

LAW INTELLIGENCE.
NORFOLK COUNTY SESSIONS.

INTERESTING CASE.

On Thursday, at these County Sessions, was argued before a bench of near fifty Magistrates (Mr. Blofield Chairman), a cause, which, from its novelty, and the parties concerned, had for some time greatly excited public curiosity. Our readers will recollect, that one of the charges which were brought against the Duke of York, was his refusing Major Whichcote Turner leave to sell his commission; he, the Commander in Chief, being guided by the will of Lucy Anne Sinclair, or Sutherland, who was supposed to have some considerable influence with his Royal Highness.—Major (now Mr.) Turner resides at Buckingham, near Attleborough, in Norfolk;—and for some time Mrs. Sutherland had lived with him. Altercations had arisen between the parties, and Mr. Turner exhibited articles against this lady for a breach of the peace, stating in his affidavit, that he was in bodily fear of his life, for Mrs. Sutherland had once declared in Kent, she would be revenged on him; that since that time, on the 8th of March, she came to his house in Norfolk, and took possession of it for some days; but when Mrs. Sutherland came, he went away into Suffolk. On Sunday, the 4th of June, Mrs. Sutherland came in the morning, before he was up, and again took possession of his house. He, the exhibitor, went away to his brother-in-law's, the Rev. Mr. Methwold of Stoneham; and on their return on the following Thursday, the affidavit stated Mrs. Sutherland locked the door against him, but it was afterwards opened; and that when Mr. Turner and Mr. Methwold went in, Mrs. Sutherland, holding in a menacing manner a large iron fork in her hand, exclaimed—"If that rascal touch me, I will run this through his thick head!" The affidavit went on to state, that Mr. Turner applied to the Hon. George Herbert to exhibit articles of the peace against her, when she again behaved violently; and he, Mr. Whichcote Turner, being in bodily fear, begged that Court to restrain the said Lucy Anne Sinclair Sutherland from maiming him, by finding sureties for her keeping the peace.

Mr. Alderson, as Counsel for Mr. Turner, having stated the contents of the affidavit, contended that Mr. Turner having sworn to the matters contained in it (and if he had sworn falsely, he might be indicted for perjury), the Court ought to grant his petition, and that Mrs. Sutherland ought not to be permitted to reply, either by herself or her Counsel.

Mr. Plumtree, in a manly and energetic speech, observed, that the very foundation and greatest ornament of the British Law, was, that no one could be condemned unheard; and he was convinced that the Bench would attend to Mr. Cooper, Mrs. Sutherland's Counsel, and Mr. P. desired Mr. Cooper to claim his request to be heard, not as a favour but a right.

Mr. Cooper then, in a long and able speech, and quoting some legal precedents to prove he was correct, addressed the Court in behalf of his female client.

Mr. Alderson commented on the observations of Mr. Cooper, and on the conduct of Mrs. Sutherland, on whom personally he made some severe remarks. He also declared that Mr. Turner had a most comfortable house, and he might enjoy many luxuries, that his mother and sisters were living with him, that Mrs. Sutherland's presence and conduct prevented their enjoying that home, and that Mr. Turner's relatives and friends were thus precluded visiting him.

Mrs. Sutherland then rose, and with unaffected, but most impressive eloquence addressed the Court, telling a plain unvarnished tale, which left no doubt in the minds of her auditors, of the ill-treatment she had received; and when it is recollected that Mrs. Sutherland possessed all those advantages which an excellent education, and the most polished society, not only this kingdom but the Continent had afforded, it is not a matter of astonishment, that her temper should have been somewhat ruffled by the unmerited behaviour she had experienced, and that, in an unguarded moment, expressions of anger should have escaped her lips.

The lady spoke nearly in the following words:—"I have been desirous to address this Court, not only that I might show how many of the circumstances related before you have been most partially stated, but also to convince you, that there has not been any part of my conduct which can warrant the proceedings Mr. Turner has adopted. First, it has been said, that I forcibly got possession of Mr. Turner's house, and that at an early hour, before he was up. The fact is, that I arrived in the village over night, in my own carriage, but too late to procure a bed, and I was obliged to remain in my carriage. About seven in the morning, I went to Mr. Turner's, and sent one of his servants to him with a message saying, I wanted to see him on important business. It is true I did alight, and went in—Where? into that house, which as Mr. Turner's Counsel has stated, boasts of all those comforts that afford so much gratification to his mother, his sisters and his other relatives?—true, Gentlemen; but those comforts were procured by my money—with the supplies from my purse was that house made what it is; and for a long time has Mr. Turner been maintained by means of living on my property! Those comforts I ought to have shared with him—and I should have shared them, had he not, in his conduct towards me, violated every principle of religion, conscience, honour, and morality.—My acquaintance with Mr. Turner originated from the most honorable offers; and he felt and expressed himself highly honored when I accepted them. Although afterwards obstacles arose to the fulfilment of his promises, he still professed the same attachment, and I indulged him in every wish which could contribute to his happiness, trusting his affection would be as lasting as it appeared sincere. But altercations, occasioned by his ill-treatment, had arisen, and I went to Mr. Turner's house to claim my own property. Mr. Turner would not even see me, but sent for a constable, who, when he came, said, he did not perceive how he could exercise his authority, I not having violated the peace. Then Mr. Turner went to consult a Magistrate, the Hon. George Herbert; but Mr. Turner,

on his return, told me, he did not wish to interfere, stating, that a female relative of his wife's father was very intimate with me, and that I was a great favourite with her. As I have before stated, I had been travelling all night, and I was much fatigued; I had while sitting in his room a book in my hand and a writing desk on which I rested my feet. Mr. Turner, in forcibly taking them both from me, nearly knocked me off my chair. He then left the house, locking up the chambers, giving orders not to permit me to have a bed to lie upon, nor yet any thing to eat or drink; and for five days and five nights, I was obliged to keep in a small parlour, and was indebted to the liberality and humanity of the neighbouring villagers, who sent me some blankets, some victuals, and some wine, for they always greatly interested themselves concerning me. Upon Mr. Turner's return on the following Thursday, he brought with him the Rev. Mr. Methwold, of Stoneham, in Suffolk, his brother-in-law; and I having been previously informed that Mr. Methwold was a Gentleman of violent temper, was determined to show to them, that I was not easily to be intimidated.—As to the Rev. Mr. Methwold it was represented to me, that, during the time he passed in London, he was always to be found at Tattersall's, and (Here Mrs. Sutherland was called to order by the Bench, for entering into extraneous matter). "I merely, continued Mrs. S. intended to explain the reason why I thought it necessary to put myself upon the defensive—not that I thought Mr. Methwold as a clergyman, would himself attempt to use any violent means, but that it was probable Mr. Turner might be infligated by his advice so to do; and the reason why my door was at first locked, was because I was not dressed, and my servant informed them it should be opened as soon as I had my gown on—and I did immediately afterwards open the door. I said 'I trust you do not mean to treat me with violence.' There was, on the chimney piece, a small fork with which I had been toasting a piece of bread for my breakfast; I took it up, and addressing myself to Mr. Turner said—'If you do attempt to use any violence to me, I shall be under the necessity of defending myself, and I will stick this fork into your foolish head, not into your brains, for you have none.' Mr. Methwold replied, 'Lay down your fork, no violence will be used towards you.' I then held it as a fan, and jocosely said, that it looked very ornamental, begging them to recollect, that I should not use it, except called on in my own defence, and I then laid it down. Gentlemen, can it be believed, that so small and weak a person as myself, could use sufficient violence towards a man of Mr. Turner's athletic person, as to put him in fear of his life, when, with a single hand, or even a finger, he might have overpowered me? And, if you look at the size of my person, you will scarcely think I could reach his head and much less the place where his brains ought to lie. But, Gentlemen, I will also state, that Mr. Turner many times has used violent threats towards me; particularly at one time, when he opened the window and declared he would throw me out—and at another, when he threatened to overturn me in the curdle into a ditch; but I pointed out, that he would most assuredly accompany me in the fall—a foresight beyond his comprehension; and his own personal fears then restrained the menace. At length the Constable came, and carried me in the wet, to the Hon. Mr. Herbert's of whose excessive politeness, and extreme hospitality and other high qualities, his Counsel, this day, has made such a boast. When I got there, Mr. Herbert, the Rev. Mr. Methwold, and Mr. Turner, were at dinner; and notwithstanding Mr. Herbert's excellent politeness, I was compelled to wait a considerable time, till after dinner.—Mr. Herbert then informed me that I must enter into a recognizance to appear at the Sessions, but I refused to enter into a recognizance with Mr. Herbert, because I would not give up my claim to enter that house, where the most sacred engagements gave me a right to go. He then declared that I must go to Norwich Castle until the Sessions. To this I consented. It was ten o'clock at night—and as Mr. Methwold and Mr. Turner both slept at Mr. Herbert's, I solicited permission to sleep at Mr. Turner's, as my things were all there, but this was refused me; and I was compelled to go two miles for a bed, having previously appointed the next day to go to Norwich, if it did not rain. On the morrow (the Friday) I again went to Mr. Herbert's and it being very rainy, I said I did not choose that my servants, horses, or carriage, should travel in the wet; and added, those who sent must find me a conveyance to gaol. The Constable then applied all over the parish for a cart, but as soon as every person understood the purpose for which this cart was to be applied, the Constable every where was refused. On his reporting this to Mr. Herbert, that Gentleman replied, 'Then, get a sledge, that is good enough for her.'—(Upon this some remarks were made from the Bench, and Mr. Herbert strongly objected to such facts being related there)—Mrs. Sutherland replied, "I thought I was intitled to enter thus far into my defence—and I conceived it to be the more necessary, after the pompous manner in which Mr. Alderson, Mr. Turner's Counsel, had boasted of the politeness and attention with which I was treated by Mr. Turner and Mr. Herbert. In regard to my preventing Mr. Turner's family visiting him, I beg leave to state, that my birth, education, and present acquaintance, place me in a rank far superior to any of them; and as to Mr. Turner's connections being deprived the same pleasure, they would all, not excepting even Mr. Alderson and his family, have been highly honored. On the next day, Gentlemen, I came to Norwich in my own carriage, with the intention of going to gaol, but I had the good fortune to be recommended to Mr. Cooper as a Counsel, and he advised me against this measure, and I then consented to enter into a recognizance to appear here before you. I could state many other strong circumstances in my favour, but I am afraid the Bench will not be inclined to listen to me, and I have already occupied much of their time."

The Chairman stated to Mrs. Sutherland that no extraneous matter could be admitted nor private transactions, irrelevant to the point in question, be heard. Mrs. Sutherland then sat down; and after a short deliberation, Mr. Plumtree addressed the Bench of Magistrates; observing,

that it was the opinion of the Chairman, and in which, on mature reflection he coincided, that the affidavit of the exhibitor (Mr. Whichcote Turner) did contain sufficient, though none of the strongest grounds, for them to order the defendant to enter a recognizance to keep the peace.

Mrs. Sutherland then became much agitated, and, with tears in her eyes, again said that Mr. Turner had violated every principle of religion and honour towards her; and she hoped that the Court would take into their consideration, that her fortune was not now as formerly, having been so much decreased by Mr. Turner, for whom she had made the greatest sacrifices; and that her own personal application to him was the only means now left in her power to enforce either a propriety of conduct from him, or to recover any of her greatly diminished property, of which he had got possession.

General Money stated that the opinions of the Magistrates were by no means unanimous; and, being so divided, the question ought to be put individually.

Mr. Plumtree then collected the opinions of the Bench, when there appeared 28 Magistrates for, and 17 against Mrs. Sutherland's being obliged to find any recognizance. Afterwards another debate ensued on the Bench, whether Mrs. S. should be joined in her recognizance by two sureties?

General Money said if sureties were demanded, they ought not to be for more than £10 and he was ready to be one of them, as were likewise other Gentlemen.

Mr. Adair stated, that, having examined various cases on this point, he could not find one precedent which would authorize him in giving his opinion that there was any necessity in this case to demand a recognizance.

Some further conversation ensued, and the Chairman ordered the Clerk of the Court to inform Mrs. Sutherland, that it was the decision of the Court, that she should enter into a recognizance in the sum of £100 to keep the peace towards the exhibitor, Mr. Whichcote Turner, for the space of twelve months.

Mrs. Sutherland is an elegant figure, of the middle stature, a brunette, with fine dark eyes, and en bon-point.—Her manners are extremely fascinating, and she is a very accomplished woman, speaking fluently several languages. She was dressed intirely in white, with a small straw hat, tied with a little piece of blue ribbon, and wore a black veil. Mrs. Sutherland, by her story and her appropriate demeanour, during the trial, excited the general interest of the Court, and every one was anxious to catch a passing glimpse, as she was escorted to her carriage. Mr. Turner was very near Mrs. Sutherland the whole time, but he neither attempted to contradict any thing she said, nor did he ever once look at her.

JUST RECEIVED,
And for Sale at this Office,
A REPORT OF THE TRIAL OF
Edward Jordan and Margaret Jordan,
For Piracy, Robbery and Murder—together with
EDWARD JORDAN'S DYING CONFESSION,
To which is added,
The Trial of John Kelly,
For Piracy, compiled from Authentic Documents and
Notes of the Trials.
St. John, 2d April, 1810.

THE SUBSCRIBER
INTENDING to close his Business, requests all those indebted to him to make payment on or before the 1st of MAY next—All Notes, Bonds, or Book Accounts due twelve months, from that period, will be put into the hands of an Attorney, as he expects to leave the Province about that time—All those having demands against him, are requested to present the same for settlement.
HE HAS ON HAND,
A few GOODS, which will be sold low for Cash.
JAMES GRIGOR.
Saint John, 15th January, 1810.

NOTICE.
ALL Persons having any Demands against the Estate of WILLIAM DONALDSON, Senr. late of this City, Merchant, deceased, are requested to render the same properly attested within Six Months from the date hereof; and all those indebted to said Estate are desired to make immediate payment to either of the subscribers.
JOHN THOMSON,
HUGH JOHNSTON,
JAMES HENDRICKS, } Executors.
St. John, 2d April, 1810.

NOTICE.
ALL Persons having any demands against the Estate of MATTHEW TAYLOR, late of this City, deceased, are requested to present them within Six Months from this date; and all those indebted to said Estate, are desired to make immediate payment.
PHILO THORP,
SAMUEL AUSTEN, } Administrators.
Saint John, 19th March, 1810.

NOTICE.
ALL Persons having any demands against the Estate of BENJAMIN STONE, late of Queen's-County, deceased, are requested to render the same properly attested within Six Months from the date hereof; and all those indebted to said Estate, are desired to make immediate payment to
JAMES JORDAN, Executor.
Saint John, 26th February, 1810.

ALL Persons having Demands against the Estate of GEORGE NASH, late of Digby, deceased, are requested to render the same duly attested within Eighteen Calendar Months from this date; and all those indebted to said Estate are desired to make immediate payment to
DENNIS RUTHERFORD, Administrator.
DIGBY, 14th JULY, 1809.