

RUSH

by **PRICE HOLLAND**

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FOREWORD

When compiling this book, which reproduces in narration form one of the most astonishing cases in criminal history, I might reasonably have taken as my text the oft-reiterated aphorism, "money is the root of all evil." This outrage, which started in the neighborhood of Norwich in 1848, can be traced to no other source than the financial difficulties of James B Rush, and the crime appears doubly, trebly awful when the fact is remembered that the two gentlemen murdered were respectively the son and grandson of the assassins quondam benefactor.

But there is always a certain monotony about the statistics of other people, and I have therefore omitted much of the financial controversy which surrounded the Stanfield Hall property, and which was a local form of diversion for quite a number of years. I have commenced the story at a time when Rush was contemplating grosser methods of increasing his own fortune, and have purged the trial itself of all the uninteresting statistical evidence, which would rather prove a sleeping drought than entertaining literature.

Otherwise, the narrative is in perfect agreement with the official newspaper accounts, and, particularly those published by the "Norwich Mercury" in 1849.

P. H.

CHAPTER 1

CONCERNING EMILY SANDFORD

In the twilight of the evening in late November, 1848, Emily Sandford stood rigidly pensive at the window of a farmhouse parlour. She was dressed in the quiet, restricted fashion of the period, her dark glossy hair brushed severely back from an intellectual brow, separated from the centre with immense care and so arranged on either side as if to conceal her ears in bunches of twisted ringlets. Her features were sharp and regular with a certain aristocratic tendency, inherited, no doubt, from her mother, (who, as an intimate relative of the Vavasours, had shattered her social dignity by a seemingly reckless elopement,) and her age, which, by reason of her elderly manner of dressing, might have been somewhere between thirty-five or forty, was in actuality twenty-five or twenty six. She was tall and well made, with a singular attractiveness which was not entirely physical, and it was only when her face was turned completely to the fine light that a melancholy drooping of the mouth and a significant watercourse down each bloodless cheek, became painfully and suggestively obvious. For the handkerchief which she idly fingered was damp with recent tears.

Two years ago, when living with her parents in middle-class respectability, the desire for freedom and independence rose suddenly and naturally within her. With the impulsive eagerness of her kind, she searched the newspapers for advertisements, and subsequently ascertained that a gentleman, a widower, was anxious to secure a governess for his children. She replied immediately and her application was accepted, the contract being formally settled in an interview at the gentleman's lodgings. Mrs Sandford was present on this occasion, and was completely satisfied with the advertiser. Miss Sandford herself was similarly disposed, and her father, it has been stated, was delighted with the stranger's "polite behaviour, apparent respectability, general intelligence and moral and religious conversation." Thus, in October, 1846, Emily Sandford became governess to the children of James Blomfield Rush.

The kind hearted widower, however, was not content that Miss Sandford should continue long in so a subordinate a position, and, after a very brief interspace of time, made her a proposal of marriage, which offer Miss Sandford accepted gladly, and wrote concerning the matter to her mother. But the tidings, in the rather too dangerous form of black and white, never reached Mrs Sandford, for the intelligent Mr Rush intercepted his fiancée's letter, and did not scruple to writing numerous deliberate falsehoods.

It became gradually apparent that the offer made to Emily was made to see fulfilment, and Emily, whose affection for Rush was evidently very potent, remained at the farm in a complete condition of wretched happiness. Eventually, she became mother of a child and received hence forward the courtesy title of "Mrs James", being, however, publicly recognised, and socially ignored, as the widower's mistress.

It was at moments when the leaping firelight lengthened and deepened the shadows on the wall, and intensified the flickering darkness of the recesses, that Emily's thoughts were blackest and most miserable. She would sit alone in the autumnal twilight with her eyes full of tears and her heart full of regrets, till, with almost startling suddenness, there would be an ominous creaking of woodwork and a short irritable cough.... and a handkerchief would fly to her eyes, and a nervous hand to the arrangement of her hair. Then she would rise slowly from her seat, and prepare a smile of tender welcome for the one who deserved it, least of all men.

But on this particular evening, the day being the twenty-first of the month, the voice of Rush summoned her, and she hurried immediately to the living room, where she had left him writing an hour ago. He was still seated at the table, his plump face florid with the reflected redness of the lamp-shade, and his keen weasel eyes sparkling with suppressed excitement.

“Emily, my dear,” he remarked briskly, “pray place your signature to this document for me. Sharp, if you please!” Emily, in obedience, took the pen, which he offered her and glanced inquisitively at the writing. “As a witness?” she queried presently. “Quite so!” exclaimed Rush with impatience.

“But surely, James, I cannot sign my name here in the capacity of a witness. The matter apparently concerns Stanfield Hall, and I see the name of Isaac Jermy. How is it possible....,”

“Almighty God, woman! I want your signature, not your questions. To satisfy you, the draft is a mere matter of form - ‘tis a copy only. Now sign, my dear and be quick, please!” But Emily still looked doubtfully at the document, and nibbled nervously at the tip of her pen.

“‘Tis about the mortgage, James,” she observed tentatively, “which I fancied was due on the 30th of the month. Ought I - should I - dear James, how can I witness the hand of Mr. Jermy when I have never even entered Stanfield Hall?”

Rush controlled himself with an effort and looked at his victim affectionately.

“Accept my assurances, Emily,” said he, “I would never dream of asking you - ah! That’s my sweetheart! - thank you, thank you!” For Emily, with the weakness of a fool, had appended her signature and was handing back the pen in silence. Then she left him, and returned to the quiet parlour.

Rush, when the door had closed with a click, drew the document towards him and examined, with evil satisfaction, the autograph inscribed above Emily’s. “God in Heaven!” he muttered gleefully, “‘tis Jermy’s hand to a stroke and a loop. ‘Twould defy the scrutiny of the whole family. ‘Tis a most masterly piece of work, a most excellent -“

Then he stifled his satisfaction with a sudden reaction of thought. He must not be too self-confident. That evening’s undertaking was, after all, simplicity itself when compared with - yes... yes, indeed. There was still more dangerous ground to be covered. He must keep a prudent head on his shoulders. And James B. Rush gazed earnestly into the flame of the burning wick.

He was a small, stout man, slightly round shouldered, and with a conspicuous absence of neck. He wore his hair at an unhealthy length, allowing it to roam about his brow and ears in dark straggling curls. Moreover, in compliance with the mode of the period, he wore whiskers both beneath his chin and on either cheek, the rest of his face being shaven to a pulpy smoothness. He had a soft childish mouth, small restless eyes, and a somewhat well shaped nose.

The main characteristics of this ordinary looking man, who sprang, nevertheless, with extraordinary, if immeasurable, maturity, have been thus set forth by a journalist of his own time: - “.... Inordinate self-conceit, covetousness, secretiveness, and a strength of perceptive power which became cunning in his use of it. He had more of that consciousness which would prevent him from sweeping from his path everything which stood in the way between his object and its attainment, and he possessed a determination amounting to a dogged intimacy, which nothing could soften nor turn. His propensities were, in fact, those of the brute, and the desire of gratification was as unceasing as his self-indulgence was without bounds. But while he possessed certain powers of intellect, which are of great value when they can be aided by that greatest of all faculties - the power of reasoning and by moral restraint - his want for these properties reduced them to the level of low cunning and vicious depravity.”

Thus, then, with his forgery still drying before him, the contemptible subject of this criticism, chuckled quietly to himself and pondered on the mortgage debt which would never now be paid. For the document beneath his hand declared most distinctly that on the 21st day of November, 1848, Isaac Jermy, Esq., of Stanfield Hall, Norfolk, did relinquish all claim upon James Blomfield Rush, and did promise, moreover, to surrender the mortgage deeds held on the Potash estate within twelve months from the date thereof. So that the kindly old gentleman, who by a loan of £5000, at a very paltry interest, had enabled the suave Mr. Rush to purchase the farm he now occupied, was apparently never to redeem that money, for the loan terminated in nine day’s time, and.... and there were certain lives which must terminate even earlier than that!

Rush, at the mere thought compressed his sensual lips with savage determination and held his brow in two clammy palms. Then, distantly.... soothingly, he heard the tinkle of the parlour piano, so, struggling with his emotions, he rolled up the parchment, turned out the lamp, and joined Emily Sandford in a most excellent temper.

CHAPTER TWO

THE STANFIELD HALL OUTRAGE

The Stanfield Hall estate was situated in the parish of Wymondham, near Norwich, and the residence itself was an impressive piece of architecture, being planned consistently in the tudor style, and circumscribed by a deep wide moat. This was spanned by a stone bridge, the protecting gate of which opened only to persons with a strict, specific purpose, and was apparently the only means of access to the porch in the forepart of the house.

A large multi-paned window, immediately over the entrance, gave light to an immense hall. On the left lay the drawing room, and, adjacent to it, the dining room, this being enterable either from the drawing room or from the hall. The servant's quarters lay in the rear of the building, approached by a passage leading from the hall.

The house and the estate had continuously been the subject of legal dispute. The question of possession had been officially investigated an absurd number of times, and to attempt a description, such a prolonged wordy warfare would simply mean transcribing the monotonous, and, moreover, setting forth the unintelligible, for the manner in which the legal gentlemen of 1848-9 have left us the technicalities of the case is considerably involved and remarkably intricate, and much of it strikes one as being much ado about little.

Suffice it to say, therefore, that the late Mr Jermy, when he came into possession, determined to pull down the hall, and did pull down some portions of the building, and it was ultimately bought by Rush for £1000, a price doubtless far below its value. Why Rush did not at once proceed in its demolition does not appear - whether it was that he hoped by this means to obtain a hold upon the late Mr Jermy, or whether it was with a view to the future is not known - but two years after he again sold the hall to the deceased, at the price he gave for it.

The Potash farm, which formerly was the property of a Mr Calver, was for sale and as it lies between the Stanfield Hall and Hethel properties of Mr Jermy, that gentleman had a wish to possess it, as it would have made the property a compact whole. Rush contacted Mr Jermy about it's purchase, and the latter deputed him to buy it at a certain sum. At the sale there were several bidders, whether bona-fide or not is not known. However, the estate was run up to a higher sum than Mr Jermy directed Rush to bid, and Rush bought it for himself. The price was not much more than £130 above Mr Jermy's bid. Rush informed Mr Jermy of the issue, and also went subsequently and told Mr Jermy that although he (Rush) had purchased it, he did not have the means to pay for it, and requested Mr Jermy to lend him the sum he required on mortgage. Three thousand five hundred pounds were advanced, for which interest was to be paid. Afterwards two more sums were advanced, making £5000, which was not to be called in for ten years after. The mortgage was due on 30th November 1848.

On the evening of the 28th, however, Norwich and it's neighbourhood were thrown into a state of incredulous indignation by tidings as totally inexplicable as they were horrifying. It was only when proof of the most irrefutable character was advanced that the rumour found acceptance in those hundreds of hearts... that old Isaac Jermy, the pompous but kindly Recorder, and his son, Mr Jermy Jermy had both been most foully murdered! And more; that the mistress of the house and a servant, who had run to her assistance, were both lying seriously wounded!

Gradually the details of this outrage were disclosed. At about half past eight, when several windows of the hall gleamed through the November darkness like great unwinking eyes, Mrs Jermy, an elderly lady of precise and regular habits, seated with her thirteen year old daughter in the drawing room. Both were employed with needlework, and both glanced smilingly at the younger Mr Jermy, who presently entered from the dining room. He had been engaged in a business conversation with his father, who, at the close of the discussion, had risen in his autocratic manner and had left the room by the door leading into the hall.

Mr Jermy, junior, who had a brighter disposition than his dictatorial sire, paused for a space before his industrious sister, and mimicked good-humouredly, her systematic counting of the stitches. Then he turned to his mother with a just twinkling in his eyes.... one, however, which never found complete utterance for, in the very midst of the pleasantly, the speaker's words gave place to an abrupt exclamation. For, from the direction of the hall, there came three distinct sounds.... a shot.... a thud.... and a groan!

With a face the colour of parchment, Mr Jermy, junior, rushed feverishly from the room, and made as if instinctively, for the servants passage. But instantly, in the semi-darkness, a weapon was levelled breast-high, and a second bullet found the heart of the younger Mr Jermy. Clutching frantically at the air, he swayed, first forward, then backward, and fell with a crash upon the polished floor.

It was then that the Recorder's wife, heedlessly, recklessly, apprehensively, hurried from the drawing room into the hall, with a scream of agonised dismay, she saw her husband stretched a short distance from the porch in a veritable pool of blood. She flew immediately to his side, and sank, reaching the floor, muttering names in an incoherent frenzy:

"Watson! Watson! Eliza! come to Mr Jer...." and she tottered to her feet and stared wildly around her. A servant named Chastney (the Eliza whom Mrs Jermy summoned) hurried bravely in obedience, and threw an arm around her mistress's waist.

Then, glancing desperately in the direction of the dining room, she saw, emerging from it, a short cloaked figure. The next instant, a shot echoed and vibrated, and Eliza Chastney staggered and fell to the floor.

And still was the assassin dissatisfied. Hardly had a second elapsed, when the weapon was again levelled, and a bullet tore it's way into the upper part of Mrs Jermy's arm. She reeled, but did not collapse, and was subsequently able to stagger into a position of safety. But there was little need, for the assassin, having satisfied his murderous intentions, turned briskly round, hurried into the gloom of the corridor, and effected his departure from the rear of the building.

Watson, the butler, whose valour cannot be recommended in the highest of terms, then emerged from the pantry, where, with a number of hysterical maid-servants, he had lingered in a trembling ague. A hideous spectacle quieted him..... a spectacle so utterly frightful that the perspiration dripped from his brow, and he leaned weakly against the wall, overwhelmed by a feeling of nausea.

"Watson....!" It was Eliza Chastney's voice, and a groan followed the utterance. "Lord.... Lord have mercy upon us," sobbed the butler, dropping on one knee beside the servant, "can't.... can't you move, my dear?" The girl's body twisted in a sudden compulsive spasm. "Don't touch me" she muttered, "I.... I'm shot."

Watson took the servant's hands and chafed them feverishly, sympathetically. "Poor thing, poor thing," he mumbled, with tears stealing down his ashen cheeks. "It was...." (Eliza's eyes opened in the last moment of consciousness) "It was.... that man.... Rush!" And with a sob of excruciating agony, she clutched at the butler's sleeve and lapsed into preferable nothingness.

It was Watson who discovered, on the floor of the servants passage, a half-sheet of foolscap, pasted on the cover of a book, and bearing the following sentence;

"There are seven of us here, three of us outside, and four inside the hall, all armed as you see us two. If any of you servants offer to leave the premises or to follow, you will be shot dead. Therefore, all of you keep in the servants hall, and you nor anyone else will take any arme, for we are only come to take possession of the Stanfield Hall property." Thomas Jermy, the owner.

This was written in large print style and the spelling was precisely in accordance with the above.

CHAPTER THREE

THE APPREHENSION OF RUSH

Emily Sandford lay motionless in bed, her hair covering the greater portion of a suspiciously damp pillow, and her left cheek resting on a small burning hand. Through the half open window came the dismal hoot of an owl, and occasionally some buzzard would be precipitated against the pane, only to fall in its blindness and struggle in a comatose condition on the window-sill. Sometimes these would be the champing of hoofs from the stables, and sometimes there would be complete silence... silence either suggestive or remindful of the dignity and solemnity of night.

Emily shivered. Awakened by a noise which had not been repeated, she had struggled with sleeplessness for quite an hour and a half, and had then opened war with her thoughts. For several days, Rush had been causing her anxiety. True, he had been treating her with more than normal kindness, but... he was most evidently not himself. On each of the last few nights, he had been out exceptionally late, and she experienced a fear for his safety. He suspected there were poachers on the estate, and was determined, he said, to waylay them. Tonight, he had informed her, he contemplated a further excursion, but, for some reason or other, he had reached the house at nine, and had ordered the household to bed. She had been relieved at this, being unusually tired after the days' work; also the fear for Rush was satisfactorily removed and, in consequence, she dropped to sleep quickly.

Then.... that noise had awakened her, and she had lain quite still ever since. Oh! If the dawn would only come! Perhaps, had Emily known what tomorrow's dawn would bring her, she would never have breathed that wish to earnestly.

It was just upon half-past two when she leapt from her bed and answered a rapping on the panel by the door. "Who is there?" she demanded cautiously. "Tis I, - James," came the answer in an undertone, and the door was opened immediately. Rush, - or was it the ghost of Rush? - passed noiselessly into the room and checked Emily's exclamation with a swift hissing sound. "S-s-s, my dear! he whispered, with his teeth chattering audibly, 'you must be firm... you must remember... that I was only out ten minutes!

Emily gaped at him in frightened amazement. "James! She cried, and, noticing his gesture, lowered her voice, "What is the matter, James? Talk to me!" She captured his hand, which was trembling violently. "Hush! he murmured harshly, you will hear everything... everything in the morning". "But...." His mood became suddenly vicious. "No buts! You will extract nothing from me till the morning, I say. Only remember, I was out only ten minutes the whole of tonight".

Emily drew a long, tremulous breath. "Nonsense, James you were...." Rush, with the snarl of a beast, turned savagely upon her, and, seizing her shoulders in an angry grip, shook her viciously, unmercifully. "My God! he muttered, listen, woman! I tell you that tonight I was never out of this house more than ten minutes! You hear me? You understand? You will bear me out in that statement? Say yes - yes - yes! Quick!" "Yes!" moaned Emily, and Rush instantly released her. Turning, he collapsed upon the bed and sobbed like a heart-broken child.

At dawn he was arrested.

CHAPTER IV

RUSH IN CONFINEMENT

It was a certain George Pont, of the Norfolk County Police, who in company with other constables, apprehended Rush on the morning of November 29th. The Potash farm had been kept under strict surveillance all through the bitterly cold night. Eliza Chastney's whispered utterances having sent the police scurrying to the house of the suspected, and the arrest was made in the kitchen in the rear of the premises.

"You must consider yourself my prisoner", said Pont briskly, "on suspicion of murdering the two Mr Jermys last night." "The two Mr. Jermys murdered! exclaimed Rush, as the handcuffs snapped about his wrists, "God knows I am clean of that...", I don't like these", he remarked petulantly, looking at the manacles. "Twas about eight o' clock, some of you say?" he observed later, alluding to the time of the previous night's outrage. "None said but yourself," replied one of the constables significantly, Rush recognised his faux-pas and thence forward remained silent.

Once in Norwich Castle, however, he seized every opportunity for protestations of innocence, and became, to all intents and purposes a religious maniac. He quoted and misquoted the scriptures even to the prison chaplain, twisting their sentiments to coincide entirely with his own, and delivering them with an exaggerated fervour which could not possibly deceive. Briefly, he assumed a part which was quite beyond his histrionic powers, and even acted it to an absurd and fatal degree.

On one occasion, he expressed a desire to have the holy sacrament administered privately to him. "I am sorry," the chaplain replied, "I cannot possibly satisfy your request". "Why not?" demanded Rush. "It is not permissible to administer the sacrament to a prisoner before his trial, lest it should be received for an unworthy purpose." Rush heaved a heavy sigh, as if deploring the condition of the world. "I cannot believe," he observed, shaking his head piously, "that anyone could be so wicked as that!" "I will join you in prayer gladly," said the chaplain presently. "Ah, thank you," murmured Rush, "but I have no need of a mediator. My word is the word of an innocent man, and can therefore be its own recommendation. Be perfectly assured, sir, that my prayers reach heaven as quickly as yours do!"

And after further hypocritical utterances, his conversation would merge into a callous reference to the accounts connected with the farm. He would discuss his intentions after release and would enter with enthusiasm into the spirit of any trivial topic. Mr Andrew, his family minister, in the course of a visit to the prison, enticed him to look at things more seriously. "Do not hurt your own feelings and ours," he pleaded "by employing your time in so uselessly off-hand a manner."

At this, Rush seemed pained and offended and was heard to remark after the christian gentleman's departure:- "half these sanctified people know nothing of religion. I've read of better men than Mr. Andrews who have thought of small things on their death bed."

And then he quoted Jacobs' prophetic discourse to his sons, thus impiously endeavouring by his accustomed perversion of scripture, to justify his neglect of all his important duties, by interfering with business over which he would have had no control had he been at liberty, and by giving direction about worldly matters of the most trifling kind.

That he was an extraordinary prisoner was very definitely proved halfway through the trial. A pocket-book was incidentally passed to him in the dock; he examined it carelessly and returned it. Subsequently, a cheque for £40 was missing from the interior of it and, after denying any knowledge of the matter to the governor of the prison, Rush, evidently flushed with the triumph of a successful exploit produced the cheque from the lining of his hat, and tossed it good humouredly to a solicitor who happened to be visiting him. Moreover, as a typical specimen of the letters dispatched by Rush from Norwich Castle, the following missive, addressed to Emily Sandford, speaks for itself:-

Norwich, Jan. 1st. 1849.

I am sorry I used the language I did when I was last with you, but I hope you know enough of my temper to believe me when I tell you, you have nothing to fear from my bad wishes, either from what I then said or whatever may be the result of this unjust accusation against me. You will always have my best wishes for the health and happiness of both yourself and our child. Write only a few words to acknowledge the receipt of this, for we are not allowed to say more.

James B. Rush

On the 15th of December, the remains of the Recorder and his son were removed from Stanfield Hall, and buried under impressive auspices. Though Mr. Jermy, senior, had been more feared than loved by the majority, his honourable and just nature had always been recognised, and if stories of his kindness were few and rarely told, it was for the very commendable reason that Mr. Jermy's deeds of goodness had been exercised quietly and unobtrusively. The funeral, which was attended by thousands of people, was the first public sequel to the foul and miserable crime. The second was the trial, which commenced on the 29th of March, 1849, the interim being occupied with an enormous amount of preliminary business.

CHAPTER V

THE CASE FOR THE PROSECUTION

“James Blomfield Rush!”

The crowded court, wrapt in a silence so tragic, so intimate, that every breath seemed a risk and every whisper an impossibility, leant curiously forward and.... waited.

The judge, Mr Baron Rolfe, with a slow, premeditated movement, took his spectacles from his long hooked nose, and rubbed them assiduously with his silk pocket handkerchief. He replaced them carefully, drooped a meditative forefinger on his thin judicial mouth, and stared contemptuously at the gallery. The officials, many bewigged and gowned, strove to appear placidly and professionally unconcerned, but sat, nevertheless, in obviously strained attitudes, focussing on the dock with raised inquisitive eyes.

A moment.... and Rush faced the court. Probably realising more keenly than ever before the momentous nature of his position, his hand trembled visibly and his underlip quivered as if he were about to cry. To remedy the former's shakiness, he gripped the front of the dock, and glanced somewhat nervously in the direction of the judge. The clerk then read the charge in crisp, formal tones:-

“... with having; on the 28th of November last, at Wymondham, murdered Isaac Jermy, and Isaac Jermy Jermy; charged also upon an inquisition held by Edward Press, Gent. Coroner, with the murder of the said Isaac Jermy; and changed further on another inquisition, held by the same Coroner, with the murder of the said Isaac Jermy Jermy.”

In answer to the customary question, Rush, who had made an apparent effort to recover his strength of bearing, answered very clearly and deliberately” “NOT GUILTY!” There was an eloquent gasp from the spectators and a businesslike rustling of parchment as the prosecuting counsel collected his manuscripts together.

Rush employed no legal mediator. His determination to conduct his own defence had been boasted most stubbornly from the first, and was no doubt an outcome of self-conceit, strengthened by continued self-gratification.

“Nothing,” says a journalist of the period, “Could display his want of causality more than the mode and style of his defence. He could see certain points, but when he had obtained replies, he could not use them well or wisely; and again, unable to understand the effect of the previous question and reply, and its connexion with that he was about to put, he was constantly either foiled or convicted by that which he elicited. His cross-examination which was entirely the result of questions he had written down previous to the trial, therefore displayed neither ingenuity nor continuity of thought, nor of purpose. They had, in many instances, no relevancy to the particular point of which the witness was speaking, but were a mere patchwork, appertaining it is true to the case, but still merely a string of shreds”.

And it was this patchwork of words, written on reams of foolscap, which Rush was busily arranging. “My lord, I am ready”, he remarked finally; then added, “if you lordship will allow me to make some observations before the learned counsel begins his address....”

‘This’, interrupted the judge, “is not the time for you to make any observations.” “But, my lord”, persisted Rush, “the evidence has been got up in such an extraordinary way.” “You will have an opportunity of making any observations afterwards. I cannot hear you now.”

And the prosecuting counsel, Mr. Sergeant Byles, commenced his speech immediately. It was a brilliant and memorable oration - one to which the mere recital of salient features cannot conceivably

do justice. Everyone in the court listened with almost breathless intent, and the usual confused murmur of sympathy or disapproval punctuated the advocates remarks.

“Gentlemen of the jury, “he commenced with deliberation, “you have heard that the prisoner is indicted for the crime of Wilful Murder. Gentlemen, it is to be regretted on the part of the prisoner, that he has not thought fit to avail himself of the very able assistance the bar of this circuit could have afforded him in conducting his defence. But, gentlemen, he having preferred to conduct it himself, it will be doubly incumbent upon us to be careful that we produce before you no evidence as to the admissibility of which there can be the least doubt. I trust you will give us credit, that in a case of this kind we should not sin in that way wilfully. And, if in consequence of any inadvertance or ignorance on our part we should fall into any such error, my lord will take care that as the prisoner is ignorant of the laws of evidence, it shall occasion him no mischief. Gentlemen, you will naturally say, what motive can the prosecutor assign for such a crime as this? A question natural and reasonable. But the answer to it will make it necessary for us to take up the thread of these transactions at a period anterior to that to which your attention will be more especially directed, because there have been certain transactions between the deceased Mr. Jermy and the prisoner, the full understanding of which is essential to a right apprehension of the justice of this case, in order that your judgements may be led to a safe and satisfactory conclusion. Gentlemen, the deceased Mr. Jermy was a Learned Friend of ours - he was Recorder of the City of Norwich - a Gentleman of fortune - The chairman of the Quarter Sessions - and in the habit of presiding in the very seat which his Lordship now fills. Mr. Jermy had a residence at Yarmouth, and he had also considerable estate at Stanfield in this county. His father, the Rev. Mr. Preston, died, I think, in the month of October 1837, and when the late Mr. Jermy succeeded to the property, his name also was Preston, but he assumed, after coming to the estate, the name and arms of Jermy.”

“Gentlemen, in the immediate vicinity of the Stanfield Hall estate there is a farm called the Potash farm, occupied by Rush, The Stanfield Hall estate itself consists of 700 or 800 acres of land, with a mansion upon it, and a large farm-house, and the prisoner had been tenant of the Stanfield Hall farm. The late Mr. Jermy had also two farms at Felmingham, being on the other side of Norwich, and as I am informed, in a direction towards North Walsham. One of the farms was occupied by the prisoner, and the other by his mother, who since deceased; so that, in fact, he did at one time occupy, a short time before this transaction, four farms - the Stanfield Hall farm, the Potash farm, a farm at Felmingham, and another farm at Felmingham. About the year 1844, Mr. Jermy had advanced to Mr. Rush considerable sums of money on the Potash farm. The equity of redemption, (or ownership of which, subject to the mortgage,) belonged to Rush, and one of the first documents which will be laid before you on the present occasion, is the last of those mortgage deeds, because it is a deed which will have a very important bearing upon this case. That deed is dated upon the 28th of September, 1844, and it recites several prior mortgages. The effect of it is this, that a sum £5000 in all is charged upon the estate by way of mortgage in favour of the late Mr. Jermy, and the deed contains a provision, it being dated on September 28th, I think, 1844, that the money is to remain upon the security of that estate until the 30th November 1848. Now, gentlemen, you will at once see that that is an important date, because the tragical occurrence, into which you are now to enquire, took place two days before that. The money became due on Thursday, the 30th November. The occurrence to which I shall presently direct your attention took place on Tuesday, the 28th November.” Mr. Sergeant Byles paused, as if to emphasise the importance of that certainly strange coincidence.

“Gentlemen,” he continued “some disputes arose between the late Mr. Jermy and the prisoner with respect to the Stanfield Hall property, but it will suffice to say at present, that Mr. Jermy entered upon the Stanfield Hall property, and in the month of October 1847, he put in some distresses. Mr. Jermy also brought an action against the prisoner, which was tried at this time twelvemonth, for his cultivation of the Stanfield Hall farm. Now that distress, and that action, and other circumstances between the prisoner and Mr. Jermy, seem to have occasioned in the prisoner’s mind no very good feeling towards Mr. Jermy. Gentlemen, I shall be able to show you, that in the early part of the year

1848, by the testimony of a person of the name of Howe, the prisoner expressed himself in a very hostile way towards Mr. Jermy. He said - "I will not be long before I serve him with an ejection for the other world." "I shall show that took place before the time this distress was made."

"Will you be good enough to repeat those words?" interposed Rush. "I will not be long before I serve him an ejection for the other world". "Whose evidence did you say that was?" queried Rush, "because it is the first I ever heard of it," "Prisoner," observed the judge, "it will not be any prejudice to you, unless it is proved. The learned counsel says he is in a condition to prove it. You are quite right in asking him anything you do not distinctly hear, in order that you may know what he says, but it is not the time for you to make observations"

Mr. Byles resumed. "Gentlemen", he said, "I shall call another witness before you, who, at the time of the distress, will speak to other expressions on the part of the prisoner, one of which is this; speaking of the late Mr. Jermy, the Recorder, and a gentleman of the name of Clarke, a solicitor, at Wymondham, the prisoner said, "D -- n them, I will do for them the first opportunity I have." Gentlemen, it is very true, that both those expressions depend upon the verbal testimony of witnesses, evidence not so satisfactory as written evidence, because such things are apt to be, misheard, misunderstood, mis-remembered, or misreported. But it will be my duty to bring before you some statements which are in print. For after the trial relating to the Stanfield Hall farm, the prisoner published a pamphlet about it.

"Gentlemen, it will be convenient that I should here state to you what it will be necessary to prove to you - that shortly after the death of the Rev. Mr. Preston, some persons made their claims to the estate, originally, I believe, a person of the name of Lerner, and afterwards a person of the name of Jermy. It will be quite foreign to this inquiry to go into the nature of that claim, suffice it to say they did make the claim. "Now this pamphlet purports to contain "the case of Jermy v. Jermy, as to who is the right owner of the Stanfield Hall and Felmingham estates." But the passage to which I particularly invite your attention, are the passages in which he speaks of Mr. Jermy, the Recorder. I find a passage at the bottom of p. 5 - "For even if the villain had behaved as he ought to have done, to have acted with common honesty, I should never have done much good, not half so much as I should if I had remained in Dalling." Later, he says.... "and this is no reason why I should be ruined in character by this villain, as well as my property being all swallowed up by him". And again, "this fellow Jermy has no right to this Stanfield property - he knows it, and he knows I know it as well; his whole conduct in keeping possession, and taking the name of Jermy, and his behaviour to those poor people who have a right to it, has been most villainous and disgraceful to any man who can have any pretension to respectability, and which I should be most happy to prove when called on to do so," And again, he says "In concluding the account of the trial will follow a case drawn up so as to show who is the real owner of the Stanfield Hall estate, and the means this fellow has taken to keep the real owner out of possession. Why I have published it is, that someone who has money may come forward and see that justice may be done to this Mr. Jermy, who is the owner, and who is kept out of possession for want of means to employ counsel, and to have the matter brought to trial." And again, "I do hope that some one will come forward and oust this fellow, who has not half so much right to the property as I have, much more the right heir, if it was properly brought forward, and that is why I think everything has turned out for the best, if those poor people should be put into possession through any steps I have now taken, and am about to take".

Again, "if there is any truth in the bible, such villainy is sure to be overtaken, and that when it may be least expected." Now, gentlemen, I call your attention to the contents of this pamphlet, as showing you two things - the state of the prisoner's mind, and that he contemplated taking some steps with reference to the claim of these persons, to the Stanfield Hall property. But, gentlemen, I shall also put in a letter in the handwriting of the prisoner, in order to show his feelings towards the late Mr Jermy. It is dated on the 28th April 1848. It is written from the Angel Inn, at Islington, and is addressed to his son, I believe. You will observe the 28th April, is after the trial of this cause. He says in this letter - "I have got at last Mr Jermy in a fix, and the rogue and villain knows it as well; how he will

act now, will soon be seen. At all events he now knows, if he ruins me I can him, or you would not have seen him as you have; but I do not want you to let anyone know this, except your wife and her aunt.”

The council again paused, then proceeded to enter a further channel of evidence. “Here I must tell you,” he remarked, “that for some time before this period there had been living in the house with him a young person of the name of Emily Sandford, engaged, I believe, as his children’s governess. When she was at the lodgings, at Stacey’s, Rush produced to her a paper to sign, that paper being dated 10th October. Now, gentlemen, you will observe I have already told you that Rush’s interests in this farm would expire on the 30th of the then next month, and the agreement which is produced to Emily Sandford is dated the 10th October. She hesitates to sign it. He tells her it is only a copy, and eventually she puts a signature to it. Now, gentlemen, I beg your attention to this document. It purports to be between Rush and Mr Jermy, and Mr Jermy, by that agreement, agrees that Rush shall have the £5000 which had been lent upon the Potash estate for three years beyond the time mentioned in the mortgage deed, at 4 per cent. It purports to be signed by Mr Rush and Mr Jermy. That is produced to Emily Sandford, and she signs it. They are there represented to her to be copies. There is also another agreement produced and signed, under similar circumstances, by which Mr Jermy is made to agree to cancel the mortgage deeds altogether. Now, gentlemen, that was the situation in which the prisoner found himself on Tuesday the 21st November. He had in his possession agreements purporting to be signed by Mr Jermy, really not signed by Jermy - I mean by Mr Jermy, the deceased Recorder - really not signed by him. Agreements which I think I am justified in saying would be produced with much more likelihood of proving effectual after Mr Jermy’s decease, than during his life.”

Another pause, during which Rush moved restlessly in the dock, and the rest sat in eloquent silence. Presently the prosecuting counsel commenced a narration of the circumstances attending the murder. He described the outrage in detail, emphasising particularly the theories of identification advanced by the servants Chastney and Watson. He also placed considerable importance upon the delivering of the paper in the servants’ passage. “Thomas Jermy,” he declared, “had been down at the Felmingham farm, but had gone back to London, and also the other man with him.

By whomsoever this paper was left, it was unquestionably a blind; it was intended to make the parties in the house believe that the parties who perpetrated this outrage were Thomas Jermy and another man - “there are two of us here” - I am afraid that rather means Jermy and Larner - “there are two of us here” - I will call before you that Thomas Jermy. I am told he is an inoffensive man, verging upon 70 years of age, and you will learn from him, that so far from his having anything to do with it, he and Larner had both returned to London. Whatever person put this paper down, intended to throw the blame of this transaction upon an innocent person. The paper, therefore, will first of all be direct evidence, on the ground that we propose to prove Rush’s hand-writing; when I say prove, you, Gentlemen, who have sat on juries before, very well know that it is impossible, and that it is not the custom to call a witness to swear positively to hand-writing; because even if your own handwriting were presented before you, you could only say you believe it to be yours. Gentlemen, there is another piece of evidence; you will please to observe that these two pieces of paper appear to be - they will be put into your hands, and you will see whether they are or are not parts of the same book. Gentlemen, among the documents found in the possession of the prisoner, were these two books. When these are put into your hands, I beg your attention to the fact, that this is somewhat shortened from the others; but if you will have the kindness to stretch that out, you will find that it is precisely the size of this. Gentleman, the two books were found in the prisoner’s possession. Now at the bottom of them is - “Mercantile accounts by single entry - bought Ledger - Jarrold and Sons, 1 - Mercantile accounts by single entry, Jarrold and Sons, 2.”

Now I shall call those gentlemen before you, and they will prove they are in the habit of selling books of that kind in sets of five - two of them are smaller books. They will tell you the marble covers of these books, though not the same colour, are the same; they are sometimes of one colour, and sometimes of another; they will tell you that this outside sheet is thicker than usual, and you will see

whether this outside sheet and this outside sheet do not in that respect correspond; but they are sold in sets of three - here are two found, but not the third, and you will observe, that they have a white label upon. Gentlemen, if you look here, you will see the place where a white label has been, and has been scratched off - it corresponds in size with the white label which should be there; but its being scratched off, we cannot read it, and of course cannot tell you whether it is or is not the same.

The second observation, therefore, with respect to the papers dropped in the Hall is this - I shall give you evidence that the writing is upon the cover of a book, a like book to which Rush had, and which book now, for some reason, to us unexplained, is absent. What has become of the inside of that book, I do not know, but Emily Sandford will tell you, that when she went up into his room the second time that night, there was a bright fire burning in his grate, which would give the means of disposing of the inside of the book; and I may as well mention it here, with respect to the boots, that he went up at night with his boots; he came down without his boots. What has become of those boots we have not been able to discover, but we have ascertained this, that boots, as well as paper are capable of being entirely destroyed by an ordinary fire. Now, Gentlemen, this paper then will be the second branch of the direct evidence against the prisoner. The first will be the testimony of the people at the Hall; and the second, this paper that was left. Now, Gentlemen, this person who did it must have been a person who knew the house; it was undoubtedly a person of the size and shape of the prisoner. It will be clear to you that the prisoner was from home at the time. Gentlemen, I am afraid that when the prisoner comes to make his defence to you, you will require a satisfactory answer to this question - Where was the prisoner during the time that he was absent from his home on that and on the previous occasions? Gentlemen, I shall say no more to you on the subject of motive, or on the subject of the threats, but you will also ask yourselves this question - the CORPUS DELICITI - the fact of the murder being perfectly clear, and I calling before you both Jermy and Larner to exculpate themselves - who else is or can be suspected!

“My only other observation is this. There is a witness, who under ordinary circumstances, you would expect to have been called. I mean that unfortunate Mrs. Jermy. I will prove to you, that she is now in a state in which she cannot be removed without danger to her life, and upon mature consideration, it seems to us doubtful, whether any statement of her’s would, even under the recent Act of Parliament, be admissable. Under these circumstances you will not hear any evidence on the part of Mrs. Jermy. It will be for you to say whether the evidence satisfies you; that it is a thing impossible for us to bring her testimony before you. “Gentlemen, that is the case. My Learned Friend reminds me that there is an observation which perhaps I ought to have made but rather prefer, as far as I can, to state facts than make observations; but it is an observation which I ought to have made. I have told you that the man who did the deed had a cloak on. I will show you that which the witness supposed to be the cloak was in possession of Rush, but I cannot tell you how Rush was dressed when he went out, not how he was dressed when he returned, for this reason, that he went out when Emily Sandford was in the parlour, and did not come in until she, having opened the door, had returned back again, but I shall be able to show you, upon another occasion, he took active precautions that he should not be seen.”

Mr Serjeant Byles, having already spoken several hours, laid down his notes and commenced his concluding remarks. “This, gentlemen,” he proclaimed, “is an outline of the case. It consists first of all of two species of direct evidence, and it consists also of that which sometimes is the only evidence that in a case of this kind can be brought before a jury - namely, circumstantial evidence; because when people meditate crimes like this of course they will take care to surround themselves with all those circumstances which will conduce to secrecy. That is so in this case. It is sometimes impossible to bring direct evidence before a jury. Gentlemen, you have heard a great deal about this case. You will dismiss all you have heard from your minds, and attend only to the evidence. This prisoner has a right to require of you that you should sift the evidence minutely, and if you entertain, not any fanciful and capricious, but any reasonable and solid doubt, you will give him the benefit of it; but, gentlemen, you have a duty also to discharge to the public, if you have no reasonable doubt.

Society, which otherwise would fall back into its original barbarism, expects that outrages like this should be repaired by the iron hand of the law. This is a case of unusual publicity. The eye not only of this great assembly, but I may say of your countrymen is upon you. Gentlemen, that will not influence you, further than to make you more anxious to discharge your duty, and to adhere to the golden rule of human conduct, which, believe me, is this – to do one’s duty, and to waive the consequences”.

And the prosecuting counsel, obviously exhausted, dropped into the chair that was placed for him.

CHAPTER VI

THE CASE FOR THE PROSECUTION (continued)

Following the evidence of James Watson, who recounted his knowledge of the crime as previously set forth, a sensational element was imparted into the proceedings by the testimony of Eliza Chastney. The wound of this unfortunate servant was healing very indifferently, and to all ordinary intents and purposes, she was quite unfit to appear, but her evidence was so extremely important and so essentially indispensable, that she was carried to the court in an improvised palanquin. She was medically attended throughout the proceedings and delivered her evidence bravely, speaking in a recumbent posture, and plainly avoiding the sympathetic and anxious scrutiny of the prisoner.

In detail, she described the circumstances of the outrage as far as she was associated with them. "I distinctly saw the head and shoulders of the man who shot me," she declared tremulously, "I formed a belief at the time who the man was. I have had no doubt in my mind about it." Silence followed her words. A pin, dropped at that moment, would have been most assuredly audible. "Whom, do you believe it to be?" Asked Mr. Prendergast, another prosecuting counsel. Chastney, her eyes burning with sudden excitement, and probably with intense loathing, stretched out her hand, attenuated by prolonged illness, and, pointing directly at Rush, exclaimed; "THAT MAN!" Her voice was clear and emphatic, and, considering the weakness of her condition, there was, in the raising of her arm, a rather pathetic defiance. Rush trembled visibly, and his cheeks slightly lost colour. But both effects were momentary, and he had recovered his self-possession before the next word was spoken.

The cook at Stanfield Hall, Martha Reed by name, incidentally referred to a meeting with Emily Sandford, and Rush pounced upon her words with energy. In a few crisp utterances, he implied that the two women had arranged some story between them. "Indeed, no," protested Martha, "I saw Emily Sandford at the hall that day after the murder, but she merely asked for a glass of water which I brought for her." "Recollect," said Rush, "God almighty sees you and hears all your say." "I am speaking the truth," replied the cook, placidly.

On the second day of the trial, the evidence of Emily Sandford was heard. Her entry created in Rush a veritable tumult of excitement. He turned agitatedly to the judge. "I must make an observation," he cried. The judge briefly objected. "I have a higher power than you, my lord," persisted Rush, "and I say to this witness that I am innocent of this charge." "It will be for the jury to say so." "But I must caution her to speak the truth," shouted the prisoner, "I wish to tell her to consider what sort of evidence she is about to give..." The judge intercepted sharply. "You will do yourself no good by—" "I cannot help it," burst in Rush, "you forget I can prove my innocence." "No one will be happier than myself that you should do so," said the judge. "I have never been angry with her from the first," declared the prisoner, suddenly tearful, "although..." "I cannot allow this," exclaimed Mr. Baron Rolfe, "you are entitled to be in court while the evidence is given unless you misconduct yourself; otherwise, you must be removed." And with a helpless gesture, Rush took his seat in the dock.

Emily Sandford's evidence, which was not at all in accordance with the instructions given to her by Rush, bore out a number of the points advanced by the prosecution, and the prisoner, who was noticing the tendency of affairs, became more and more irritable. "Pray do not talk so loud," he snapped, interrupting one of Mr. Prendergast's questions, "I can hear you and if I can, the witness can also."

The most important part of Emily Sandford's evidence was her description of Rush's doings on the evening of November 28th. "We had tea, Miss Sandford stated, about six o'clock. I had been preparing for a concert during the day. He said he was not well. We had a great deal of conversation, and he said he should not go to the concert. At this time I proposed to go. He asked me if I should be much disappointed if I did not go. I replied "No, not in the least if your are unwell." He said we could

go to the morning concert on the next day. During our conversation he said he should go out that night again. I objected; asked why he should go out, and if there was not something more besides poachers for which he was desirous of going out. He said there was. 'I could not wish to know then, for I should know at another time.' He asked how many times he had been out, and I said five or six times. He then said he should only have or two more times to go out, when he should be lucky and succeed. I had been reading with him alternately a book of Scottish history, and he asked if I recollected the anecdotes of Bruce. Bruce had succeeded in an object the seventh time. He thought he should also succeed the sixth or seventh time, and would try again that night. He said you recollect Bruce sat watching the spider, which made several attempts to spring to the wall. It tried six times, and the seventh time succeeded. The spider succeeded, the Chief succeeded, and he should succeed. We continued to converse some time. I asked why he looked at me so – he looked and cried. He quitted home about half past seven." "Throughout teatime he had treated me most affectionately and had summoned me and kissed me in the middle of the meal." And Miss Sandford burst into tears. "I ask you," said the prisoner from the dock, "did you think it possible at that moment that I could ever be guilty of such a crime as this?" "No, replied Emily, with tears coursing down her cheeks, "I should never have dreamt it possible never!"

Rush's cross-examination of Emily Sandford lasted the greater part of the day. It was evident from the first that he feared her testimony, and made several apparent attempts at frightening her into agreement with himself. He persisted in entering into details which were quite irrelevant and decidedly obnoxious, and bewildered her with the most trivial and unnecessary questions. Frequently, he called upon almighty God, and once he confused her with an ardent avowal of undying love and fidelity. His questions tumbled over one another so rapidly and incoherently, that the judge finally exclaimed that he could not allow the cross-examination to proceed in so unrestricted a manner.

The period of his absence from home on the evening of the 28th was a point which received particular attention; "I ask you, said Rush, "upon you oath if you think I was absent more than half an hour?" "It is impossible for me to say exactly," replied Emily, "as I was reading an amusing work. You appeared sooner than I expected." Questioning proceeded thus: "Can you, after hearing what I had to say about going out, and I should not be so long as I was other nights, say that it was more than half past eight when I returned? I should say it was nine and more than nine, but I did not look at the clock or at my watch. "You say you did not look at your watch when I came home?" No, nor at the clock? I did not hear the clock. I was in the parlour. "On so solemn an occasion as this, will you swear that it was nine o'clock when you let me in that night? I can't swear to it. I can only swear from my own calculation that it was nine or half-past nine. That was my calculation. I had not watch to look at.

Rush became still more annoyed. Probably afraid that he might lose his head for a moment and say something rash and incoherent, he remarked to the judge on the exhausted condition of the witness. "I do not wonder at it," said his lordship. You have now subjected her to a cross-examination of five hours; with the exception of about a dozen, the innumerable questions you have asked, are wholly irrelevant. How can you determine that question? cried the prisoner "I say you have no right, my Lord, to make that observation." "I can only say amended the judge, that at present they do not appear to be relevant. You are quite right, however, in saying that I have no right to say that they are not relevant. You must take your own course."

Rush accordingly questioned Miss Sandford on every conceivable detail. He never appeared to recognise when a point was going against him, for he invariably persisted in elaborating it and underlining it still more damning. His cross-examination of Miss Sandford lasted in all thirteen hours. Several times the witness lapsed into weeping, and several times faintness overcame her. But her evidence, from beginning to end was never shaken in the smallest possible degree. The case against Rush seemed hopelessly, miserably black.

CHAPTER VI

THE CASE FOR THE PROSECUTION (continued)

Honor Holmes, a kitchen maid at Stanfield Hall, stated that on the evening of the outrage she, together with two other maids, was chatting with three fancy men in the Hall grounds. She heard the report of a gun or pistol, followed by a groan. One of the men declared he saw somebody against the hall, a moment later a door banged very loudly. She entered the home via a side door, and immediately went to the assistance of Eliza Chastney, who called to her from the hall. Jesse White, a Wymondham accountant, said he had known Rush for ten or twelve years. He had copied inventories and other papers for him. He identified the writing on the paper found in the servants hall as that of Rush himself.

Thomas Jarrold, a Norwich stationer, deposed that in 1844 he made particular sets of mercantile account books for book keeping. Certain of these being sold to the prisoner. He recognised the covers on which the message was found pasted in the servants hall, as once having belonged to the account books in question. Samuel Bignold, gentleman, stated that he knew the late Mr Jermy and was acquainted with his handwriting. The signature attached to the cancelling of the mortgage debt was not (to his belief) the late Recorders. The 'J' was not at all like the deceased gentleman's, and he really never saw him write his name in that way.

William Frederick Howe said had met the prisoner Rush in London, where they had held conversations. Rush, with reference to a pugilist named Samuel Simmonds, remarked "if I could strike like Simmonds I would knock Jermy down as I would a bullock." Robert Smith, who had been in the employment of Rush, stated that he laid down some straw, by Rush's direction, on part of Potash farm. He scattered some straw through the fifteen acres in the path on the bank, through the half way of the fifteen acres, in the worst of the places where it was dirty. He did not lay any straw down in the path along the seven acres. He only went halfway along the fifteen acres. He laid the straw about noon or two o'clock on Tuesday, the day of the murder. He had never received similar orders on any previous occasion.

Constabulary evidence was heard in detail, the prisoner's remarks at the time of his arrest being recited and corroborated by several witnesses. The policeman, George Pont, found in a closet in the prisoner's room, two guns, double-barrelled. Henry Hubbersty, also a constable, found in the same place, "a black wig, with a pair of whiskers attached."

Mr Bacon, sherriff's officer, testified to a statement made by Rush that "he was d---d if he would not do for Mr Jermy.... the first opportunity." Richard Read spoke of an agreement signed by Rush to assist the claimants to the Stanfield hall property. Thomas Jermy, whose "signature" was attached to the paper found in the servants passage, made a very brief appearance. "Can you write,?" asked sergeant Byles. "No, sir" said the witness. "That is all I have to ask him," said counsel at which the prisoner burst into laughter.

After a great deal of evidence with very questionable bearing upon the case, the time arrived for Rush to open his defence. The lights of the court had been burning for some time and the November darkness had fallen quite an hour ago. "I trust, my lord," said the prisoner "you will not call on me at this late hour, to commence my defence?" "Do you not think yourself able to do justice to it?" queried the judge. "Not at this late hour of the day" said Rush. "Then I certainly shall not call on you," announced his lordship. And the court was adjourned till the morrow.

CHAPTER VII

THE PRISONER'S DEFENCE

On Tuesday, March 3rd 1849, Rush made a speech of defence which, in certain respects, may be numbered among the most remarkable in criminal history. On this day, public interest, which had somewhat declined, rose to an unprecedented height. The court was quickly crowded, the gallery being filled to excess by broad-minded and inquisitive females. As a safeguard against possible violence on the part of the prisoner, the iron spikes adorning the dock, as well as the arched iron-work, also spiked, was covered with lengths of timber. In other respects, also, the court exhibited unusual signs of preparation and precaution, and an indescribable sense of morbid expectation seemed to permeate the atmosphere of the place.

Rush delivered his first few remarks in a very low voice, and was evidently suffering from anxiety. Initially, his narrative was clear, but gradually it became involved, and at length the full meaning of his observations was frequently lost. "I trust," said he, speaking emotionally, "that you will find I have so prepared my defence in accordance with truthfulness that I shall satisfy you, and that God may so be my Counsel as to lead me to convince you, gentlemen, of my perfect innocence of this horrid change.... this change so unjustly brought against me."

After further preamble of a more or less similar nature, he twisted his references to the Stanfield Hall claimants. When these person had come down to Potash, he had gone out to meet them, though he told them at home that he had gone after poachers. He soon saw the persons who had come down, and followed them into the fields, near the stacks. They then asked him what he thought of the matter of their taking possession of Stanfield Hall, and he replied that it was full of danger, if attempted with violence. The party to whom he talked was an attorney from London, and replied he did not think the attempt dangerous, and also that seven or eight persons who were with him thought alike on the point, and that the whole party would meet on the spot on the next night. His reply to this announcement was – that they would repent if they did so, as others had done before.

"On the night of the murder," proceeded Rush, "I did not go out till eight or nearly half past eight. I left Potash, and went to the end of his lands. I thought I would go to the Hall, but going along I thought I would not go near them. I thought they would not come till the morning, when I walked round to the plantations – for Jermy's plantations ran round there. I waited by the Hall lands five minutes. I felt very ill. I distinctly heard the report of a gun or pistol in the direct line of the Hall; I heard two more, but no so loud. I was struck with amazement, for they had said that if they did take fire arms, it would only be to intimidate, but that they would not use them. I then heard the bell at the Hall ring violently, and I got back to Potash as quick as I could, and went through the garden to the house.

Owing to having requested Emily Sandford to state I was not out more than ten minutes, I feel I have brought suspicion on myself. I did not reflect as I ought to have done. Her having been at the Hall the following day, and persuaded that I was the murderer, had led to all the falsehoods she, as well as some other witnesses, have told. At this juncture Rush spoke heatedly after witness Margaret Read. He contended that never had a woman given evidence with a worse motive and a more hostile spirit than she had done. What she had stated before the Magistrates, was, that Eliza Chastney had left the servants' hall before she rushed out. When she got to the staircase hall, she saw little Miss Jermy, a child thirteen years of age rush out of the parlour. Why had not this girl been called? She would have spoken the truth. The reason was evident. It was in accordance with the whole proceedings in this case. He contended that never had there been a more gross instance of malignity and vindictiveness manifested than had been exhibited in this case, let the Learned Counsel say what they please.

Read said the man she saw was armed, was stout, and walked fast and looked like Rush. "He was coming towards the servants hall – that there was not light enough for her to see him – that there was only a small lamp in the hall and she could not see his features. He carried a short gun or pistol. She had seen the cloak, now produced, upon Rush, and it did not appear so long then as now." He hoped the Jury, after what he had said, would consider and ask themselves whether they would stake the weight of a feather against him. Would the witness have spoken about his dress had not Watson spoken about it? His opinion was certainly this, that she never saw any person in the passage at all, and that what she had stated was, therefore, a base falsehood.

Alluding to the evidence of the wig, Rush asserted that it was well known, that three years ago he lost his hair very much and got a wig made in Norwich, which would not fit. He returned it, and stood an action for it in the county Court. He then put the wig on, and the Judge of the County Court said at once, that no one could ever think of making him pay for that. He then had a wig made in London, but subsequently his hair grew again, and he never wore a wig like that twenty times in his life. He never made it a secret that he had the wigs.

Proceeding, Rush cast indignant doubt upon the evidence of Eliza Chastney. Was it probable, he demanded that she would be able to notice a person's appearance when a pistol was pointed at her, and when two individuals had already been shot? He would leave them to judge as to the weight to be attached to such evidence. When she came to be examined in Court, all doubt that had before existed seemed to have vanished, and she said it was the Prisoner whom she had seen several times at the hall. He defied any one, after having seen young Mr. Jermy lying dead, and her mistress shot, to have taken that notice of a person as would enable her to identify the murderer, especially as the party was disguised. The prisoner then reverted to the night of the outrage. He asked the jury to remember the darkness of the hour, and the time of night at which the murder took place. About such a time it was totally impossible for any man to walk from Potash to Stanfield Hall. The nature of the land would alone prevent this. There were three large gates, and wide and deep gutters, and no man could traverse the distance in the time that had been stated to commit such a horrid deed. But supposing that this were possible, was it likely, that knowing the Hall as he did, every crick and cranny being familiar to him, having been possessed of the Hall, and lived in it – having dined in the hall hundreds of times – knowing this, he would repeat, that had this dreadful deed been perpetrated by him, should he, or any man of common sense, have gone into the Hall by the small door, when the risk was run of meeting all the servants? Besides, there was the question of time. Remembering how, he had left the farm, he could not possibly have walked to the Hall and back within the time. Why, one of the police examined – one of those fellows with long legs, he did not know how long – stated that it took him twenty-five minutes to go to the Hall. A man with long legs, recollect, and going in the day-time. Now could any person, however well he knew the road, have gone in that time in the dark; could have gone in double the time? Then again about the putting down of the straw? The fact was, that there were many little pigs sent backwards and forwards, and it was necessary, on account of the mud, to lay straw for them.

Later in the day, Rush made a great mistake in persisting to read and comment upon the deposition of the injured Mr. Jermy. The judge informed that it might feasibly go against him, but he obstinately imagined otherwise. He would read that part of it that he desired to call their attention to. She said – "First of all I called 'Watson,' 'Watson'" and at the same time saw a man in the staircase hall; he appeared to come from the dining room way." That was exactly, almost, Chastney's words. "My impression is, he had a gun or long pistol, or some long instrument in his hand." That was just like the other. "He immediately fired at me. I felt I was wounded in the arm, I was so hurt, I ran up into the nursery. I don't recollect the firing of another gun; at the same time I heard Chastney call out Oh!" That is what Chastney said. "I could not see his face; it struck me it was Rush." That was a proof that there was a prejudice against him, and they would all suspect him unless they had taken the party in the fact. Could you think that a person immediately on being fired at in that way, could make any observation on what was going on? Did they not perceive that this was about the very time that he was in the habit of visiting Mr. Jermy, when he had business to transact with him. It was Mr. Jermy's

wish, when he (the Prisoner) wanted to see him, that he should always go up after dinner, about that hour; and therefore this might be one reason why it had struck her that it was him. But there was no foundation for this belief, and the statement which she made in her evidence in chief was contradicted by her answers to his questions in the cross-examination. If, however, they should credit her first statement – he hoped God Almighty would forgive them. Mrs. Jermy said, “My impression was that the person had a great coat on.” Now what did they think of that statement? That was the observation of one witness, whilst another with equal positiveness described it as a cloak. These discrepancies showed the way in which this evidence had been got up. He contended that Mrs. Jermy had given the best description of the man, and he had no hesitation in saying, from a perusal, that she had accurately described his dress.

For the advancement of these points, and several other unimportant ones, Rush claimed the hearing of the court for upwards of thirteen hours and a half. There were moments when his voice reached a loud excitable pitch, and there were moments when he was scarcely audible. “I wish”, observed the judge, on one of the latter occasions, “that you would try and raise your voice. I cannot possibly hear your observations.” “I am weak from long talking,” replied the prisoner wearily, “but I will try to do whatever you ask.” His attitude was frequently critical. He attended to the persecution as “malignant”, spoke of a witness as “frizzle-headed”, and referred to another as a “shrivelled-up thing”.

Every now and then he punctuated his speech with religious phraseology, delivering these portions in the approved attitude and style. “I call upon God to witness I am innocent,” he cried with vehemence, “and I defy those learned gentlemen, with all their eloquence, to bring an atom against me that will bear.” Rush, it is feared, recognised too late his mistake in not employing counsel. “Bear in mind,” he said in an appeal to the jury, “that the men employed against me are distinguished for great eloquence and talents and that they have had every facility for getting up this prosecution afforded them; whilst I have been refused these documents and papers so necessary to my cause and have now to meet evidence with the nature of which I am wholly unacquainted”. And in his final appeal, he employed all the emotional eloquence of which he was capable and addressed the jury in an anxious tearful voice. “Take time to remember,” he asked, “all the circumstances of the case and all the evidence given. Weigh it in your minds and by all means take into consideration my dear little children. If you are not quite satisfied, which I hope you are, of my innocence – if you have any doubt upon your minds, take time to consider and dwell upon every fact before your return from verdict. And for God’s sake – for the sake of my little children, whose hearts are almost bursting with suspense, and for the sake of your own families and children, do not, I implore you, do anything contrary to the real facts of the case. I am certain God’s goodness will influence your verdict in my favour, and that he will guide you.... may God almighty bless you. That He should give you wise and understanding hearts is the prayer of one who expects justice at your hands; for the sake of my dear little children, who are destitute of a mother, and who are looking to you, gentlemen, to give them back their father!”

CHAPTER VIII

THE SENTENCE

Mr. Serjeant Byles having replied for the prosecution, his speech was more or less enumerating the points of evidence unleared by Rush, and indicating certain fallacies in the prisoner's address, the court sat resignedly patient while his Lordship summed up the case at considerable length.

With his expressive mouth drawn into a thin straight line of severity, Mr. Baron Rolfe alluded in carefully chosen terms to each important piece of evidence. In every instance he quoted the prisoner's defence, repeating with a justice that was perfectly unassailable, every minutest point that could conceivably assist the prisoner. But there were certain failures of this case which would have surely baffled the most skilful advocate of the day and left him hopeless on his client's behalf. His Lordship recognised this.

"Motives have been discovered," he observed solemnly, "that cannot but be considered evident. There were documents forged, and it was evident that those documents could only be available by the death of the parties then in possession of Stanfield Hall.... Taking into careful consideration all the facts of the miserable case, public duty makes it imperative that you gentleman of the jury, say if the prisoner is guilty or not. If there is anything which leads you to the conclusion that the prisoner is innocent, then you must find him not guilty. But, at the same time, I must remind you that it is not permissible that any body of men acting as jurors should conjure up doubts or say that doubts exist if from the bottom of your hearts you feel that there are none." A movement of the Speaker's hand intimated the conclusion of his address. Rush, who was breathing heavily, cast an appealing glance at the jury. He seemed about to speak, his mouth opening slightly, but he decided to say nothing, and followed the departure of the twelve men with anxious burning eyes. Then when the twelfth had disappeared through the door, he collapsed into his chair, and waited.

The atmosphere of the court which was very indifferently ventilated, was hot and extremely oppressive, and the air seemed to positively throb with excitement. Every eye was bent upon the dock, but only the top of a tousled head was visible, and this was perfectly motionless, so that it was not assumed that the prisoner was weeping. Perhaps he was only thinking?... regretting? Perhaps.... praying? Who knows what worthy or unworthy surmises passed through the minds of those important spectators? And who can imagine the phantoms of thought which must have risen before Rush in that terrifying moment of his life?

Only ten minutes, and the jury slowly returned. Instantly Rush rose from his seat and searched their faces earnestly, labouring under the stress of great emotion, but evidently determined to exhibit little or none of it. Then, briefly and formally, the clerk asked for their verdict. "GUILTY!" said the foreman. And there was a short fearful silence. "My Lord," cried the prisoner passionately, "my lord, I am innocent of that, thank God Almighty!" and he stood as one utterly and completely astounded.

Almost a moment later, the judge commenced to speak, the black cap resting on his head, and his white hands clasped tightly in front of him. "James Blomfield Rush," he said in clear measured tones, "after a trial unusually protracted, you have been found guilty of the crime of wilful murder – a crime the highest that one man can commit against another. The deepest and blackest crime may have some circumstances of mitigation, but I regret to say in your case there is every circumstance which makes it one of the deepest dire, and committed under circumstances the most horrible. It appears from letters that you yourself have written that to the father of the unfortunate gentleman to whom you have exhibited such malice you owed a deep debt of gratitude. You commenced your career by a system of fraud, that of endeavouring to cheat your landlord; you followed this course by making that unfortunate girl – whom you seduced – the tool by which you committed forgery; and having done this, you terminated your guilty career by the murder of the son and grandson of your friend and benefactor...."

“Let me remind you that – no concealment of the truth will cast the slightest doubt upon the correctness of this verdict the jury have returned – no confession you may make, or repentance you may show will more fully prove your guilt – no taper light you can add will be an increase to the broad daylight already cast upon your case; all I can conjure of you is, that you will devote the few remaining days that are allotted to you to your own reflection and repentance, and to making your peace with God before whom you will shortly have to appear. It is presumptuous to trace the finger of God in the close development of guilt and crime, but the mind does delight sometimes to make such investigations, and in your case it may be so traced – for had you performed your duty – had you performed your promise to that unfortunate girl – the promise you made her to make her your wife – her lips would now have been closed against you; for a wife’s lips are sealed against her husband’s offences.” “I did not promise, my lord,” murmured Rush. He was listening passively, his eyes bent mechanically upon the speaker.

“You have been convicted,” pursued the judge, “on evidence so clear that any further comment is unnecessary. It only remains for me to pass the sentence of the law upon you, which is, that you be taken from hence to the place from whence you came, and thence to the place of execution, there to be HANGED BY THE NECK UNTIL YOU ARE DEAD, and that after death your body be buried within the confines of the prison in which you may be confined prior to your execution, and may the Lord have mercy on your soul!”

It was over. From the body of the court came a few guttural sobs, while a sound rose from all like a long indrawn breath. Rush remained standing.... his cheeks colourless, and his pulpy eyelids closed as if in sleep. Then with a sudden movement, he seemed to recover his self-possession, and glanced almost amusedly in the direction of Emily Sandford. The hand of a warder touched his shoulder, he turned smiled, and with a callous observation, left the dock.

CHAPTER IX

LAST SCENE OF ALL

On April 21st 1849, in the sight of a dense throng of people Rush walked placidly to the scaffold. Throughout all the terrible preliminaries his demeanour was calm and emotionless, and, in this same spirit, he expiated a crime which was never confessed. "The grace of our Lord Jesus Christ," read the chaplain slowly and tremulously, "the love of God, and the fellowship of the Holy Ghost"

Then, in accordance with the condemned man's wish, the fatal moment marked the closing of this passage; the signal was given, the bolt was drawn, and Rush, almost without a struggle, passed into eternity.