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THE ASSIZES.

WESTERN CIRCUIT.

At Exeter, on Saturday, before Mr. Baron Huddleston, THOMAS POLGLASE, 48, miner, was charged with the wilful murder of Charles Shearman. Mr. W. Molesworth St. Aubyn and Mr. J. Alderson Foote prosecuted for the Treasury; Mr. Rockingham Gill defended. The deceased was employed as a navvy on the line in course of construction between Helston and Gwinear-road. On Sunday, July 18, he was leaving the district, and had been drinking with some others, who late that evening left him lying in a sheltered spot by the roadside. He must afterwards have got up and gone to a haystack belonging to the prisoner, where he seems to have covered himself up with hay and gone to sleep. The prisoner was a farmer and miner, living with his sister at a cottage near Helston. He was in the habit of leaving very early on Monday mornings to go to the mine, and on Monday, July 19, he got up as usual and had breakfast, his sister having got up before him. About 4 a.m. he went out to have a look round before leaving, and went to the rick, which was about 30 yards off. He came back soon afterwards and told his sister there was a man lying down by the hay. He then took out of a cupboard a large axe used for cutting turf, and went out with it. His sister said he looked very frightened. He was out again about 10 minutes and returned bringing back the axe with him, and told his sister he was going for a policeman. He then left, and his sister being frightened went to the neighbours for help. The unfortunate man Shearman was then found to be the man lying in the hay; he was quite dead, and terrible injuries had been inflicted on his head and face. The prisoner went straight off to Porthleven and called up a policeman, and to him and his wife separately the prisoner gave an account of what he had done. He said he wished the policeman to return with him at once as he had found a man lying in his hayrick. He had spoken to the man three times and told him to come out as he had no right there. Receiving no reply, he went in and told his sister, got the axe, gone out and spoken to the man again. He saw the man move his shoulders and open his eyes. He gave the man time to clear out, but as he did not get up or speak he had given him a blow over the head with the axe. The prisoner concluded by saying he did not know, but he was afraid, that the man was dead. The policeman returned with the prisoner to the spot where the deceased was lying. The body was covered with hay, but the right hand, arm, and hat were visible. The prisoner went into the house

and hat were visible. The prisoner went into the house with the policeman and took the axe out of the cupboard, telling him it was the one with which he had done it. To the neighbours who were by the body the prisoner admitted he had done the deed, and on one of them asking why he had done it, he replied that he was afraid the deceased had firearms and would kill him. The prisoner was then taken into custody. When before the magistrates the prisoner said he had done it through fear. By order of the Treasury authorities, the prisoner was examined on several occasions last month by the superintendent of the Cornwall County Lunatic Asylum, who stated that the prisoner was not of unsound mind, though he considered him not of average ability. The medical officer at the Bodmin Prison, who had also examined the prisoner, considered him sane. The prisoner's sister said that a fire which had occurred near them shortly before had made him very nervous in case anything should happen to his hay. Another witness, who had known the prisoner 30 years, said he had always been a quiet peaceable man, but could not bear much to agitate him. No witnesses were called for the defence, but it was urged that the prisoner was not guilty of the crime with which he stood charged. His Lordship in summing up pointed out that from beginning to end the prisoner had admitted that his was the hand that had caused the death of the deceased. The question for the jury was whether the prisoner was guilty of murder or manslaughter, and whether at the time the prisoner was insane or not. His Lordship then enlarged on the law applicable to the case, and reviewed the evidence that had been given. The jury, after deliberating for three-quarters of an hour, found the prisoner *Guilty*, but strongly recommended him to mercy. In arrest of judgment, the prisoner said it was all through fright, and that he did not intend to hurt the deceased. His Lordship said he feared the prisoner was of a morose disposition, and had cruelly and brutally beaten out the deceased's brains. He would take care that the recommendation of the jury should be forwarded to the proper quarter. He then passed sentence of death upon the prisoner in the usual form. With this case these assizes ended. They have been somewhat remarkable, as, out of a grand total of 24 cases, there were seven in which "no bills" were returned by the Grand Jury; one prisoner did not appear, and his recognizances were estreated, eight prisoners were acquitted, and there were only eight convicted.