 18: Wednesday: Surrey Sessions Kingston October 17: The calendar on the present occasion contains a greater number of persons for trial than on many former occasions but the only subject that engrosses attention is the late dreadful murders at Fetcham. The worthy chairman and magistrates were some time engaged in consulting on this horrid affair and the whole of the information that had been obtained up to the time that Morning when the Rev. Bolland left Fetcham that morning as was the fact that Hall, Pople (sic) and Grassmith (sic) had made every enquiry around the resorts of the parties in town, suspected, in the course of which they obtained such information as induced the Magistrates to send them in three different directions, viz. Hall towards Brentford and the line of road succeeding;

[11] 1826 16 October: The Morning Post
[12] Morning Post 17 October 1826
[13] Morning Chronicle October 18 1832

Pople (sic) round to Croydon, Maidstone etc., and Grassmith (sic) which for the ends of justice was not made publicly known. [14]

--- A relative of the family was believed to be involved

A report was very current that a man had been seen on the Maidstone road completely answering the description of one of the men seen in company with Mary Agnes (sic) the grand-daughter at the fair at leatherhead on Thursday, and is strongly suspected of having been the same who was heard whispering to her near the cottage.

The Reverend Bolland was on the bench and the witness Sheath and others were in attendance. A confident expectation seemed to be entertained that the suspected parties or one of them would be in custody in the course of the day.

1826 October 18: Bennett the man residing at the next house underwent an examination before the Revd. Bolland after his twelve-year-old daughter in the course of conversation with a man named Jeffries dropped several hints respecting the conduct of her father and mother on the night of the murder casting suspicion on them. The magistrates discharged the man convinced he was not implicated in the murders. The suspicions came, as Bennett who was working in the fields some way off on hearing of the murder did not betray horror or surprise. It was his stepson, who had called at the house and raised the alarm, without going into the house hurrying to his mother exclaiming "Oh! Mother, Master Akehurst and the old housekeeper are murdered;" the mother it was first said, then going to neighbours before attending the house. It became clear that the mother and son went to the house and later sent for neighbours. The daughter ran to her father in the fields to tell him and when she did he did not believe it and carried on working. That evening when he returned home he did not evince any desire to see the bodies or visit the cottage and kept away from the scene that every person within five miles visited. On the morning of the internment Bennett for the first time visited the cottage and assisted in carrying the bodies to their graves. Several magistrates in the area are not satisfied of his innocence and a more strict investigation should take place. Yesterday the Reverend Bolland was at Union-hall police office and had a long interview with the sitting magistrate on the subject of the murders. The retreat of Mary Ayres and William Page the man with whom she cohabits have not been discovered. [15]

1826 October 19: Thursday: One Hundred Guineas reward: From the handbill
Some person or persons unknown entered the house on the night of Thursday or early Friday the 13th ---. "The above reward of one hundred guineas will be paid to any person or persons apprehending or giving such information to Mr Richard Staples, Chief Clerk at the above office, as may lead to the apprehension and the conviction of the offender or offenders."

While the magistrates were holding a consultation at the house of Mr Gibbs about four o'clock on Saturday afternoon, Hall the chief officer of the Union-hall Police Office and Pope arrived in a post chaise having in their custody a man who gave his name as James Jones on suspicion of being concerned in the murders. So soon as the

[14] 1826 18 October: Morning Post
[15] 18 October 1826 The Morning Chronicle

circumstance was known great numbers surrounded the chaise. The prisoner was taken to a room at the Bell Tavern before the rev. Mr Bolland. He strongly protested that he had no knowledge of or participation in the murder. Hall stated that the prisoner had been apprehended that morning between 11 and 12 o'clock in the lobby of the King's Bench prison; he had some new clothes with him, which he had recently purchased and paid for with a sovereign. The cause of his apprehension was from his having said that two persons has been knocked on the head with a hammer and had been robbed.

After a lengthy interview and much prevarication it was revealed that Jones had found money on the pavement near The Dukes Head at Leatherhead and that he came from Guildford and that he was a deserter from the Surrey militia. Jones said that he had slept the Thursday night in the Watch House at leatherhead having assisted the constable in the fair during the preceding day to apprehend some pick pockets. The constable gave him a shilling for his services. He enlisted with a corporal of a recruiting party on Wednesday and got one shilling from him. The Rev. Bolland thought it evident he had committed some robbery; it was nonsense to say he had found the money and thought he might be implicated in the murder. He was committed in custody[16]

1826 October 19 Thursday: Apprehension of a man upon his own confession of having committed the above atrocious murder. At one o'clock yesterday whilst the sitting magistrate at Union Hall Police Office was occupied in hearing night charges a considerable noise and bustle was heard in a the passages outside and upon the Chief Clerk (Mr Staples) sending out messengers to ascertain the cause it was announced that it was in consequence of the crowd that followed a man in custody on suspicion of having been concerned in the late murders near Leatherhead whilst conveying him through the streets.

The magistrate JS Caldwell Esq directed the individual, who had thus accused himself, to be immediately brought forward.

The entrance into the slip where all criminals are placed for examination was then thrown open and the prisoner, who was well guarded by at leas half a dozen constables and watchmen who had conducted him from the near-by watch house near the Foundling Hospital, was placed in it. He gave his name as John Cartwright. He was dressed in regimentals and from his appearance to have just arrived from a tropical climate. He did not evince the slightest degree of terror or uneasiness at being in custody but on the contrary his countenance was lit up with a smile, notwithstanding the atrocious crime with the perpetration of which he charged himself.

Mr Caldwell to the person who had brought him up in custody: "What charge have you to prefer against this man?" A man named Harris stepped forward and said that the prisoner had delivered himself up in custody on the preceding night saying that he was the murderer of the old man and woman on Thursday night last near Leatherhead. Mr Caldwell to the witness: "You must give a minute account of the circumstances under which you took the prisoner into custody.

[16] 1826 19 October: Caledonian Mercury Thursday

Harris then proceeded to state that on the previous night he went into the tap room of the Swan public house, Little Ormond Street, Queen's Square for the purpose taking his pint of porter. The man in custody was also there drinking beer. When witness entered there was nothing said by anybody there on the subject of the late murders and when the company had withdrawn leaving him and Cartwright together in the room the latter said addressing him in a very mysterious manner "I say master would you like to earn 100 guineas without much trouble?" "Yes" I said "it would be very acceptable if I could do so in an honest way." He then said "I suppose you have heard of the murder of John Akehurst and his housekeeper Elizabeth Haynes that took place on Thursday night at Fetcham." I replied in the affirmative and making some remarks on the atrocity of the offence concluding by expressing my sincere hope that the terrible miscreants would soon be in the hands of justice. Cartwright listened with attention to my remarks and when I had finished he exclaimed with all the earnestness imaginable "Then I am the murderer" Surely" said I "you are not the guilty person." "Yes but I am" said he "and if you do not take me into custody I shall deliver myself up at the next watch house." Harris then regretted that he had sat so long in the presence of a murderer when Cartwright said declared that his mind had been in such a desperate state of torture and anxiety ever since he imbrued his hands in the blood of his fellow creatures that he never had a woman's happiness and if he was not immediately apprehended he should lay violent hands upon himself. Harris then alluded to Mrs Donnalty's murder asserting that several persons had resigned themselves into custody who were afterwards discovered to have had no hand in it , perhaps added he to Cartwright you want to play the same trick. "No" replied Cartwright "the accusation I have made against myself is too true." He then supplicated to be taken into custody and Harris really believing all he had confessed to be true accordingly took him away to the watch house and lodged him there at his own desire on the charge of having committed the murder.

On conclusion of the above extraordinary statement the magistrate asked if Cartwright had been intoxicated at the time. Harris replied that he was not drunk but might have been a little in liquor. He seemed however to have all his senses about him, added Harris. Lawrence a watchman who was one of the party that assisted in conveying Harris to the watch house on his own confession said that he had all the appearance of having been guilty of the murders last night for on his way to the watch house he frequently broke into the following exclamation "Oh, wretched man that I am, I shall never be happy this side of the grave. Why did I murder the poor old innocent and helpless couple?" Oh who can tell my feelings at this present moment?" In fact said the watchman he presented such a picture of despair and agonised feelings that any body who saw him last night would have sworn he was the murderer.

Mr Caldwell: Did he say he had obtained any plunder? The Watchman: No Sir, but said I could come in for may share of the 100 guineas reward for his apprehension when he was hanged. Newcombe one of the officers of the establishment was desired to examine Cartwright clothes in order to see if there were any marks of blood upon them. The search accordingly took place and the officer reported that there was blood on the sleeve of the shirt.

The constable of the watch house where Cartwright was confined all night said that his conduct while there was more like a person who had committed some dreadful

crime than a mind at ease. He did not appear intoxicated and during the night frequently ejaculated that he was a murderer.

Mr Cardwell than asked Cartwright what he had to say on the subject of the atrocious offence which he confessed himself to have perpetrated and he responded "Your Honour I am an old soldier and have served my King and Country at home and abroad for the last 23 years. I have never committed a murder in my life except murdering the enemies of my country in the field of battle. Your Honour the truth is I lately came home from India and passed the Board at Chelsea on Wednesday on which I received my pension and prize money. Having my pockets pretty well lined I set out to have a little pleasure on the town and appeared to stray into the neighbourhood of St Giles where I picked up with a young lass, and went with her to a house kept by a woman I think they called her Mother Constance situate in George's Street, St Giles. He then gave an explanation that he had slept at the Blue Pots public house in addition to Mother Constance and the watch house. Mr Caldwell asked how came he to admit to the murders at Leatherhead. "Your Honour, I do not deny what those gentlemen have been telling you but to tell you the truth I don't recall one single syllable of the matter. Ever since I received my prize money I have been mugging myself with drink and having met with an accident in my head when on service abroad the misfortune is that when I happen to take a little more drink than does me good, I am more like a mad man than a rational being"

The magistrate was extremely indignant at the conduct of the soldier and directed that he be taken to the house in St Giles where he asserted he had slept on the Thursday night and in the event of the landlady certifying the fact together with the knowledge that he had previously lodged at the Blue Posts in Monmouth Street, the officer who accompanied him had instructions to let him go about his business, but on the contrary if these assertions were found to be prevarications the officer was then desired to convey him back in custody for the purpose of investigating the matter to the bottom[17]

1826 October 21 Saturday: Hall the Chief Officer of Union Hall in the course of his examination of the premises on the morning that the murders were perpetrated discovered the old man's will in the drawer of a chest that was in his bedroom.

It is difficult to conceive what the motive for the murders was because with the exception of a pair of shoes and waistcoat belonging to him and found in an adjoining field through which the murderer must have retreated not a single article in the house seems to have been removed.

There could have been money from the sale of a good crop of apples but having suffered a robbery three years before it is unlikely that he retained much in his own hands

There was fair at Leatherhead on Thursday last the night the murders were committed and it was first conjectured that some person from the fair had been the perpetrator as the bodies were still warm when found on the following morning; it is supposed that a practised burglar from the metropolis had committed the murder for the sake of

[17] 1826 19 October: Caledonian Mercury Thursday

plunder but other circumstances have led the officers and the magistrates to believe that the murders were committed by someone who had knowledge of the parties and is acquainted with the neighbourhood. It is considered more than probable that the murderer's objective was not to rob the house and that the shoes and waistcoat found in the adjoining field was placed there by the murderer to make it appear a thief was disturbed in plundering the house, had committed this horrid crime.

On the morning of the murder no one thought of tracing the footmarks from the window through which the murderer entered. The soil is loose and clayey and important evidence might have been obtained but the moment the murder was known hundreds surrounded the cottage and entered that gardens and all trace of footsteps were lost.

Jones: A man named Ball had been robbed at the Leatherhead fair and that the handkerchief in Jones possession was Balls'. Whilst being questioned Jones suffered fits which lasted for a considerable time.

The farmers and cottagers in the neighbourhood and particularly their wives and children are much terrified at this event[18]

1826 October 21 Saturday: It will be in the recollection of our readers that Grossmith the officer, proceeded to Fetcham on Thursday morning having in his custody Thomas Walker, Fanny Walker and Moses Cooper, all of the gypsy tribe, whom he apprehended near Windsor on the proceeding day on suspicion of having some knowledge of the murders at Leatherhead and that these persons were seen in the neighbourhood about the period. After interview by the Rev Bolland they accounted for themselves and were discharged.

Two men Jeffries and Skilton sought an interview with Mr Bolland to tell him of a conversation they had with the 14-year-old daughter of Bennett the neighbour. Jeffries said that on hearing of the murders he went with Mr Skelton to the cottage where in the orchard they met with the girl Bennett who told them anecdotes of Akehurst and his housekeeper in the course of which she said" My father and mother were up for nearly the whole night that Master Akehurst was killed." Jeffries asked the girl what they were doing and if they were in the habit of sitting up late. The girl said not. She was then asked if she heard her father go out. To this she replied that she thought she had heard him open the door in the night. She then without being questioned said "I heard father say to brother Tom that if any one should ask him a question, to stick to the same story that he had told before. (**Note:** Tom was the first person on the scene). These were the facts placed before the Rev. Bolland who sent for Bennett and his wife. And without stating the conversation that allegedly took place proceeded to put several questions to each of them. When asked where they had been on the night of the murders Bennett said that both he and his wife had been uneasy the greater part of the night but what from what cause their uneasiness proceeded they could not tell. One or two of the children were unwell and that might have been the cause. When asked by Bolland if he had gone out of doors in the course of the night Bennett said that he had got out of bed opened the door that led into the road and went outside to see that his neighbour's cattle were not in his grounds. He

[18] 1826 21 October: Jacksons Oxford Journal

added that it was fair time, which caused a good deal of noise and confusion in the neighbourhood. Bennett's wife who was not present during the questioning of her husband was subsequently questioned. She varied in some degree from her husband's account and said her husband had not gone out of doors at all on Thursday night and denied having been more uneasy on that particular night than any other. A search warrant was issued and given to Grossmith and it was soon executed with a close examination of the whole of the Bennett's premises and there was nothing found to implicate him and the magistrate discharged him.

Bennett stated most clearly that he had never said "Stick to the same story" as related by his daughter to Mr Jeffries.

Intelligence reached Union-hall late on Thursday evening from an inhabitant at Beckenham in Kent that a party of gypsies had early that morning encamped near the village and from the descriptions given of the parties suspected of being involved in the murder one of the suspects was there. Newcome an officer from Union-hall was immediately despatched to Green Lane in which two tents were pitched. It was near midnight when the constable reached the spot and the gypsy's were asleep and after examining their features he was persuaded they were not the parties he wanted. He found that Hall and Pope who had been out two days searching the country for the fugitives had visited the same party. Newcome spoke with the gypsies who said they knew Mary Ayres very well and the man with whom she cohabits. They stated further that they had seen them near Guildford three weeks back. [19]

1826 October 23: Morning Post reveals that a **further search of the murder scene by magistrates** discovered 21 guineas hidden in a place of concealment [20]

1826 October 23: William Page was described as middle-sized man, very stout, and his face deeply scarred by the small-pox; the last time he was seen he was dressed in a smock frock and velveteen trousers. He was wanted at Manchester for horse stealing. In Ewell a woman named Lucas told the officers she had seen Mary Ayres had seen her a few days prior to Leatherhead fair. The officers returned to town on Saturday morning after four unsuccessful days.

Magistrate Mr Hankey had searched the house again not being satisfied that the police had undertaken.

The Reverend Mr Bolland was at Union-hall on Saturday to be present at the examination of a man named Jones who was innocent of the murders but had robbed a man named ball at the Leatherhead fair and he was committed for trial. [21]

1826 October 25: Bolland: Several persons have been apprehended during the week on suspicion of being the perpetrators of these horrid deeds. But nothing has been established against them. The man named Jones is detained on a charge of robbery at Leatherhead Fair but is not supposed to have any concern in the greater crime. One man named Cartwright surrendered himself on Tuesday in a public house declaring

[19] 1826 21 October: Morning Chronicle
[20] 1826 23 October: Morning Post
[21] 1826 23 October: The Morning Post

himself to have been the murderer but afterwards he retracted his statement and it is believed that he was either deranged or intoxicated, or perhaps both.

The following letter was addressed to the Magistrates at Union-hall on Monday by the rev. Mr Bolland, who has been very active in his exertions to discover the perpetrators:
The following letter was addressed to the Magistrates at Union-hall on Monday by the rev. Mr Bolland, who has been very active in his exertions to discover the perpetrators:

> **Fetcham October 16:** Sir, I have evidence of the best description that a granddaughter of the old man murdered at Fetcham was at Leatherhead in the fair-booth on Wednesday and Thursday last and that she was then in company with two young fellows. Indeed I have also reason to believe that she was seen travelling with these companions on the road from Leatherhead to Esher within three miles of the spot where the deed was done, at half past ten on the Friday morning, the murder then having been publicly known for three hours. William Smith saw Mary Ayres (the grand-daughter) at Leatherhead fair on Thursday morning about eight o'clock; "I met her in a passage and spoke to her; she was in company with a man in a round frock; the man was tall and thin, and of fresh colour. Mary Ayres is a thin young woman about 25 years of age, a thick waste and fair with light hair. She is quite a tall woman. She had on high laced shoes with nail, a light gown- something of a pink- a flower running all down, and a black beaver bonnet."
>
> Isaac Sheath saw three me, one oldish with his face wrapped up as if from rheumatism, and two young hearty fellows with Ayres, at half past ten o'clock on Friday morning. This was at Oxshott two miles from Leatherhead; they were travelling towards Esher. "My attention was drawn to them because they were driving their donkeys very fast. One of the men asked me what o'clock it was. I have known Mary Ayres all my life – she is a good looking girl, used to be jolly; she is about 24 years old.
>
> Michael Derby saw Mary Ayres at the fair on Wednesday; she was in company with two men one had on a tweed jacket the other had on a brown frock; I was coming from the fair at four 0'clock on the Friday morning and was going towards Fetcham. Between Leatherhead cage and Leatherhead Bridge I met a man and woman – they were whispering, I was frightened; I could not distinguish their dress."
>
> This is all I can collect. It is my opinion that no stranger committed the murder. Everything favours the presumption that the perpetrators either directly by themselves, indirectly with others, who were cognisant of the lonely and helpless state of the inmates of the house, expected to find money, because the old creature had freehold property. I shall be at Sessions tomorrow and will bring Isaac Sheath. If you think it advisable let Hall or Pope meet me. Sir, I am clearly convinced of the necessity of finding Mary Ayres. Pray excuse haste. J G Bolland [22]

[22] 1826 25 October: Norwich Post

1826 October 26: The Chief Constable of Union-hall police office and Richard Pope arrived in Leatherhead with a gypsy or tramper. On arriving at the Rising Sun Tavern it soon became clear that the man had given important information about the murders and other extensive robberies committed by Mary Ayres and her paramour Page aka "Cobbler Will". The suspect the Reverend and Hall from the police office visited the scene and carried out a search. By now the property was abandoned and the grounds trampled. The three then set off for Oxshott where the deceased man's daughter the mother of Mary Ayres lived. The gypsy had said that after an extensive robbery some twelve months before the property had been hidden at the Ayres' house. They found Mary Ayres who was very agitated and was strictly interrogated by the Reverend Bolland. She said she had not seen Mary or Cobbler Will since the day after Chertsey fair and she did not know if she was at the Leatherhead fair on the night of the murder. The Reverend told Ayres that he had a suspicion that stolen properly was kept at the house and ordered a search of the small cottage. Mrs Ayres said that Cobbler Will had visited the house at last harvest time with two asses and a pony laden with sacks and that Will had left one of the sacks and other property but she did not know what it was. The property stayed there for a fortnight before Cobbler Will took it away. All this supported the evidence given by the gypsy and that he could be believed. Whilst the gypsy waited in the post chaise by the Bear public house Mr Ayres returned. Colonel Spicer entered the house and told the magistrates that Mary Ayres and Cobbler Will had sat outside his house drinking on the night of the Leatherhead Fair. Mr Ayres when interviewed gave the same story as his wife. She expressed concern that her daughter could be hung. That night the gypsy and his wife were interviewed before spending the night in the Rising Sun with an officer sleeping in an adjoining room. On Wednesday evening the gypsy was taken to the house of the barrister Mr Bolland at Fetcham where Mr Hankey and the Reverend Bolland interrogated him for an hour. Both the gypsy and his wife were taken to Dorking in separate post-chase under escort to stop them communicating with each other. On arrival at one o'clock the parish constable was informed and after some refreshment they went to a place where the gypsy said they would find and capture the parties. The gypsy is a disreputable character but is helping so he can receive the reward. [23]

1826 October 28 Saturday: A few days back the magistrates directed a search of the cottage and twenty one guineas were found in two parcels deposited in a churn which was lying on the dresser. The money was folded up in two pieces of black silk stocking; the guineas were much tarnished and the inclosures were covered with dust and cobwebs. In one of the pockets of Haynes was found a piece of silk stocking but no money. It was rumoured that a youth named Ratcliffe who had been transported about three years ago for robbery committed on John Akehurst's house, was believed to have murdered the poor man and his housekeeper out of revenge, as he had been seen, it was said, in the neighbourhood of Leatherhead. In consequence of this rumour the father of Ratcliffe who is an honest industrious man residing near Oxshott, has been recently annoyed by the intrusion of many people living in the neighbourhood who had obtruded themselves. The fact is that there is not a syllable of truth in the alleged guild of Ratcliffe for no later than on Monday week his father had a letter from him dated Sydney, new South Wales, giving a favourable account of his prospects and stating that he was married.

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[23] Morning Chronicle 26 October 1826

The officers have discovered that Mary Ayres' companion William Page has a warrant issued against him in Winchester for horse stealing. Ayres, it was reported, to have been seen at Maidstone Fair and Pope went thither where he spoke to gypsies who knew Page but had not seen him since the murder. The officer was told where people were camping in various parts of the country, went there without success. [24]

1826 October 28: Newcastle Saturday: Several persons had been examined at the different Police Offices under suspicion of being connected with this atrocious murder. When the Sessions for the county commenced on Tuesday magistrates the magistrates were in consultation following which Bolland sent a letter to the sitting magistrate at Union-hall stating that in his opinion "the murder has been committed by someone intimate with the family of the deceased." The granddaughter had been seen in the neighbourhood with two men of suspicious appearance and that every exertion was being made to apprehend them.

Two people taken near Windsor were released and a man named Corney was arrested on suspicion but was also discharged.

1826 November 2: The **magistrates received a letter from Greenwich** indicating that two people had been taken into custody on Saturday as they answered the descriptions of the suspects for the Fetcham murders. It was found not to be the case and they were released. Ayres and Cobbler Will have not been detained. [25]

1826 November 3 Friday: It however has gone forth in some of the newspapers that Mary Ayres and "Bill the Cobbler" are in custody; there is no truth whatever in the report and Hall the chief constable of Union-hall. And Pope both of whom have been on the alert ever since the murders were perpetrated have returned to town without obtaining any clues as to their retreat.

A man nicknamed "Screw" who had given some important information to the officers and who accompanied them in quest of Ayres and her companion by some accident missed the officers on the road, in the course of last Monday, and he has not been since heard of, although every enquiry has been made for him. The officers have considerable apprehensions as to his safety conceiving that the fact of his having given them information has reached the ears of those to whom he has rendered himself obnoxious on that account. [26]

1826 November 9 Cobbler Will and Mary Ayres was detained and interviewed by Rev. Bolland and it was revealed that Cobbler Will was a persistent horse thief in Hampshire. They were put up in the bell public house where officers saw them from Hampshire. He was searched, as was his luggage – objecting that he had been interviewed and released from suspicion of the murder. A silver watch was found and Will said that he had got it from Mary who worked as a prostitute. A constable from Weybridge was there and he arrested Will and was thumped for his efforts resulting in Will being handcuffed. A silver spoon was found in Will's pocket from which initials had recently been erased. In his luggage a dress belonging to Ayres was found with

[24] 1826 October 28: The York Herald
[25] Morning Chronicle November 2 1826
[26] 1826 November 3 The Morning Post

blood on it, as was a waistcoat also with what appeared to be blood spots. He was remanded in custody by the Reverend Bolland and taken to Horsemonger Lane Gaol. It appears that the constable who first apprehended Ayres omitted to undertake a thorough search of his property, showing such little knowledge of the business of "thief taking." An officer returned to search all the prisoner's property and to recover his tools to see if the murder weapon was amongst them. [27]

1826 November 9 Thursday: Some days prior to the examination of William Page suspected of the murders at Fetcham information has been received at Union-hall police office that he has been concerned in the crime of horse stealing to a considerable extent in Hampshire besides being implicated in the commission of various felonies in the county of Surrey. The Magistrates of the above office acting upon the alleged facts with respect to the charges against Page immediately directed one of the officers belonging to the establishment to proceed forthwith to Fetcham, or wither he had gone subsequent to the investigation that had taken place on Sunday before Mr Bolland and take him into custody. Grossmith the officer accordingly left town for Fetcham on Tuesday morning and on his arrival in Fetcham had an interview with the above named magistrate to whom he made known the business upon which he had come. Mr Bolland accompanied the officer to the Bell public house where page and Ayres had taken up their abode since their arrival in that part of the country. Grossmith on seeing the man that he wanted and having been previously informed that those who apprehended him had not examined his clothes, in order to discover whether he had in his possession any article that was likely to implicate him in the murders, commenced that task, observing to Page that he must submit to have his pockets as well as the whole of his baggage thoroughly searched. Page in an angry tone said that it was a hard case that he should be liable to be pulled about and have his pockets turned inside out by a police officer after having undergone an examination on a charge of which he was proved to be innocent and the result of which led to his legal discharge only a day or two before. Grossmith however insisted upon the performance of that very important part of his duty and at length after some resistance on the part of Page took from his clothes pocket a very ancient silver watch with the maker's name Sampson, London, engraved on the inside of the case. Mr Bolland on the discovery of this watch asked Page whether he was inclined to give any account of the manner in which he had become possessed of the article. Page in a morose tone, at first refused to disclose where he had got it; but upon Grossmith pressing him by observing, if he had come honestly by it, assuredly he would have no scruples in answering the question. Page then, with an oath said, "Poll prostituted herself for it, and that was the way I got it." It may be necessary to state here that page is a most abandoned and profligate character having been chiefly supported by Mary Ayres since they cohabited together, by the wages of her prostitution. The fellow having indulged for some time with the language of the most obscene description before the magistrate, Grossmith threatened to place the handcuffs on him if he did not desist, upon which Watson the constable of Weybridge, who took him into custody on Sunday who was in attendance on the present occasion observed "This is the way he has behaved all along with me." Watson had no sooner uttered these words than Page who seemed to be a most violent fellow, doubling up his fist and coming towards him, notwithstanding the presence of the magistrate and several other persons, gave him a blow in the face that capsized and laid him at the foot of the

[27] November 9 1826 Morning Chronicle

table. Grossmith seeing Page bent upon mischief was under the necessity of handcuffing him to preserve anything like decorum. On further search of his person a silver teaspoon was taken from the waistcoat pocket, the initials and marks on which appeared to have been recently removed. Grossmith who is a very intelligent officer finding that there was considerable mystery attached to the prisoner's conduct, he often having refused to give a satisfactory account of the possession of the spoon, proceeded to examine one of his bundles, the remainder having been left behind either at Oxshott or Weybridge and in it found a garment belonging to the woman which had spots of blood on the upper part of it. On Page being questioned as to the cause of the marks he accounted for them by saying they arose in consequence of it being thrown over the donkey, whose back was cut and bled a good deal. Some spots that had a good deal the appearance of blood were also visible on a waistcoat belonging to him, which he attributed to the same cause. Under all the circumstances Mr Bolland remanded the prisoner for further examination and he was accordingly given over into the custody of Grossmith who conveyed him into town, and lodged him in Horsemonger Lane gaol.

The magistrates at Union-hall directed that all Page's tools were to be taken to town in order to discover whether he had such a weapon amongst them as was likely to have inflicted the wounds which were observable on the skulls of the murdered persons. The surgeon who examined the bodies would be enabled to describe accurately the weapon with which the blows were inflicted.

In the course of yesterday a letter was received from Maidstone addressed to the magistrates at Union-hall stating that the man nicknamed "Screw" who it will be recollected gave some important information to the officers on the subject of the murders will be in town immediately. The man will attend at the Police Office on the examination of Page as the magistrates there conceive there is still considerable suspicion attached to the latter respecting the murder. [28]

1826 November 10: At eleven o'clock on the arrival of the presiding magistrate R.J. Chambers Esq, he directed the Chief Constable to proceed to Horsemonger Gaol and bring before him Page and M. Ayres. The prisoners were accordingly conducted to the office in a coach, followed by a vast multitude of people who were anxious to get a sight of two individuals against whom strong suspicion of being attached ever since the commission of the murders. The crowd had increased to such a degree before the entrance into the office that it was found necessary to place constables outside in order to prevent the confusion and inconvenience attendant upon a mob of that description. Previous to the examination of the witnesses R. Hedger and S. Davies Esquires, magistrates of the County entered the office when a conversation took place between them and Mr Chambers, the result of which was that it was judged necessary for the ends of justice that the investigation should be strictly private for the present. The prisoners were therefore taken into the private parlour and separately examined before the above named magistrate on suspicion of having been implicated in the murders of Akehurst and Haines. In the course of the investigation which lasted from 11 o'clock until half past five in the afternoon, several witnesses were examined whose evidence corroborated that of Smith, given before the Reverend Bolland at Fetcham with respect to the identity of page and Ayres as having attended the

[28] 1826 9 November: The Morning Chronicle

Leatherhead fair on the 11th October, two days previous to the perpetration of the murders. The man nicknamed "Screw" was also examined and Mr Staples the Chief Clerk, took his depositions at great length. They are of the utmost importance as regards the charges against the prisoners. At the end of the examination the prisoners were remanded to Horsemonger Lane gaol where they were to be kept separately. They were then taken to the gaol in the coach, which had waited for them followed by a concourse of spectators. [29]

1826 November 13 Monday: In the course of last Saturday a gentleman who sent in his card to the Magistrates with the name and address of the proprietor of the farmer's gazette written upon it, requested to have an interview with the purpose of suggesting a method to discover whether Mary Ayres was at Weyhill fair. He observed that he had attended the fair in question on the last occasion, and that some circumstances occurred there during that time that every person who was on the spot must be aware of. Now he wished either to put various questions to the woman herself on the subject alluded to which at once would discover the truth of her assertion; or if any objection was made to his proposition he should be most happily write down the extraordinary occurrences that took place at Weyhill; that some other person may examine her on these points. Mr Chambers thanked the gentleman and remarked that no examination would take place that day, if he would commit the facts to paper on the next day she was brought up his suggestions would be attended to. [30]

1826 November 13: At the examination of Page and Ayres that took place before the re. Bolland at Fetcham on Saturday the 4th instant they both distinctly stated that they attended Weyhill fair in Hampshire from the 11 October until its conclusion then proceeding to another fair on the road between Andover and Weybridge. On the investigation in question Page called forward a man named Bignold for the purpose of corroborating his account. Bignold it appears gains his livelihood in a similar manner to page and travels about the country as a tramper. So much credit was attached to this person's evidence by the magistrates before whom the proceedings have taken place up to the commitment of the parties up to the committal of the parties to Horsemonger Lane gaol, that on his bare statement, they were discharged from custody it being the impression on the minds of both Mr Bolland and Mr Hankey they were not concerned with the murders. Immediately subsequent to their discharge however they were taken into custody again by Grossmith following evidence placed before Mr Chambers. This included the fact that Page was camped in Cock Lane close to the house at the time of the murders from where they were traced across Bagshot Heath. Beside the witness Smith other persons had seen them at the fair at Leatherhead on the 11 October. On Saturday week when Hall the Chief Constable and Pope proceeded in quest of the suspected parties on their arrival at Oakingham, they learned from the description of the parties that Page and Ayres had been there on the preceding day and that they had pitched their tent in a place called Cock Lane from whence they were traced across Bagshot Heath. On Sunday the officers heard that a woman precisely answering the description of Ayres had called at a lodge of a gentleman's park on the preceding day for the purpose of lighting her pipe of tobacco. At this place she enquired the shortest route to Brackley and with a man answering Page's description made of in that direction. Officers called at Brackley but no trace could be found and

[29] 1826 10 November: The Morning Chronicle
[30] 1826 November 13: Morning Post

they moved on to Frimley, Farnborough, Blackwater and on their arrival at Broomhall-hut on Tuesday they had intimation that Page and Ayres were apprehended and conveyed before the Reverend Bolland at Fetcham. The officers proceeded with all despatch there and on their arrival found that the suspected persons were discharged the magistrate conceiving that no evidence had been brought forward to implicate them for the murders. Since the re-apprehension of the parties considerable light has been thrown on the murders. [31]

1826 November 13: On examination before the Reverend Bolland at Fetcham a witness was called that provided an alibi for Ayres and Will and they were released from custody. They had been at Weyhill fair then other fairs between Andover and Weybridge. On their release Grossmith the local officer from Union Hall took them back into custody on behalf of Mr Chambers who has taken it upon himself to prove that Will and Mary had been seen in the lane adjoining the house where the murders occurred. [32]

1826 November 15 Wednesday: It appears that on Saturday morning Mary Ayres went into a tobacconist's shop at Weybridge and having asked to be supplied with half an ounce of tobacco commenced of her own accord to converse on the subject of the late murders to the person who served her. "Why" she said, "I have heard lately that John Akehurst and his housekeeper Elizabeth Haynes have been murdered at Fetcham." "Yes," said the shopkeeper "and a dreadful murder it has been" She replied, "The John Akehurst was my grandfather, and the man I live with is the person who is suspected of having committed the murders." She then said, "My name is Mary Ayres and I am now going towards Oakshot (sic should probably read Oxshott) where my father and mother live to show them and the world I am innocent." The tobacconist allowed her to depart but soon after she left Weybridge she was met by a constable named Watson who it appears had gathered previous information of the road she had taken. When the constable first saw her she was walking along the road smoking a pipe of tobacco. The constable asked her if she would like a lift along the road; "Aye" (said she) and thank you too." She then stepped into the chaise and the constable desirous of ascertaining whether she would give an account of herself during the fair at Leatherhead that took place on the 11th of October asked her whether she had been there; she said she had not, but on that very day of the above fair commenced she was present at one that took place in Hants, upwards of 60 miles from Leatherhead. The constable then enquired her name; she without the slightest degree of embarrassment replied, "My name is Mary Ayres and having heard of the report of my grandfather John Akehurst and his housekeeper Elizabeth Haynes being murders in their cottage at Fetcham, and that Will Page and I were suspected of being the murderers I am now on my way to my father's house and intend to go to Fetcham to go before the Justices to clear myself of the charge." "Who is Will Page?" asked the constable. "Why (said she) he is the man I have been living with and he is as innocent of the charge as I am." Watson then said "I am a constable and I am going over there to Fetcham have you any objection to accompanying me there?" "Not the least in the world" answered Mary Ayres; "I shall go wherever you like to take me conscious of my innocence."

[31] 1826 13 November: The Morning Chronicle
[32] Morning Chronicle 13 Nov 1838

Watson then drove on to Fetcham to the residence of J. Hankey Esq., where an examination of the woman took place before that gentleman, the Reverend J G Bolland and the Reverend Mr Heberden to all of whom every praise is due for their unwearied exertions in bringing to light the perpetrators of these inhuman murders. The examination took place on Saturday night. In the presence of the magistrates she did not evince the least dread but answered the questions put to her without the slightest hesitation.

Mr Bolland commenced the examination by warning her not to answer any questions that might tend to incriminate herself. Ayres thanked the magistrate but she had nothing to conceal – she was as innocent as the child unborn. She then answered to the various questions put to her, and in the most unembarrassed manner, that on the 11th February she was at Weyhill Fair in Hampshire with page and a man named Bignold; that the last time she saw her friends at Oakshot (Oxshot?) was at the latter end of September and page was with her then; that they went on the 2nd October to Catherine Hill fair thence to Basingstoke, Petersfield Fair, Winchester and Andover which place they reached on the 10th; after Weyhill Fair they came on their way towards home, taking several little fairs in their road, and they did not hear of the murders till the last week or so, as they scarcely ever had any intercourse with the people of the towns or villages, gaining their livelihood going about as trampers and eating, drinking and sleeping in their own tents entirely. Page was now at Weybridge in his tent; he had directed her to go back to Oakshot and promised to meet her on the following day.

Bignold who as well as Page is a shoemaker by trade was then sent for to a public house where he was waiting and swore he was in company with Page and Ayres at Weyhill during the whole of the fair, and travelled back with them into Surrey, and that they did not hear of the murders till they got near Weybridge.

Smith the man who had asserted that he had seen Ayres at leatherhead Fair was then confronted with her, and repeated that he was convinced she was the person he saw at the fair. Ayres declared in an angry manner that it was a falsehood and that he uttered what he knew was false to get money. It appeared that Smith had a very slight knowledge of the woman, as he could not swear that he had ever seen her before the fair.

On Sunday a constable apprehended page on his way from Weybridge to Leatherhead. He did not betray the least alarm, but said he was happy to go anywhere to clear himself from the charge. Upon examination his account perfectly agreed with that of Ayres though they had been prevented from communicating with each other he declared there were hundreds who had seen him at the time of the Leatherhead fair and he was willing to remain in custody till the matter was sifted to the bottom. Smith again being brought forward would not undertake to swear that he had ever seen Page before.

The magistrates were of the opinion that there was no evidence to warrant them in detaining either of the parties and they were accordingly discharged. Page said he should always be at hand if wanted and the gentlemen might depend on it he would do his best to find the murderers.

On Monday Page and Ayres were again taken into custody following information having been received at Union-hall that the former had been concerned with horse stealing to a considerable extent in Hampshire besides other felonies in Surrey.
(Following handcuffing and searching by Grossmith reported elsewhere)

A question was put to Page relative to a case of highway robbery and horse stealing. In reply he used the most disgusting language; he told the magistrate he might be cursed and fined them out (sic) he was asked by what means he and Mary Ayres had obtained a subsistence for some time? He replied that sometimes he made shoes and sold them, sometimes he attended fairs, and sometimes Mary prostituted herself to get a few shillings, and they managed as well as they could for all must live by some means or other. He did not care a curse what they did to him and they might hang him in the next minute. Ultimately Page was committed for further examination and Ayres discharged.

On Wednesday Mary Ayres was again apprehended and brought to Union-hall police office on Thursday when an examination took place in private upon some fresh evidence respecting the murders and some important testimony is said to have been received from a man nicknamed "Screw" the result of which was both Page and Ayres were remanded for further examination on a future day. [33]

1826 November 20 Monday: Two witnesses were examined who stated that the prisoners were at Weyhill fair and if their statements be true it is impossible for Page and Ayres to have been involved in the horrid transaction. [34]

1826 November 20: It became necessary to exhume the bodies to find out if the tools owned by Cobbler Will could be the murder weapons. The chief clerk to Union hall and the parish clerk made the arrangements, the bodies exhumed and taken to the church. An examination took place of both bodies and it was considered that one of the tools was an exact fit for the murder weapon. A portion of the skull was removed for use as evidence for the jury. The bodies were returned to their graves. The suspects were interviewed again but denied their involvement. [35]

"As an instance of the gross ignorance and barbarism in which the children of Ayres have been brought up, the following has been mentioned:—During the visit of the Magistrates, the family happened to be at dinner; one of Mary Ayres's sisters, a woman apparently above twenty years of age, sat at the table devouring potatoes and bacon with such voracity, and so intent upon her meal, that she appeared totally unconscious of the presence of the Magistrates, and actually gormandized to that excess, that she became sick while at the table. The mother, observing the brutal and voracious appetite of the daughter, remarked, 'Why, child, you are eating as if you never ate before?' 'You lie, you ——!' responded the glutton, casting a fierce look at her parent, and at the same time thrusting one of her greasy hands into a dish that contained some slices of fat bacon, which she eagerly conveyed to her mouth, without the assistance of knife or fork.

"On the day following the inspection of the bodies of the mur-

1826 November 20 Monday: On examination of the baggage an instrument was found by Mr Hall the Chief Constable of Union-hall Police-office which apparently

[33] 1826 15 November: Bury and Norwich Post
[34] 1826 20 November: Morning Post
[35] Morning Chronicle 20 November 1826

corresponded with the marks visible on the night caps worn by the deceased persons on the night of the murders. Since the suspected parties have been lodged at Horsemonger- lane gaol it appears that the magistrates R.J. Chambers and R. Hedger Esqrs. before whom they have both been examined on seeing the caps of the murdered persons deemed it necessary that the bodies should be disinterred for surgical inspection in order to discover whether the instrument alluded to was likely to be the ne which the wounds on the skull of the old man and his housekeeper were inflicted. Agreeably to the intention of the magistrates Mr Staples the Chief Clerk, Union-hall arrived at Fetcham on Wednesday evening and he lost no time in making the necessary arrangements with Mr Webb the parish Clerk for the purposes above mentioned and on the following morning the bodies were raised and conveyed to the church.

At eleven o'clock precisely the magistrate who suggested the necessity of disinterring the bodies arrived at the Swan Inn at Leatherhead accompanied by a medical gentleman from town. Soon after their arrival they were joined by the rev. Mr Bolland who came expressly out of Gloucestershire for the purpose of being present at the disinterment. They all proceeded to Fetcham churchyard. At their arrival at the place of internment the medical gentlemen commenced their extremely unpleasant task of examining the bodies, which had been in their graves since the 18th of last month. On inspecting the head of the old man a wound was discovered over the right temple. Mr Hall in whose possession the instrument has been since it was found, here applied it to the wound and it is so precisely corresponded with the marks and injuries visible on the deceased's temple which were the cause of his death as to leave no doubt in the minds of all present that this was the instrument with which they were inflicted. The surgeons then began to operate on the head and they cut away that portion of the skull, which was fractured in order to produce it before the Jury in the event of a committal of the prisoners for trial. They then examined the body of Elizabeth Haynes and on raising up the head they discovered on the back part of it two wounds on the skull; the instrument was also applied the ends of which fitted into the injuries with the greatest nicety. The instrument found amongst Cobbler Will's luggage and which there is now very little doubt is the identical one with which the murders were committed is a pair of iron pincers used by shoemakers or what is commonly termed a pair of stretchers, that open and shut like a pair of scissors; there is a knob at the extremity which answers the purposes of a hammer and the corresponding end is blunt and rather jagged. The wounds visible on the skulls of the deceased appear to have been inflicted by the murderer when the instrument was open to it s full extent which is about three quarters of an inch, each prong having made indentations on the skulls at that distance apart. There were other marks visible that clearly demonstrated on comparison, that the stretcher found in page's pack was the fatal instrument. The surgeons cut away that part of Elizabeth Haynes skull, which exhibited the fractures, and at length, having accomplished this most unpleasant but necessary duty; the coffins were screwed down afresh and placed in their respective graves.

About two hours were occupied in the examination of the bodies and cutting away parts of the skulls that exhibited the injuries and which it will be requisite to produce on the trial of the suspected persons. The magistrates then visited the scene of the murder where Mr Chambers had not previously been and where they found the deceased Akehurst's daughter, her husband and a daughter in residence.

On the day following the inspection of the bodies Page and Ayres underwent a long private examination at Union-hall before Mr Chambers and a number of magistrates (6 including the MP C. N. Palmer and Reverend Bolland) and several other gentlemen of the county. During the examination both the prisoners frequently interrupted the witnesses by declaring their innocence of the dreadful crime in which they stand charged. [36]

1826 December 11: **Page (Cobbler Will) and Ayres were brought up and examined before Mr Chambers, Mr Taylor and Colonel Gaitskell** the depositions of Mitchell and his wife were read over to them. Mitchell said they had camped close by the house with Ayres and Page and that Page had encouraged Mitchell to go with him to rob Akehurst the deceased. Page turned to Mitchell and accused him of falsehood. When asked by the magistrates Mitchell stated that he had told the truth. Page then said it was Mitchell who was the murderer. However there was evidence that Mitchell was working in Kent at the time of the murder. Mr Chambers then invited Ayres to give an account of themselves for the night of the 12 and morning of the 13th of October last. A long explanation followed after which one of Ayres tools was produced that was consistent with the murder weapon. There was what appeared to be a spot of blood on the tool. Ayres said there could be no blood on the tool unless the **constable had put it there.** Ayres said there were witnesses that could support their story and Hall and Pope from the police office were sent to find them and interview them. The officers after travelling many hundreds of miles and experiencing great difficulty finally traced the witnesses who supported Page and Ayres story. [37]

1826 December 12: Yesterday the examination continued but nothing material new occurred. The magistrates having consulted together for a short time Mr Chambers addressed the prisoner observing that no pains had been spared in order to bring forward those individuals whom they the prisoners) wished, but that had failed completely in providing an alibi, all failing in the proof of either of you having been seen at Weyhill on Thursday. The magistrate then remarked that there was such strong and powerful circumstances of suspicion against them that he had made up his mind to commit them for trial in which determination his brother magistrates concurred with him. The prisoners were taken to Horsemonger-lane gaol.

1826 December 16 Saturday: A great many witnesses have been brought forward and indeed no pains have been spared by the magistrate R.J. Chambers Esq, and that the officers had been successful in procuring their attendance. Depositions were read out in court having been given in private:

Richard Mitchell: I am a Greenwich pensioner. I know the prisoner Page by the name "Will the Cobbler." I also know the prisoner Mary Ayres. They cohabit together as man and wife and travel the different country fairs. I first got acquainted with them in July last. A week afterwards I received my pension. In going to Farnham to look after hop picking we tented together until the time we went to Kent some time in September last. We crossed from Farnham to Kent and got work with Mr Pattender's at Hadlow near Tonbridge. The prisoners stopped there eight or nine days and then went away and I have not seen them since until now. There were words between the

[36] 1826 November 20: Morning Chronicle
[37] Morning Post December 11 1826

prisoner Page and me and between the measuring man and him. The dispute between him and I was because I would not go out with him at night and steal potatoes. We had separate tents, my wife and I occupied one and the prisoners the other. The prisoner's donkey carried the two tents. Two days after Bartholomew Fair I was with the two prisoners and my wife on Esher Common. The prisoners had a quarrel about some watches and clothes, which were to be carried to the prisoner Ayres' mother. Page struck Ayres and she said "If I had my money you would not use me so ill as you do." They had more words and Page struck her again saying "D—n his old eyes, I will do for him this time if I take the things over." He began packing up the things when prisoner Ayres said

"Don't do it by day light. If you do it, do it in the dark." Some of the things were packed up and the prisoner Ayres went away saying she was going to take them to her mother. I saw four watches amongst the things taken by her. Prisoner Ayres said she got one watch from a young man at Esher. When Ayres returned from her mother's she said she had seen the old man, by whom I understand she meant her grandfather, of whom page and she had often talked before. She said she had been in his house and that he was very bad and I recollect afterwards as they were sitting down, Ayres said what a comfortable place it would make them, if the old man were put out of the world. Prisoner page said in answer putting up a large stick with a knob at the end of it "Aye this should do it – what do you think of it Dick?" I said I should not like more than one blow from it. He said, "One on each side would stop clacking." Prisoner Ayres said the old man would not speak to her and that her mother had not spoken to the old man for a month or two before. One night in August after Kingston Fair we pitched our tents in the Green-lane near Fetcham, within thirty or forty yards of the old man's house, about ten o'clock at night and were off by three o'clock the next morning. Page before starting said "Candidly I came here to kill the old man and women, because the old man made a will leaving all to Haynes and none to my Mary." I told him that Mary was not married to him and asked him how he could gain anything by it? He then began swearing very bitter oaths and said "Dick, do you mean to go with me?" I said I would have nothing to do with it. Prisoner Mary Ayres was also present. Page has frequently talked about murdering Mary's grandfather in my hearing, more than twenty or thirty times.

When Mitchell's evidence had been read over Page, laughing, said "Well, thank God I am an innocent man as any gentlemen present." Then turning to Mitchell He said, "You know you have been telling falsehoods all through; your oath is not to be believed. You know you wanted me many times to steal horses with you. I do believe Mitchell himself committed the murders.

The depositions of Mitchell's wife were then read, corroborating the most material facts stated by her husband. Mr Chambers the addressing the prisoners asked if they chose to give any account of themselves on the night of the 12th and morning of the 13th October last. Page said he could prove where he was on the night of the murder and going through a long detail he repeated his former story that he was at Weyhill Fair where he rode a little grey horse for sale; that he in the company with Mary Ayres, a man who went by the name of "William Pig" and his wife's brother called "Dumpling George" and Robert Bignell and his wife with a young woman from Godalming, went from Andover to Weyhill together on the Monday morning before the fair, where they stayed till the Saturday following whence he went to

Marlborough . Mary Ayres was also asked if she could say anything; and there was no material alteration in her story from that of "Will".

When Ayres deposition was taken the magistrate strongly advised the prisoners to lose no time in sending for the persons above named in whose company they asserted they had been travelling before and after Weyhill Fair, to strengthen their testimony.
Page replied, "We can't bring forward these people as we have got no money; besides it is uncertain where they are now, as they are trampers like ourselves."

Mr Chambers observed that he should take care and have these witnesses in their behalf, of whom they spoke, brought forward if they were to be found in England. The magistrate on the occasion then directed Mr Hall the Chief Constable and Pope the officer to proceed in the direction that they were most likely to fall in with the parties they wanted. The officers after travelling many hundreds of miles in the course of which they experienced many difficulties at length succeeded in collecting those persons whose testimony was so important to have in the investigation of the murders.

Witnesses on behalf of the prisoners
Several witnesses were brought forward and underwent long examination at the conclusion of which Mr Chambers addressed the prisoners observing that none of the witnesses brought forward on their behalf accounted where Page was on the night the murders were perpetrated. The magistrate then asked Page if he wanted to say anything in addition to his former statement.

Page: "It is all nonsense to suppose I was near Leatherhead on the night the murders were committed. Do you think my pony could have done that distance from Weyhill and back again in that time? Why the distance would be more than 100 miles." A person named Charles Palmer who was well acquainted with horses and had seen the pony belonging to the prisoner said that it was a most extraordinary animal for its size and added that he had no doubt he could go the distance with ease within the time on the animal.

Page: Aye you are a man much smarter than I am. You might do it but a countryman as I could never do it in the time."

Mr Chambers questioned Page with respect to the watch found in his possession with the letters "J.A." marked on the inside the case – the initials of Mary Ayres' grandfather who was murdered.

(It is rather extraordinary although every enquiry has been made to ascertain whether the watch belonged to old Akehurst that no person connected with the family could state whether he was possessed of a watch or not.)

In reply to Mt Chambers the prisoner said, "I have had the watch long enough ago in my possession – long, long before the old man was murdered. I had it in the spring of last year.
The magistrate made more observations on the marks, apparently of blood, that appeared on the pincers, to which Page said "Its not blood; it is rust if they are mine."
He then said on being shown the flannel jacket with the spots of blood on it that it was all caught in the fight with John Murphy. When the part of the old man's skull that

was injured was produced for the inspection of the surgeon, Page looked steadfastly at it and his countenance underwent a visible change. When the skull was taken from his sight he summoned his usual composure and frequently appealed to heaven of his innocence.

The magistrates having consulted together for a short time, Mr Chambers addressed the prisoners, observing that no pains had been spared in bringing forward those individuals whom they the prisoners wished, but they had failed completely to provide an alibi, all failing in the proof either of them having been seen at Weyhill on Thursday. The magistrate then remarked that there were such strong and powerful circumstances of suspicion against them that he had made up his mind to commit them for trial, in which determination his brother magistrates had perfectly concurred with him. The prisoners were taken to Horsemonger-lane gaol. [38] [39]

1826 Tuesday 19 December: Winter Home Circuit – Surrey: The trials of the man and woman charged with the murders at Fetcham are not expected to take place until Thursday. There are altogether, upwards of 120 prisoners to be tried. [40]

1826 December 21: yesterday evening the Grand Jury ignored the bills of indictment against William Page and Mary Ann Ayres for the wilful murder of Akehurst and Haynes at Fetcham. This finding will of course not prevent the investigation of this transaction at some future period should time develop stronger evidence against the parties suspected. The interest exercised in the County upon the subject of this case is inconceivable. [41]

1826 December 23: The grand-daughter of Akehurst and he paramour "Cobbler Will" or Page have at length been committed for being concerned in the atrocious murders near Leatherhead. [42]

1827 January 10: Surrey Sessions: Mr H Sumner in the course of the morning rose and said that he had to call the attention of the court to the subject of considerable importance to the county. It was generally reported that an enormous sum of money had been expended in the prosecution of Cobbler Will and Mary Ann Ayres who had been apprehended on suspicion of being the perpetrators of the murders at Fetcham and that the county had been run to unnecessary expense by the officers employed on the occasion. As the Treasurer of the county was present he would ask him what the charges were in the case of Cobbler Will's prosecution.

Mrs Smallpiece the Treasurer: replied that he was not prepared then to answer, as he did not have the information. A magistrate asked if it was customary or legal after a bill had been "Not Found" by a Grand Jury for expenses to be paid and was told that it was normal for the Judge to order expenses to be allowed under such circumstances. Mr Page a magistrate was led to understand that some of the Union Hall officers had put the county to expense of unusual description. Their charges were excessive. The Secretary of State had directed that £54 be paid and they had demanded £170. It was

[38] 1826 12 December: Morning Post
[39] 1826 16 December[39]: Jacksons Oxford Journal
[40] Morning Post Tuesday 19 December 1826
[41] 1826 21 December: The Morning Chronicle
[42] 1826 23 December: Lancaster Gazette

revealed that the total costs in the prosecution were £400. Another magistrate believed that it was not right that the county should pay the expense of runners or police officers for riding about in chaises and four but another said he had never known that they had done so. It was said that in one prosecution where a Union-hall officer charged £60 for three days expenses in the case of a man indicted for murder. Another magistrate was astonished that it had cost £77 to bring forward the witnesses of Cobbler Will. The Treasurer enumerated various sums, which had been paid amounting to £294.

It was alleged that names of persons were put on the back of indictments for no other purpose than to obtain expenses and this scandalous practice drained the county of vast sums of money. The High Sheriff said that it was necessary to pay the witnesses expenses, as it was not otherwise possible for the man to have a defence. It was decided to appoint a committee to investigate expenses. [43]

1827 January 18 Thursday: William Page alias "Cobbler Will" who had been set at liberty after the Grand Jury had ignored the bill against him for the Fetcham murders has been apprehended on a charge of highway robbery[44]

1827 January 23 Tuesday Guildford: Daring Highway Robbery: William Page alias "Cobbler Will": On the night of Sunday week at about half past six o'clock as a labouring man named Cobbett was proceeding to Guildford when he arrived at a part called High Path a man darted upon him suddenly from behind a quickset-hedge, struck him a violent blow over the eye that knocked him down- knelt upon his breast, and seizing him by the neck, demanded his money. Cobbett who struggled with the ruffian for some time said, "I have no money; I have been out of a situation." Just as he had uttered these words another man who was a confederate of the fellow who knocked him down approached the spot where they were struggling and said "D- -n his eyes, cut his b----y throat." Cobbett alarmed lest the threat be carried into effect implored them to spare his life. He had however scarcely said these words when he was struck a blow on the forehead with some weapon, with such force as nearly to deprive him of his senses, and at the same instant he felt a hand in his pocket in which his purse was deposited and which contained four sovereigns, two half sovereigns, two five shilling pieces and three sixpences. Soon after the outrage and robbery were perpetrated the unfortunate man was found lying in a ditch completely insensible and covered with blood, by a domestic in the service of Lord Cranley. His pockets were discovered to have all been turned inside out and completely emptied of their contents. Cobbett was immediately conveyed to Guildford and information of the circumstances having been given to two constables they proceeded to various public houses in the town in order if possible to discover the offenders. In the course of their search they entered the Wheatsheaf public house, in the taproom of which they apprehended two men on suspicion of having committed the offence. The suspected individuals were taken before A. Onslow Esq., one of the magistrates of the county on the following day and underwent an examination when the prisoners gave their names "William Page, alia Cobbler Will and John Gaines." The former is the man who was committed from Union-hall police office a short time since on suspicion of having murdered the two old people at Fetcham, but from which dreadful charge he was

[43] 1827 10 January: Morning Chronicle
[44] 1827 18 January: Berrows Worcester Journal

subsequently exonerated, the Grand Jury having ignored the bill at the late Surrey Assizes. Cobbett on seeing the prisoners said that he could not identify the persons who committed the outrage upon him; on account of the darkness that prevailed at the time he was attacked. It is rather a singular fact that connected with this case that on examining Page's person when he was taken into custody a silver watch was found in his possession which was wrapped up in three pieces of flannel that were marked with blood. On being asked how he came by the watch, which he carried about him in so curious a manner, he replied that it was the identical one, which was taken from him by Mr Hall the Chief Constable of Union Hall on the occasion of his apprehension of having perpetrated the murders at Fetcham. He added that the watch had been in his possession for four years. The magistrate under all the circumstances remanded the prisoners for the purpose of making further enquiries into the case.

Friday, Mr. Smallpiece the treasurer for the county of Surrey attended at Union hall and exhibited to the Chief Constable the watch, which Page alleged to have been the same that that was given up to him subsequent to his recent discharge from gaol. Mr Hall on examining the watch in question immediately discovered that it was quite a different article from the one found in Page's possession on the occasion and under the circumstances alluded to. The name of the maker and also the number of the watch appear to have been recently erased, and Page is strongly suspected of having stolen it. [45]

1827 September 3: Grossmith assault– Union Hall: Surrey Sessions: Three men were charged with violently assaulting John Grossmith an officer, in the execution of his duty, with intent to recue two persons in his custody on the 3 September last. The prosecution said that the officers had a very arduous and dangerous duty to perform and unless protected the consequences could be truly fatal. [46]

1827 October 23 Tuesday: Cobbler Will whose name has been familiar with the public in connexion with the murder of Mr Akehust and his housekeeper at Fetcham has passed through Ringwood on his way to a neighbouring town in Dorsetshire where he claims considerable property, which is said to have devolved to him by the death of an elder brother a respectable surveyor and recently deceased. Hants Chronicle[47]

1831 October 25 Tuesday: It was supposed that old Mr Akehurst had a considerable sum of money in his possession at the time, he having stated several years before to the Bennett's that he had 100 guineas in the house and that he had made his will leaving his property to his grand-daughter Mary Ayres. At the time of the murder a man named Musk, a nephew of the Bennett's lived in Bennett's cottage and although the murder was not discovered until half past six o'clock in the morning at Fetcham, this individual, Musk (who with Bennett had risen early that morning and gone out from home) actually gave information on the murder having been committed, at a village called West Bookham, several miles from Fetcham, before the hour of six o'clock. Shortly after the murders were committed, Grossmith an officer of Union-hall who always suspected Bennett and his nephew Musk had committed the deed took Bennett into custody and used every means in his power to apprehend Musk but

[45] 1827 23 January: The Hull Packet
[46] The Standard, Saturday October 26 1827
[47] 1827 23 October: The Standard

to this hour the police have been unable to trace where Musk has secluded himself. Bennett was discharged after having been detained a short time for want of evidence. Shortly before the 12 October last, Bennett and his wife were ill of fever, and whilst labouring under strong nervous irritation and delirium, it was reported that one of them had used some expressions which revived in the minds of the neighbours those suspicions which they had entertained against the family of Bennett immediately after the murder.

Dr Baker of Leatherhead attended the Bennetts and found them labouring under great mental as well as bodily disease. The rev. Mr Bolland the rector of Fetcham visited the Bennetts, and being a magistrate he interrogated the parties. As the matter had been taken up by other magistrates, and as the Union-hall officers are exerting themselves to obtain further evidence, it would be improper to say more at present, especially as there is a strong feeling existing to the prejudice of the suspected parties in the minds of the inhabitants of Leatherhead, Fetcham and the vicinity.[48]

1831 October 26 It was disclosed in a Brighton paper that the perpetrator of the murders had been discovered. A man known as Musk, Bennett's nephew had lived next door to the victims living with the Bennett's who were the discoverers of the crime. Police officer Grossmith from Union hall had always considered Musk and Bennett were responsible but Musk disappeared soon after the crime and although Bennett was interviewed he could no evidence was obtained of his guilt. In 1830 both Mr and Mrs Bennett were taken ill and as a result of what they said the magistrate Reverend Bolland came to interview them. Union officers were attempting to find further evidence.

Mary Ayres died shortly after release from Horsemonger Lane Gaol having caught a severe cold from the damp conditions in which she was detained. [49]

MODERN DAY: Rose Cottage, Fetcham Common Lane as it is today. The chimney breast is the original but there has been extensive rebuilding

[48] 1831 Standard Tuesday October 25
[49] Oct 26 1831 Morning Post