



The Charge of Manslaughter at Lavington

Edward Beaven (24), who had been on bail, surrendered to take his trial, on a charge of feloniously killing and slaying John Coldrake, at Market Lavington, on the 23rd August last. Mr. Graves prosecuted, and Mr. Prideaux defended.

This case occupied several hours, and excited much interest, but, inasmuch as it has been repeatedly been before the public, it will not be necessary now to give more than an outline.

The prisoner is the son of a miller living at Stert, near Devizes, and on the day in question he had been in a pony-cart to Market Lavington to deliver some flour. It was feast-day there, and this occasioned more people than usual to be about. Shortly before 9 o'clock at night, having to call at Littleton, he started on the West Lavington road, when, from some cause or other, the pony went off at a gallop, and before he had gone a mile, the child, John Coldrake, was knocked down and killed on the spot. A coroner's inquest was held, and upon the evidence taken, a verdict of "Accidental Death" was returned. From what came to the knowledge of Supt. Wolfe, he thought that Beaven had exhibited culpable negligence, and accordingly summoned him for furious driving; whereupon the magistrates said that, as this driving had caused the death of a human being, if anything it was manslaughter, and they ultimately committed the prisoner for trial. The following witnesses were called:

Robert Carter, a labourer at Market Lavington, spoke to being passed by the cart in the street of that place, the pony going at full gallop, and the prisoner sitting in the bed of the cart with the reins pretty tight in his hand, but making no apparent effort to pull the pony in.

Sarah Bartlett, who had pleaded guilty to burglary, was brought up from the cells to give evidence, and she stated that, being near the New Inn door, she saw the pony-cart pass as fast as it could go; the reins appeared to be down the side of the horse, which the person in the cart hit twice with the butt-end of the whip; she had previously sent her sister's three children, including the deceased, towards Littleton, in charge of her eldest girl.

In cross-examination, she denied that she was drunk on the occasion, or that she ever rode a-straddle on a donkey; her husband had had a little beer, but he was not rolling in the road, he fell off a donkey.

William Sloper merely spoke to meeting the pony and cart, going at a gallop, a short distance from Market Lavington.

Jane Brown, a widow, was going towards West Lavington with two children, and a short distance before coming to the place where the accident took place, on Clyffe Hall hill, a pony-cart came along at a great rate, and although she scrambled up the bank, it passed within 2 or 3 inches of her.

Joseph Webb, of Cornbury Mill, said he was standing at his stable door, 60 or 70 yards from the place of the accident, when he heard a cart coming down the hill at a great rate, he should think, of 15 miles an

hour! Immediately after the accident occurred, and he went to the spot, and found the child lying in the girl's lap, on a flint-heap, dead; the prisoner went about 100 yards further, and then came back, and said it was a bad job, and told the children they ought to have got out of the way. The prisoner appeared, by his talk and walk, to be the worse for liquor – he stammered. The accident took place in the hollow between the hills.

Mary Ann Early, the little girl who was in charge of the children, stated that she put them all on the flint heap to be out of the way, and that the wheel came over part of the heap and knocked the child down. Thomas Giddings was driving a cart in the opposite direction, and after passing the children, and telling them to take care, he met the pony-cart; he stopped and drew in to let it pass, and then turned his cart round, and saw the axle (not the wheel) of the pony-cart knock down the child; the other children were on the flint-heap, but this one was in the road, about 8 feet from the bank. When he passed him the pony was going at a gallop, and appeared to be running away, and the prisoner had the reins in both hands, and was trying to pull it in; the pony was going, he thought, 8 miles an hour, and was in a "caddling" state, - an expression which he interpreted to mean, "ready to kick, or run away, or anything;" the breeching had broken. The prisoner was not drunk, and appeared very sorry for what had occurred. The wheel did not go over the heap. The girl took the dead child in her lap on to the flint-heap, and the prisoner afterwards took it to Littleton.

Supt. Wolfe went the next day to the place indicated, and traced the track of a pony-cart for some distance – over the flint-heap, into a ditch a little further on, out again, and on to the place where it turned round; singularly enough, the very cart passed while he was there, and he was thus able to compare the tracks, which corresponded exactly. The road, at the part pointed out by the girl early, was 25 feet wide, independently of the flint-heap. The place was 1144 yards from the spot where Carter stated the cart to have passed him, near Mr. Read's the druggist.

Mr. Prideaux, in his speech for the defence, complained of the case being reopened after it had been decided by a coroner's jury, and accused Mr. Wolfe of animus in the matter. He contended that there was no evidence of reckless driving, beyond the mere fact of the pony's going fast; which was to be explained, as he should show, by its having run away. He commented severely on the evidence of Webb, which was evidently, he said, that of a rival miller, determined to take an unfavourable view of the case; and contended that Giddings could have no object in attempting to screen the prisoner. He made a pathetic appeal to the jury, and called several witnesses.

James Matthews, blacksmith, of Market Lavington, who was a friend of the prisoner, said that Beaven was at his house just before starting, and left perfectly sober; he walked with him as far as the cross-roads, and the pony then went off at a trot. It was a fresh-spirited pony – likely to run away if it was a bit frightened.

Thomas Duck, an intelligent little boy, said he was at Market Lavington on the feast-night; Sarah Bartlett was there, drunk, and falling from one side of the road to the other; her husband was also drunk, and was laid down in the middle of the road; the pony had to pass there, and when it got to where George Bartlett was lying, it "frougited," and jumped up at the side of the bank, and went off as hard as ever it could go; it seemed to be frightened with the drunken man. Beaven hallooed once, and he saw him pull the horse to try to stop it, but it went on very fast. This happened down in the Springs.

Jane Coleman, on the other hand, said that the pony was going very fast when it passed the New Inn, in the town, and that the prisoner was trying to pull it in; while Margaretta Hobbs, who was near the children when the accident happened, stated that the pony was then going at a trot, not very fast, adding, somewhat inconsistently, that the prisoner was pulling it hard.

Mr. Graves having replied, and in doing so characterized the attack on Mr. Wolfe as most ridiculous.

The learned Judge summed up with great clearness and ability. He cautioned the jury against being influenced by the verdict upon the coroner's inquest, as they could not tell what was the evidence then

adduced. All they had to consider was whether the death of the child was caused by furious driving, through the recklessness or drunkenness of the prisoner, or whether by simple misadventure, by the horse running away. His Lordship pointed out the various discrepancies in the evidence on both sides, and asked whether it was likely that a strong man should not be able to stop a pony in the space of nearly three quarters of a mile; and he commented on the evidence in detail, in a manner rather unfavourable to the prisoner than otherwise.

The Jury, however, after a brief consultation, returned a verdict of not guilty.

This was the signal for loud cheering in court, which was, of course, at once suppressed; and the Judge declared that if any individual should be caught expressing either approbation or disapprobation in that court, he would commit him immediately to gaol.

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