

A JEALOUS UNCLE

January 1 1887

THE CHARGE OF ATTEMPTED MURDER AT ASTON At the Aston Police Court, yesterday, before Messrs Smallwood, Hyland and Yates, **Enoch Horton**, boatman, Aston Lane, was charged with attempting to strangle, with intent to murder, his nephew, **Joseph Pearsall**, boatman, who lives in Wharf Lane, Aston. Mr Benbow Hebbert appeared for the prosecution, and Mr Dorsett defended. Mr Hebbert said that after he had called evidence he thought the Bench would be quite satisfied that an attempt had been made to murder Pearsall. It appeared that Pearsall kept company with Clara Horton, the niece of the defendant, and they were, in fact, engaged to be married. His (Mr Hebbert's) instructions were that the motive for the attempted murder was jealousy. Defendant seemed to have been greatly incensed by Pearsall keeping company with Clara Horton, and had frequently threatened he would murder them both if they did not break off the engagement. Mr Hebbert then called the prosecutor, Joseph Pearsall, who said that at the present time he was keeping company with Clara Horton, the niece of the defendant, who worked at the same wharf as witness. On the 19th of December witness and Clara Horton were at the house of his sister, Mrs Thompson, in Wharf Street, Aston. Between three and four o'clock, whilst they were sitting together, defendant came in. He said he wanted to speak to Clara Horton, and asked her to go outside. She told him to say what he had to say in the room. He then said he was going to sit between witness and Clara Horton, and eventually he did so. He felt for his knife a minute or two, and witness's mother tried to persuade witness to go away, but before he could do so defendant caught him by the throat and said he would murder him and his mother if he could only get his knife out. Witness's mother pulled witness away. Defendant threatened witness three days previously on the canal side at Alldridge, saying that "if he caught witness and his cousin together on the following Sunday he would set both their hearts' blood flowing in the street." Since the 19th December witness had not been to work, as he was frightened to go. Cross-examined : Witness used to live with his uncle, but left as the latter did not like his carryings on with his cousin. At the time that his uncle tried to strangle him there were Mr and Mrs Thompson, his mother, and Clara Horton in the room. Mr Dorsett : I suppose he could have attempted to murder you on the canal side? Witness : He wanted to do us both, sir. [Laughter] Witness went on to say that Mr Thompson was sitting in his chair, and did not try to prevent witness being strangled, his mother and sister being the only persons who interfered. Witness did fetch a maid used in washing out of the pantry, but only to defend himself, and then he did not use it. Clara Horton deposed that on the day in question she was at Mrs Thompson's house with the prosecutor. There were several others in the room. Witness corroborated last witness as to the defendant sitting between them. Her cousin got up to leave, when the defendant caught him by the throat, causing him to go black in the face. His mother went to his assistance and got him free. Defendant had said several times that if she and Pearsall went together he would settle them both, and witness was frightened that he would carry out his threat. Mr Hebbert was about to call additional evidence, when Mr Smallwood interposed, remarking that the Bench did not think Mr Hebbert would be able to substantiate the charge of attempted murder. Mr Hebbert suggested that the Bench could infer from the language defendant used to Pearsall and Horton prior to the 19th, and subsequently, that there was intention to kill, but of course it was in the hands of the Bench. Mr Smallwood : We don't think it is sufficient, and we don't think that any corroborative evidence will alter our view of the case at all. It would have been a proper case for sureties. After some further consultation, it was decided to drop the charge of attempted murder, and to take the evidence heard as if the case had been one of threats. Mrs Pearsall and Mrs Thompson were called, and both of them stated that they had heard the defendant threaten Pearsall. Mr Dorsett submitted that the case was not one in which the magistrates ought to bind over the defendant in sureties. Defendant was opposed to the marriage between Pearsall and Clara Horton, and although on the afternoon of the 19th inst, defendant might have used words with the intention, if possible, to separate them, he had no intention whatever to afflict grievous bodily harm upon them. If he had had that intention, one would have thought that he would have availed himself of the opportunity when he met Pearsall on the canal side at Alldridge. Mr Dorsett then called the defendant, who denied that he had ever threatened Pearsall. When witness sat down on the sofa in Mrs Thompson's house, Pearsall fetched a "dolly" and tried to strike witness on the head with it. Witness defended his head with his arm, which was severely bruised. Anna Price said that on the 19th she went into Mrs Thompson's house, and saw the defendant lying on the sofa, whilst Pearsall was "digging a maid into his chest". The magistrates said they could not discredit the evidence which had been given by the witnesses for the prosecution, and defendant would be bound over to keep the peace for six months – himself in £20, and two sureties in £10 each; and would also have to pay the costs, or in default go to gaol for a month.