



CHARGE OF CHILD MURDER

Elizabeth Butcher was charged upon the coroner's inquisition with the murder of her infant child, Ann Butcher. The prisoner had been indicted for the murder, but the grand jury had ignored the bill: she was therefore put upon her trial upon the coroner's inquisition.

Mr. Hodges conducted the case for the prosecution, and briefly narrated the facts of the case. The prisoner had been an inmate of the Cricklade and Wootton Bassett workhouse, and in the month of December she delivered of a child in the workhouse.

In January the prisoner wished to leave, and gave notice accordingly, which according to the regulations of the workhouse expired in three house. At the expiration of that time she left the house. The Child was then in perfect health. The mother left the house, taking with her the infant. In the course of a short time afterwards the infant was found dead and naked in a stream of water. Whether the child might have died from its exposure to the weather or from natural causes, or whether it had perished by being thrown into the water by its mother while yet alive, was the question which the jury were now called upon to decide. The learned counsel then called the following witnesses.

Jane Cook. – I am nurse in the Cricklade union. The prisoner was there in December, 1845, and was delivered of a child which was baptized "Ann." On the 9th of January the prisoner gave notice to leave the workhouse. When she came to go out I told the mistress she had no clothes to put on her baby. The mistress said she had better stop till she had sent to her aunt for some clothes, and she asked the prisoner how it was she had not brought any clothes, as she knew the rules of the house, that if clothes were not brought in there were none allowed. The prisoner said, she would not stop, but would go immediately. I took the union clothes off the baby, and it was then naked. I wrapped it up in a shawl and put some socks on its feet and a handkerchief round its head. The shawl belonged to the prisoner. The matron was present, and again asked her to stop after I stripped the child, and I told her so myself. The prisoner, however, left the house about 11 o'clock in the morning. It was a mildish morning; not cold as it is sometimes. I afterwards saw the dead body of a child. It was the prisoner's child.

It was here intimated that the prisoner had employed counsel. No counsel, however, appeared, and the case proceeded.

By the Judge. – I have called the child Ann Butcher.

Ann Coward. – I met the prisoner on the road on the 9th of January. She was going from Wootton Bassett. She was carrying a child which was crying violently. Her gown was wrapped over it. I spoke to her, and she answered. I did not know here before, but mistook her for another person.

At this moment Mr. Slade, an attorney of Devizes, who had been employed by the prisoner to defend her, entered the court with a brief, and said, that having been in court when the bill was ignored he did not

expect she would have been tried on the coroner's inquisition. (The brief was then handed to Mr. C. Saunders, and the learned judge read over his notes of the evidence.)

Ann Coward cross-examined. – I did not see the child; I heard it scream.

Charles Brown. – I live at Minety. On Friday the 9th of January, I was going along that road shortly before 2 o'clock. I met the prisoner walking. She had an umbrella and a little bundle, I rode on about a mile and was going over a little bridge. – I saw something in the water which appeared like an infant. I turned back and went to Mary Ann Langley's cottage. She returned with me and brought a rake; we went to the water, and she drew out the body of an infant. The water crossed the road. The body was not quite in the middle of the stream, which was three or four yards wide.

Mary Ann Langley. – The body was quite naked except a pair of socks on the feet.

John King, a policeman. – I apprehended the prisoner on the 10th of January, she has on a shawl and handkerchief, which I produced.

Jane Cook. – This is the shawl I put round the infant's body.

Cross-examined. – I saw the prisoner every day when in the workhouse. The child was healthy; it was troubled a good deal with the wind, and the surgeon sent a bottle of medicine for it.

The child had no clothes but those belonging to the workhouse, and it is the custom of the house to take away the clothes from the children when they are taken out of the house, even though they had no other clothes, and were left naked. I have called the child Ann Butcher. I generally call children by their mother's name as well as the Christian name.

By the Judge. – There was only one other infant in the house. The prisoner appeared very well when she left the workhouse.

Henry Dixon. – I am a surgeon at Purton. On the 10th of January I was called upon to examine the body of this child. I could not detect any marks of violence about the child. I made a post mortem examination of the body. The appearance of the viscera was healthy; nothing I could detect would account for sudden death. I cannot say what was the cause of the death of the child. I cannot say death was produced by suffocation in water.

By the Judge. – There was nothing to enable me to say it did not die from suffocation.

Mr. C. Saunders then addressed the jury for the prisoner. – It was of the last necessity that they should be cautious in their verdict, because upon that verdict depended the life of the prisoner. In this case there was not a sense of shame to account for the un-natural act of a mother destroying her own offspring, for the exposure had long taken place; all the world knew that she had had an illegitimate child. Before they could pronounce a verdict of "guilty" they must be convinced beyond doubt that the child met with its death by drowning. After the evidence of the medical man, how could they say that the death was caused by drowning, as laid in this inquisition?

Mr. Baron Rolfe summed up the case to the jury. The evidence was circumstantial. The child might have died from natural causes, or it might have died from drowning; and it was for the jury to decide.

The Jury consulted for some minutes together, and then returned a verdict of Not Guilty.

Devizes and Wiltshire Gazette, Thursday, 19 March 1846