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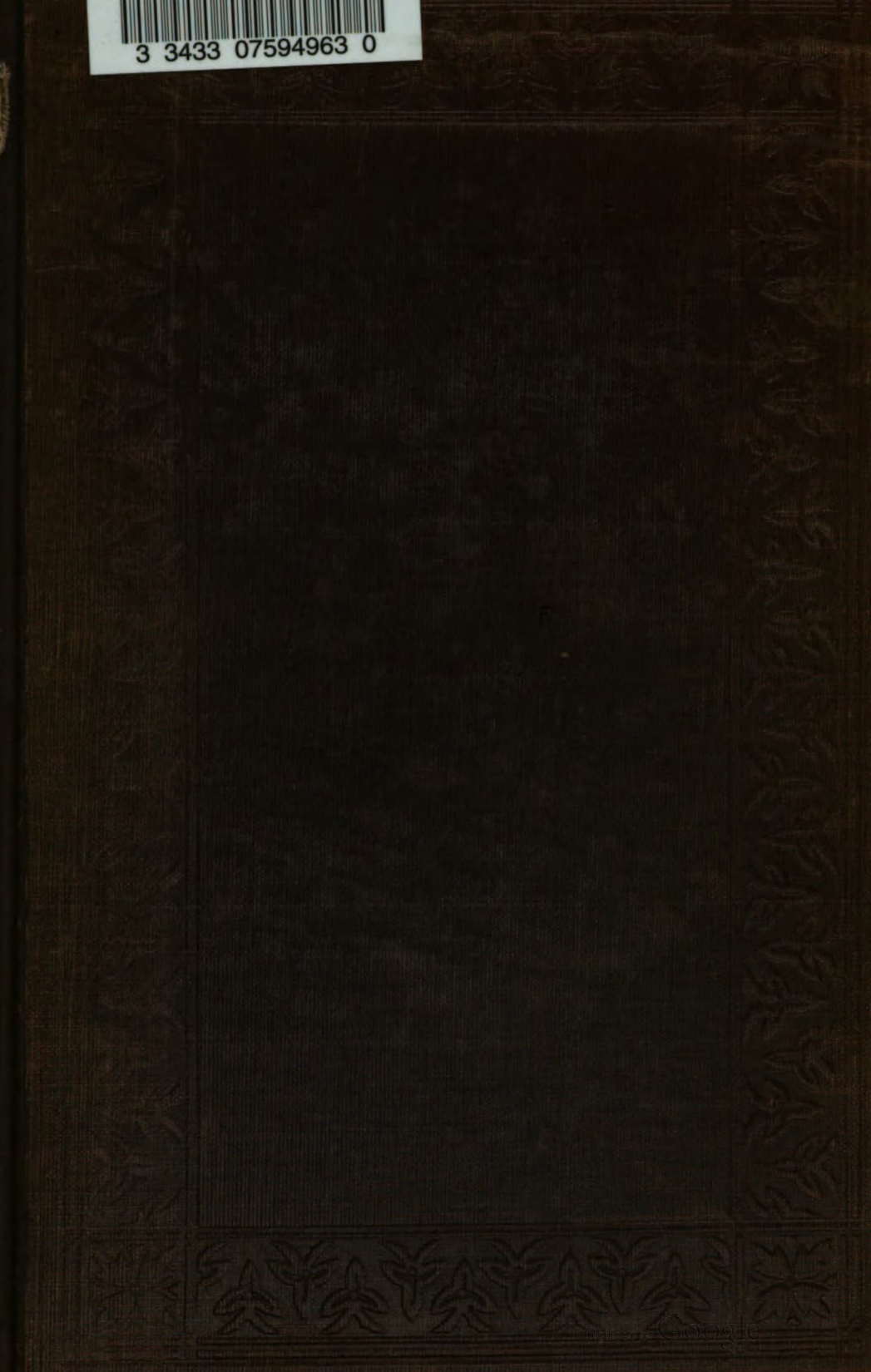
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G. W. Fowler

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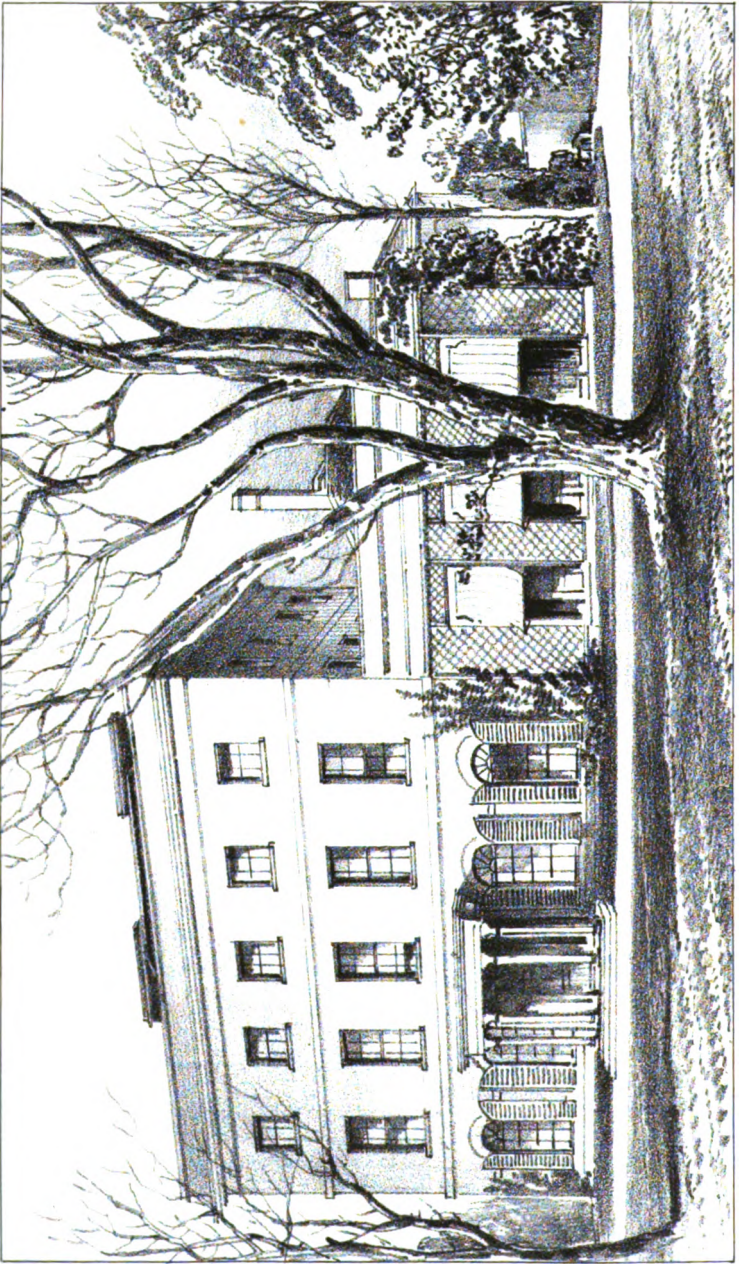
in last day

The long-winded and pompous author of this book was at the house the day the body of the boy was found, and made an examination then. He was a professional associate of Mr. Kent, but not, apparently, an especial friend. He devotes pages to the proof of Mr. Kent's innocence, and in this he was doing honest and much-needed work of advocacy. The book seems not to have been known to Louis Tennyson Jones. It was written in the winter following the murder, and years before Constantine Kent's confession. Yet - granted as he is - he never asserts Constantine's innocence, and in no way (p. 72, 73 for example) does he not state his own opinion. The book is a masterpiece of self-interest and self-protection. It is a masterpiece of self-interest and self-protection. It is a masterpiece of self-interest and self-protection.





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ROAD HOUSE,— FRONT VIEW.

*H. Alexander*

THE

# GREAT CRIME OF 1860:

BEING

A SUMMARY OF THE FACTS RELATING TO THE  
MURDER COMMITTED AT ROAD;

A CRITICAL REVIEW OF ITS SOCIAL AND SCIENTIFIC ASPECTS; AND  
AN AUTHORISED ACCOUNT OF THE FAMILY;

WITH AN APPENDIX,

CONTAINING

THE EVIDENCE TAKEN AT THE VARIOUS INQUIRIES.

By *Joseph* J. W. STAPLETON, SURGEON,  
TROWBRIDGE, WILTS.

LONDON:

E. MARLBOROUGH & CO., AVE MARIA LANE.

1861.

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LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,  
AND CHANCERY CROSS.

Received 3 May 1938 Billings April

I HAVE carefully read the history of the Road Murder, as recorded in the following pages, and have taken cognizance of the persons and proceedings referred to in them. I am able to say that they contain a correct statement of the circumstances of the case, and a fair commentary upon them; and I think their publication is an act of justice and humanity.

Nearly twelve months have passed since this foul and atrocious crime was committed. As yet no one, even amongst those most connected with the family, has acquired any knowledge of the person or motive of the murderer. But though all attempts at discovery have hitherto failed, the crime should not be permitted to sink into oblivion. If this volume tends to keep the subject alive, and to provoke and direct discussion, it will answer a useful purpose, and deserve public approbation.

At least it effectually dissipates many popular suspicions, and completely vindicates some persons upon whose heads the full torrent of infamy has been mercilessly poured. In these respects the labour employed upon it finds its private warrant, and receives its only and its sufficient reward.

To those who have only read the newspaper reports and comments on the subject of this crime, this book will offer new suggestions; and it will be seen that, though it cannot point out the assassin, it can refute the most prominent accusations of the Press.

Without imputing to the Press any intention to mislead, it cannot be denied that both the leading journals and the local papers have given currency to many inaccuracies and fallacies.

A crime is committed which shocks the public feeling. Its mystery adds deeply and intensely to the public interest. The

Press must satisfy the public curiosity: floating rumours are gathered up and put into language; facts must be related and opinions expressed by a certain hour; and, while the ink is still wet, distorted facts and crude opinions are imposed upon a voracious and expectant multitude. Statements, having been made, must be verified; opinions, having been propounded, must be defended, reason and justice are trampled upon, and innocence is sacrificed to the infallibility of the Press.

It is thus that Truth suffers.

R. RODWAY.

*Trowbridge, May, 1861.*

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## INTRODUCTION.

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“ Deeds are done on earth  
Which have their punishment ere the earth closes  
Upon the perpetrators. Be it the working  
Of the remorse-stained fancy, or the vision,  
Distinct and real, of unearthly being,  
All ages witness that beside the couch  
Of the fell homicide oft stalks the ghost  
Of him he slew, and shows his shadowy wound.”

---

THIS book records the history of one of the most appalling domestic tragedies enacted in modern times. On the night following the 29th June, 1860, a murder was committed in a secluded country village, which has excited universal interest and horror by its unparalleled atrocity; and which by its mystery stands out in bold and startling prominence from the ranks of common crime.

On that night a young and unoffending boy, reposing, in all the confidence and peace of childhood, in the house of his parents, and under the guardianship of his nurse, was seized, probably in his sleep; was taken from his cot and from his room; and leaving behind him, on his bed, and in his passage down the stairs and through the house, no trace of resistance or alarm, he was borne in his night-clothes out into the night, and there his young life was quenched in blood.

The ruthless miscreant who did this bloody deed is not yet within the grasp of justice; but “murder will out.” The revelation will come, it may be at an early period, and by unexpected means. When the wild, incoherent, hurried rush of the pursuit is hushed—when no visible traces of guilt remain, perhaps, to point to or to guide a clue—by some agency mysterious as the murder, the deed done in darkness shall be proclaimed in the light; for “murder will out.”

This murder invades every English home with a shudder of alarm, and shakes the sense of security in every family circle. Its very mysteriousness invests it with new terrors, and teaches parents to utter for their children, with impressive emphasis, the Church's prayer—"From murder and from sudden death, good Lord deliver them."

In the hotels of London serious and wearied men, set free from the toils of business, assemble to discuss the details of this crime, and have been known to adjourn from one chamber to another to find room for the increasing audience when it was discovered that a gentleman from Wiltshire was among them.

In the lady's boudoir music, flowers, and the last new novel have lost their usual morning's attractiveness; and women of all degrees have been hushed and enthralled by the horror of the story.

In provincial towns and in country villages the newsman has been impotent to satisfy the appetite for new and still newer editions of the evidence taken in the repeated investigations of this subject.

In scientific séances grave and learned men discuss this crime—its moral, its legal, its medical aspects. The subject is not exhausted. It is a mystery still.

Nor is the interest that invests it confined to the county in which it was perpetrated, nor to the country which it has disgraced. In Parisian cafés and at German baths, throughout the continent of Europe and in lands beyond the sea, it stirs the latest gossip of politics or pleasure—men wonder at the mystery, but fail to pierce its gloom.

By every newspaper, by every hypothesis, by each successive inquiry, and by every failure, the solitary criminal is enshrouded in a new and darker obscurity.

We do not shrink from the attempt to grapple with this mystery. We entreat the reader's patience, and expect his sympathy, while we unfold the facts, unravel their complexity, and explain something of the causes of that darkness which conceals the culprit.

To account for, as well as to lament, the failures of justice—to understand how it has come to pass that much material evidence has been wanting, misinterpreted, or misapplied—to accept new

and unexpected truths—to lay down many prejudices—these are the duties of the reader.

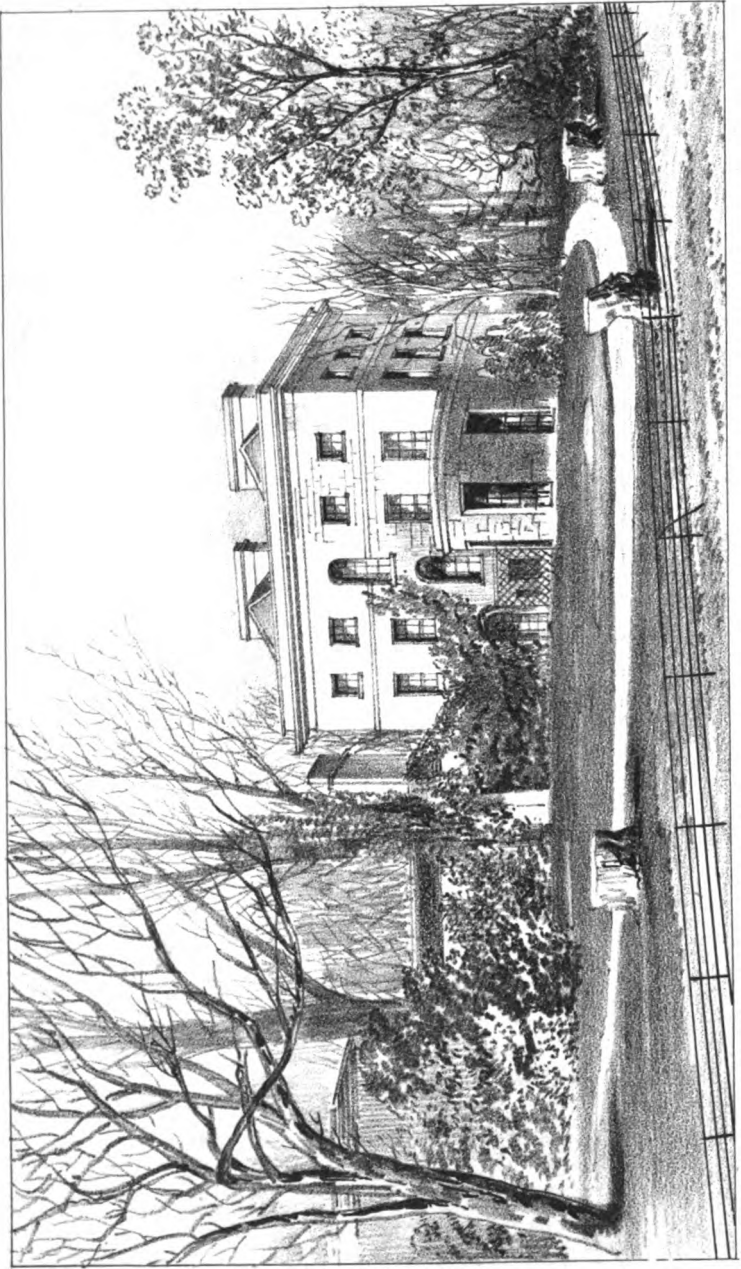
And we pray the reader to think of—for no man can measure—the calamity that has befallen “this unhappy family.” This calamity, in respect to its nature and as to its extent, is not to be looked for upon the body of the unoffending victim of the crime. The short, sharp cry closed upon a brief and sudden agony, swift as the passage of the knife; but the wound inflicted upon the family and household is one which time has failed to heal, and which sympathy has scarcely attempted to alleviate. It has driven a husband and a father to despair, and dooms his children to bear a name of ignominy and reproach. Every personal privacy, every domestic secret, has been laid bare with an unflinching hand to every prurient eye. The real, the lasting, the great calamity is the ruin of the survivors by the unreasoning and remorseless prejudice that overwhelms them.

One thought more shall introduce the reader to the scene. A trial of skill, a game as for life, is now being played out between the criminal and the avengers of blood. In the excitements of this game every ingenuity is tested, every expedient adopted, every emotion is thrust down, every muscle tensely strung. The voice of conscience is not listened to; its very workings are unfelt. That great accuser and detector of wrong is silenced. God’s minister of justice is not yet upon his seat, nor is the prisoner arraigned before him. In the stillness and solitude of the guilty heart that monitor is used to speak. In the silence of night that voice is heard, never in the turbulence and glare of day.



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ROAD HOUSE.—BACK VIEW.

# THE GREAT CRIME OF 1860.

## CHAPTER I.

### THE FAMILY.

“ Life shall have no labyrinth but thy steps can track it,  
For thou hast a silken clue to lead thee through the darkness.”

“ Judge not of things by their events; neither of character by providence;  
And count not a man more evil because he is more unfortunate.”

1860 a year of unexampled domestic crimes—The effects of modern refinement on English homes amongst the middle class—“Keeping up with the gentleman”—Physiognomy of children, how influenced by the virtues or vices of parents—Bodily and mental disease hereditary—Man's consequent duty too often neglected—Propositions deducible from these considerations—Remarks on the statistics of intemperance in drink—Other forms of intemperance as debasing: gold, ambition, display, luxury—The heritable character of passion—Revenge—Application of foregoing to Road murder—Reasons for detailing a history of living persons—Mr. Kent—His entrance into life—His marriage—Residence in London—Birth of children there—Appointment as Sub-inspector of Factories—High opinion entertained by the Government of Mr. Kent's fulfilment of his duties—Testimonial of magistrates—Its value—Removal to Sidmouth—Edward born there—His education—Love of the sea—Joins the West India Mail Packet Company—Wrecked at Balaklava—Edward's letter describing his disaster—Promotion—Early death at the Havannah—First appearance of insanity in Mrs. Kent—Law of lunacy—Proposed establishment of a distinct profession of medical jurists—Other children born at Sidmouth—Their early death—Assignable cause of it—Popular suspicion with respect to it—Succeeding children born more healthy—Accounted for—Is “vox populi” the voice of truth?—Engagement of Miss Pratt as governess to Mr. Kent's children—Reasons for it—History of Miss Pratt—Constance—Her character when a child—Mr. Kent removes to Walton—Thence to Baynton—Mrs. Kent's death—Slandorous imputations refuted—Marriage of Mr. Kent to Miss Pratt—Edward returns to England—His conduct to his step-mother—Leaves home again—Mr. Kent removes to Road Hill—Reasons for that removal—Birth of children there—The treatment of Constance—She absconds from her home—Remarks.

On the perpetration of some great deed of blood,—one which stands out in terrible isolation from the progressive series of

domestic crimes,—in the presence of which we seem to have fallen back into the distance and darkness of a savage barbarism whose very records are so nearly forgotten as to be almost incredible, and, when unfolded, are so dim with age that they can be brightened into truth only by the light that falls upon them from the “sparkling hoariness of time,”—is it, on such an occasion, either a fault or an impertinence to look for or to recognise those social influences which effect such disastrous results, or to learn their mode and sphere of operation? Shall we be content because magistrates and moralists have failed to control a great and growing evil; shall we be silent because they come back to tell us how impotent they have become to build up again the breach which saps the foundation of our national character, and of those human interests of which they are the natural guardians and the responsible trustees? Shall we look with unconcern upon a race in which the strides of justice are outstripped by the more rapid, stealthy steps of “those whose feet are swift to shed blood,” or suffer an atrocious, unnatural, undiscovered murderer to take a place among us as an ordinary criminal? An answer to these questions is asked by those who have thoughtfully, and long, and painfully contemplated the leading features and probable consequences of a class of crimes of which the Road murder furnishes an illustration pregnant with instruction. Its narrative, fragmentary and interrupted as it is, has been related in the newspapers perhaps more forcibly than here; but its lessons and their argument require a freedom from prejudice and misconception from which no newspaper editor has been exempt, and a personal acquaintance with details which no journalist has been at the pains, or had the opportunity, to acquire. There must be, too, a connectedness and comprehensiveness of character in the picture that is drawn, before which criticism may fall harmless and malice be disarmed. The majesty of the mountain mass is painted best, because it was first most truly realised, by him whose eye has looked upon the avalanche that thundered from its side. It is memory supplies the scene; all else is truth and colouring. This story stands on no other credentials; but it pretends not to the artist’s skill.

Ten years ago a summer’s sun, radiant and warm as this,

rose upon a new era. Its beams fell upon a mighty temple, consecrated to a new idea. Human renovation, achieved by human science, was to be consummated, and its glory was to be commemorated there. The flags upon its roof fluttered in the dancing sunbeams, and spoke promises of brotherhood in every language under heaven. Its walls of glass and iron stood forth, clear, and cold, and rigid, as if moulded out of hardened human hearts—hearts from which, in the fierce, fiery fusion of now near six thousand years, every dark and dangerous passion had been burned away, with many a generous emotion too. On every pillar there was strongly stamped a symbolic testimony to a sterling and metallic age, and every pane was utilised, and taught, in mottoes legible in every dialect, how each passer-by might learn and profit by commercial pandects and coin his blood for drachmas.

Upon this temple's front were written words of peace and welcome to all men; not those old words of Hebrew, Greek, and Latin, which eighteen hundred years ago told that a King had come into the world to reign, and govern, and redress; but in their stead another gospel was inscribed. The great truth, "there shall be war no more," was there extemporised and taught; and men flocked to that "Great Exhibition" of the plans, and principles, and purposes of trade, and revelled in the prospect of an easy and perpetual millennium. True, the old and worn-out prophets had not seen it afar off; but the chronicle of "the good time coming," is it not written in glorious, golden characters by the Mammonite and Doctrinaire?

And the people rejoiced therein, and shouted; and they laid their offerings upon the temple they had raised.

And evening waned, and day died out; and dark, and long, and longer shadows fell behind those crystal walls; and the summer's sun went down, to rise, suddenly and soon again, upon the Crinfean hills, to gleam upon old Indian cities, and to light up the broad soft plains of Lombardy, where human brotherhood lies drowned in streams of human blood. And men wonder, and wait, and pray; not for the Heaven that is to descend upon the earth, but for the building of another Babel, whose top shall reach to Heaven.

And through all those long ten years "the dogs of war" have

hunted down their prey. The weak have fallen before the strong. The military spirit has been evoked. War has become an English aliment, and a generation of children is grown strong upon the food. Human passions have been indulged and disciplined into a system. A new form of education and a new religion have been adopted among us; and while priests have furnished examples and preached apologies for violence and blood, they have baptized their neophytes into the new faith, and "muscular Christianity" has triumphed.

And so the year of grace 1860 crept upon us; the year of great and bloody social and domestic crimes. Never in this generation,—when in any generation?—has English society shown such an affluence of crime. What wonder, when every man carries with a murderous weapon a warrant for a deed of blood, and is taught to rifle surely at a thousand yards the sacred property of human life?

Nor is there any notice here of common crime; of the daily petty larcenies and felonies that trespass on our laws and rights, and which are nicely numbered up and classified in the mathematical arithmetic of gaoldom. These weeds of the social garden we may continue to root up, like the nightshade and wolfsbane, from our cultivated patches. These we may fling out still, to rot in transportation; or wrap them up in bundles to burn in penal servitude, that later and ingenious solution of the criminal dilemma. The question of how to get rid of a surplus, starving, stealing population, may be thus disposed of to our satisfaction, till we blush another day at a process of enslavement initiated here in England, against which Russia protests by the emancipation of her serfs, and with which America will reproach us when she strikes the fetters from her slaves.

Turn then to the "middle class" and to their children, for whom no juvenile reformatory is open or is asked. Cut off from the rude and thorny briars of society, they have been grafted upon the trim and cultivated rose-trees that bloom in the parterres of suburban respectability, and grow up, side by side, with modern refinement, modern civilization, modern Christianity. Think of the human hearts that pulsate there; of the human passions that riot there; of the revelations made in the divorce courts, or unveiled before stipendiary magistrates; of

family wrongs, of family conflicts, of family disgraces, covered over only by the miserable tinsel of gentility; flashing out here and there, fitfully, into a sudden, devouring, and inextinguishable flame, that burns up and desolates an English home; and, as the smoke hovers over the ruin and hides the light that shines alike on the evil and the good, consider how all this has come to pass.

Upon the sunny slopes of the Sicilian shore the most luscious grapes are seen to grow and ripen where the vines take root in a volcanic soil. Beneath the fair outside the terrible chemistry of nature is at work, and the explosion of Mount Etna sweeps in a moment both the vineyard and its fruit away. So, in many an English household, the amenities of social life are found to clothe with grace a rugged and a shallow crust. The stranger lingers out there a short and pleasant holiday. He is deaf to the ominous rumblings around him. The tempest is stifled in his presence. But it gathers strength in those deep recesses where the crater is instinct with fire; and, as he retires, it bursts out, in its full fury, to hurl parents, children, servants, into one common, inevitable, and promiscuous destruction. The figure is unequal—oh! how unequal—to the reality; and this reality has come to pass in England.

There is a story somewhere told of a man who was returning from market, and who was observed furiously lashing his horse into a gallop, side by side with two gentlemen. His friend called out to him to stop or he would lose all his potatoes, which were dropping out fast from his cart, one by one, upon the road. "Hurrah!" said the gardener, "what do I care so long as I can keep up with the gentlemen?" Now it is just this "keeping up with the gentlemen" which is the cause of much of the unhappiness and crime that have disgraced our age. In the absence of all sumptuary laws, laws which are indeed alien to the genius and usages of the country in which we live, even those old, and wholesome, and self-imposed sumptuary limits have been extravagantly exceeded which, in the last century, at once denoted and defined the station and duties of each social class. In the progress of society, by the extension of education, by the prevalence of luxury, and by the suggestion of new wants, by the crush of every rivalry, and by the pressure of every disappointment, all the old landmarks have been swept away. In

this strife the greatest and the strongest must of necessity be the most unscrupulous. Honour, truth, and virtue are sacrificed together. In this battle of life every impediment must first be cast away. Stripped of his clothes, the strong and resolute wrestler stands forth naked, slippery, suspicious, on his guard; the living incarnation of concentrated selfishness, modelled by the nineteenth century.

To an educated and observant eye, nothing perhaps reveals more faithfully the history and secrets of a family than the countenances and expression of its children. Naturalists have told us how on each successive layer in the hard heart-wood of the noble forest tree there is stamped an indelible memorial, not only of the general climate in which it lived, but of each particular season, too, that has passed upon its growth. Deciphering these vegetable hieroglyphics, they have interpreted for us the infallible records of season and of change. The natural register has been accurately kept; here, of the warm and early spring, or of the cold and cheerless summer that has followed; and there, of a long dark winter when the vital sap has stagnated and shrunk away. One circle loose and spongy; another hard and firm; or gnarled, and knotty, and irregular; or here in smooth and even grain. The unerring, infallible history of every tempest and of every frost is to be read in the twisted fibre and contorted limb, in the contour and carriage of the weatherbeaten tree.

By the same great law of life and growth the more sensitive and impressible nature of children is governed. Upon their countenances, in their behaviour and in their tempers, in their faults, and even in their very gestures and expression, there is written the history of their homes; as surely as upon the growing plant are found features correspondent to the nature of the soil in which it grew, to the storm that has torn its young tendrils and beat upon its tender shoots, to the care that pruned and watered it, and to the love that cared for it and looked on it from day to day. Most truly may the physiognomy of children be regarded as the best index of the family weather.

A late able writer on the physiology of intemperance has put forward doctrines which seriously affect and extend this argument. He starts from the admitted transmissibility, from

parents to their children, of certain diseases and of many physical peculiarities, and goes on, in the same path, to open a wider question and to occupy a larger field.

The records of clinical medicine furnish us, in reference to many of our most common modern diseases, with convincing illustrations of their tendency to repetition. Thus, in gout, cancer, and consumption, as in many other of the ills of our flesh, the habits and maladies of the father become the patrimonial misfortunes of the son; and even if a longer interval exempt the son from the family penalty, it must be paid with its arrear of interest by the grandson. Neither statistics nor reasonable scientific evidences are wanting to prove this intense and terrible heredity of blood, and to show us that "the sins of the parents are visited upon the children to the third and fourth generation."

Nor is the demonstration limited to the law of bodily disease. In the chemistry of this vital fermentation there operates a power to purge and purify the blood. Disease itself is but a process, mysterious and merciful, by which the sick man is made whole. But this power has another purpose and a wider sphere. Through every limb is poured the living stream which takes to each the materials, ready modelled, of development and growth. Each curious cell is floated to its bed by the master hand. Every member has been "written in His book." Every living stone laid down in the foundation, or built up into the towers of strength of the house in which we live, is carved and has been counted first, and its place has been determined in accordance with a previous plan. Upon its decay, another will be ready,—and is even now prepared by the same Divine Architect,—to take its place in the renovation of that body which is His masterpiece and temple.

And to us the command is come to copy from the Master's hand. The health and powers we enjoy, our passions as we lawfully indulge them, all those appetites it is our privilege to use, are His workmen sent to help us, that we may build to Him and for His waiting tenants, but always after the same type, into the perfection of His living temple.

From the original type so definitely given, from this perfection so imperatively required of us, we have long and fatally departed. The very standard and excellence of human symmetry has been



long worn out and lost. By every deviation of form, by every defect that we have acquired and engendered, by each bodily peculiarity that arrests attention in the streets, there is proclaimed a perpetual opprobrium. The Varus and Valgus of old classic Rome have handed down to their children of the Campagna the legacy of their own infirmities. An imputed degradation of race has become amongst ourselves a national reproach, just because we recognise in it the natural consequences and expression of a long ancestral series of debasing pleasures, grovelling occupations, and corrupting sins. In every early bald head and prematurely whitened hair, in each contracted chest and atrophied or palsied limb, in the decaying teeth and cataractous eyes, in the shortened stature and diminished strength, are plainly found the generated and transmitted evidences of a national decay—proofs that the laws of physical life and the rules of moral conduct have been violated. The sound and healthy body has been starved of its necessary food, of that pure and living blood which gave to man his excellent and matchless beauty and built him up into the glorious image of his Maker.

How far these arguments might be pressed into the service of that much-disputed theory which relates to the origin and transmissibility of species it is not our purpose to inquire. They are extended here only to the point at which they support and confirm the following propositions, on the foundation of natural analogy and scientific facts.

That, in the first place, the physical development of the human body is modelled on a type pure and perfect, because most divine.

And next, that every deviation from that type is the result of human interference—has followed and indicates a violation of a natural law.

And further, that there is proof not only of the heritability of typical form, but also of accidental or acquired deviation from it, within certain limits—such accidental or acquired deviation being transmissible from father to child, not in respect of its accidental character, but because the blood has received and wears in the parent, and carries to the child, a morbid and communicable taint.

These propositions are so commonplace and well-established, and are indeed so generally received, that their discussion, or even the mention of them, might seem unnecessary; but they afford a convenient and suitable preliminary to the suggestion which it was the leading purpose of this chapter to submit and enforce.

The writer to whom reference has been made has examined the statistics of intemperance. He alleges the coincidence that exists between the indulgence of habits of intoxication in the parents and the affection of a large proportion of their children with idiocy and convulsive and cerebral disorders—a coincidence so frequent and striking as to justify the supposition that they stand in a causal relation to such maladies. In support of such a supposition he notices the fact that, in a family of children, one child has a disordered nervous system, or a diseased or demented brain, one or both of whose parents had been addicted to habits of drunkenness previous to its birth. And, yet further, he alleges that the effects of a particular debauch, or of an attack of inebriate delirium, are found reflected and impressed upon a child so as to indicate an accurate correspondence with the date of its conception.

These statistics relate the consequences of indulgence in that one vicious appetite which is our national debasement, and to which the term "intemperance" has been conventionally restricted,—intemperance in drink. We wish to extend the application of the term "intemperance," and to trace its operations and analogies still further. The excess of the occasional drunkard passes, often and soon, beyond the limits of satiety into the loathings of disgust. His conscience may have no terrors for an appetite which the drunkard's headache may control. The storm which he has raised may haply drift his shattered vessel into a haven where it may be safely moored by the strong ropes of resolution.

But if, in the frequency of his excess, he drives on, headlong and unheeding still, he founders in the abyss of an imperious enslaving passion. The victim of dipsomania (the learned term by which we designate thirst-madness) becomes the progenitor of a poison and a curse, the bias and the brand of which are

worn as plainly and perpetually stamped upon the organisation, as they are expressed in the features and physiognomy, of the drunkard's child.

It is not always possible, let us believe therefore it would not be always well, that we should refer to the operation and solution of dogmatic rules every analogy we observe, or can guess at, or conceive, in this grand and boundless world. Perchance there are yet some precious specimens left just here and there, unnumbered, undescribed, for which no shelf is labelled in that museum where, far out of reach of our own hands and memories, we use to store our natural and intellectual treasures. The simplicity of nature's laws is not more characteristic or more demonstrable than the largeness of their range. Have we then explored that range? Or have we exhausted its contents of all their novelty or richness or variety? And if not, what right have we to claim prescience or possession of that vast, vague, untrodden border-land beyond. Anon some wanderer comes back to us from thence, with its wild flowers in his breast and with its tales of wonder on his lips. Of the light that went before him in his journeyings not one ray has fallen upon us, nor have we been taught the new language he has learned. He has forgotten our prejudices and traditions, our dogmas and our modes of thought; no interpreter is found to translate the story he would tell us; and with a smile of incredulity we drop again the veil that he has lifted from the picture he has drawn, and the truth he would reveal is hidden from our eyes for ever.

There is a wandering and irregular philosophy which comes to us without discipline and in disguise, as we grope blindly in the twilight of our reason. It will not be wedded to us by dogmatic rule. We trace it for a moment in the gleams of a bold and outstretched fancy. We reach after the phantom, and it is gone. Or in the visions of a warm and glowing imagination it discloses to us the fuller outline of enchanting and surprising truth. We remember how often we had stumbled over it as it lay neglected in our path; and now we take it, unquestioned, to our hearts, with an instinct that admits of no reason or delay and that can suffer no divorce. At the first we loved it, and at length we have learned to understand it too.

Our relation to it then was disputable and ambiguous ; but now that relation is certified and sanctioned by a rigid and respectable analogy which satisfies our reason and the world's.

Analogy, then, is the true and safe pioneer of science and philosophy ; the telescope through which our reason looks farther, deeper still, down into the untried, unfathomed profundities of truth.

By such aid as it may give you, then, go into society ; look into our families and trace them to their homes. Fling its light on other passions, imperious and base as this thirst-madness ; passions whose paroxysms are as violent, whose deeds even more cruel and remorseless still ; whose reaction is as terrible, whose collapse as complete. The craving lust for gold, the restless goadings of ambition, and the insatiable yearnings for display, these march hand in hand with an unscrupulous and reckless luxury, and with new, artificial, and intolerable anxieties, in the wear and tear of which the human machine prematurely breaks down. Each one of these, in its indulgence, is as truly an intemperance as the ungoverned appetite for drink. Each intemperate act, ay ! and every passionate desire, impresses a physiognomy, is followed by a reaction, and inflicts a penalty peculiarly its own. In the widest sense then we affirm that physiognomy is true as a science. The human face we look on carries with it its own certificate of character. It relates the history and predicates the probabilities of human conduct in a language most reliable and safe. Spurning the bare and narrow rules, the dead, dry bones of legal proof, it stands face to face with living man. It fixes on his features only to penetrate his heart. The type, physique, and expression of a cruel or a military people, the passions that play upon the face of each parent of a family, or that are shared as an inheritance amongst his children, the portraiture of the wretch whose mammonite, metallic face takes and retains only those impressions it receives from his cold and hardened heart,—by the physiognomist may all be read, and can each be painted from the illustrations that abound for study and for test. The passions, if he looks for them, may be weighed and counted upon every face ; and analogy stands ready to solve his most difficult problems, to confirm his judgments, or to correct the inaccuracies of his experience. Strange that an attri-

bute conferred upon the child, God's first lesson to the infant's eye, the instinct alike of the babe and brute, should be lost to the use, and denied by the reason, of the man.

And if we are content to rest upon the solid basis of analogy the conclusions to which this discussion has arrived, we shall find, in the heritable character of the passionate temperament, some explanation of the revolting and atrocious crimes which during the last few months have startled and destroyed the security of our domestic relations. The tiger's cub is at first an amusing and a gentle playfellow to handle and to pet; but it will, on quick occasion, show that it inherits, with a tiger's face and fangs, a tiger's instincts too.

In the catalogue of human passions revenge plays a potent and peculiar part. In the heart of the sordid and adult man this passion is thrust down; or it is pushed from a place where room is to be found for other passions, called into exercise by the rivalries of life, by his social struggles and by his domestic cares. It is in the woman's soul that poets and moralists have sought and found the most frequent and disastrous examples of revenge. Stirred to its depths by sense of real or fancied wrong, it is neither soothed nor diverted from its purpose or indulgence by those circumstances and pursuits which occupy man's time and brain. In a perpetual and compulsory solitude, woman nurses her revenge. It grows up into an absorbing and remorseless passion. Opportunity and time and talent are all centred in the scheme to seek and strike the victim of its wrath. Rarely indeed does a woman's revenge fail in its design or falter in its execution. Once conceived, it grows within her into form, and receives a terrible vitality and power, till, at length, her secret longings prompt and precipitate the moment when she sees and exults over the travail of her soul.

It is through these and manifold similar considerations that we have sought to unravel the mystery of the Road murder. By such reflections we have sought to approach, have sometimes seemed to touch and to grasp, the solution of the problem. So through cloud-windows, opened for a moment in the heavy firmamental veil, there has come a quick, bright gleam of light, bringing with it a revelation of things concealed beyond. There has come, too, a strong, indubitable, convincing testimony to

reality and truth. Each incident in the Road drama was brief in its duration and exciting in its character and action. The general tenor of each scene was at once expressed emphatically to the eye as the rolling panorama passed; but there could be little accurate appreciation of each particular part. Each successive picture was seen, and swept rapidly away before it took its place in the coherent series of mutually-related parts. Especially there were many incidents—perhaps the most important—which could neither be repeated nor recalled. The teacher of geology takes his pupil to the rocks and stones for the demonstration they have taught himself. They are his silent witnesses for truth. No such facilities existed, no such aid availed, in the investigation of the extraordinary crime the responsibility of investigating which was imposed on those who came first upon that scene of blood.

We pass on to a short history of the family of Mr. Kent. The authenticity of the few details we can relate is beyond question. The reader will judge how far they elucidate and illustrate the reflections to which so much room has been devoted. The compilation of such a narrative is a matter of no ordinary difficulty. The consciousness of this difficulty may not have been without its influence in giving variety and diffuseness, perhaps even tediousness, to the previous reflections. The writer may perhaps be pardoned for the wish to absolve himself from the obligation and necessity of personal allusions; and for the desire to dispense with the attendance of the “*dramatis personæ*” from the scene, if, haply, the tragic story might be told, and its action wrought out, under a thin and almost pervious disguise. It is found impossible to consummate that wish.

The disclosure of family history during the lifetime of persons whose careers are dealt with and whose conduct is discussed; its publication and its consequent probable perusal by themselves; their subjection to the criticism of the hostile, to the gaze of the indifferent, and to the comment of their friends, in respect to events which had been consigned to oblivion, or on which had been imposed that unbroken silence which is the bitterest satire on the frequent and the vain attempt to hide the deep ulcer of past misery and sin, that eats into the family heart and refuses to be healed by time;—such a disclosure can be justified only by

some exceptional event which gives a public title to the seizure of the family honour and to the suspension of the family privacy. An authentic account of persons and events whose secrecy in every family is guarded with a jealous care, becomes sometimes a necessity, and is justified and must be furnished in the name of public right. That exception is found in crime; that necessity and right are incident most assuredly to the high crime of murder, on the occurrence of which every thing and every person within its sphere, that can contribute to its discovery, or that is contingent to it, by the probabilities of motive, occasion, or suspicion, assumes a public character and falls into the public custody.

On such grounds and upon such demands the materials are claimed, and must be furnished, for some brief history of the family of Mr. Kent. The responsibility of a fearful crime has fallen within the limits of his household; it still rests there in the public estimation. His calamity is doubled by the cruel, baseless accusation of himself; and the suspicion, when diverted from himself, hovers over his daughter, and is ready to pounce, it may be with equal injustice, upon her. He is now again upon his trial, and must submit to an award. He is now withdrawn from the village and from the county where malice has poured its venom upon him. He comes from the police-courts, where his family sores were probed, while his anguish was enjoyed by cruel, vulgar mobs; and where his little infant daughter was produced as the accuser of her father and her nurse, and was seen to creep away, dismayed and speechless, into the shelter of her sister's arms! He comes before another tribunal, where no truth will be omitted or suppressed, where his family history will not be distorted, nor partially told that it may be fitted to a theory. He comes before the public. His heart is broken. He can have no compensation for its pain. Public sympathy cannot heal his wound. But he is entitled to the full measure of that exact justice which protects the officer who has yielded up his sword and is called upon to address himself to his defence, in his own language and amidst the silence of the military court.

The father of the murdered child was the son of a carpet-manufacturer, who for many years carried on business in Carpenters' Hall, London Wall, and had retired from it some

seventeen or eighteen years before his death. This gentleman had married a Miss Saville (of an Essex family, well known in Colchester, in that county), of whom nothing is remarked beyond the fact of the respectability of her origin and the record of her personal and maternal worth. They had seven children, of whom only three survive; two daughters, and one son, Mr. Samuel Saville Kent, who commenced life at twenty-five years of age, as a partner in the firm of North and Company, drysalters, conducting a considerable trade in Aldermanbury.

During the year 1826 Mr. Samuel Saville Kent became acquainted with the family of the late Thomas Windus, Esq., a gentleman then living at Stamford Hill, and in large business as a coachbuilder in Bishopsgate-street. Mr. Windus was a man of considerable attainments and talent. In his intervals of business he seems to have devoted himself to literary and scholarly pursuits. In 1845 he published a reprint of Wedgwood's description of the Barberini or Portland Vase, with annotations of his own, and was made a Fellow of the Society of Antiquaries.

Mr. Samuel Saville Kent, soon after his entrance upon his partnership in Aldermanbury, and after two or three years' intimacy with the family of Mr. and Mrs. Windus, was married to their eldest daughter Maryanne in January, 1829. This lady was twenty-one years old when she became Mrs. Kent, and the young couple entered life with every promise of happiness and domestic comfort. There was no doubt of their mutual attachment. Mr. Kent was engaged in a lucrative and progressive business, and their first home, in Artillery Place, Finsbury Square, secured to them a constant and pleasant intercourse with their respective family connexions, who were most of them resident in or near London. Here their three eldest children were born. Of these, their first-born, Thomas, died of convulsions in January, 1831. Maryanne, the second, and Elizabeth, the third child, still survive to witness and to share the calamity that has fallen upon their father.

About the year 1833 the health of Mr. Kent became so precarious that he was compelled to relinquish his share of the business in Aldermanbury. Twelve months afterwards he was



fortunate enough to obtain the appointment of Sub-Inspector of Factories, while residing with his wife and daughters at Sidmouth. Up to this time no cloud had passed to obscure his prospects, and a career had opened to him which presented the fairest promise of a happy and a useful life.

Twenty-six years have elapsed since then ; years of long and arduous service, which have secured to Mr. Kent more than the good opinion of the Government. From Lord Palmerston he has received the substantial reward of that exceptional increase of official salary which he has long enjoyed. Certain it is that in the seats of manufacture in the West of England, in the factories visited by Mr. Kent, amongst the men whose proceedings were from the first placed under his supervision, and whose establishments have, during that long period, remained under his official control, little of that spirit of opposition to the law and of that personal dislike to its officers is observed which has prevailed in other districts, and which is, we believe, often the fruit of hasty and intemperate official zeal. By Mr. Kent the Factory Act has been sensibly interpreted and firmly and discreetly carried out. To the employers of labour and to the parents of children engaged in the woollen manufacture some of the provisions of this Act are particularly obnoxious, and have been from an early period complained of as oppressive and unjust. It is alleged that restrictions imposed upon the cotton trade of the North have been adopted, in their entirety and without any modification, in the smaller factories and more healthful occupations of the southern woollen manufacturers, where the same sanitary necessities do not obtain. This is not the place to argue upon these facts, upon the difficulties of a special and restricted legislation, or the still greater difficulty that must attend the exercise of a variable authority and a discretionary power. But upon this we do most earnestly insist,—that that man's heart is not wholly bad and black, who, for more than a quarter of a century, has been able, in the prosecution of novel and invidious duties and in the midst of much opposition, to deserve the warm approbation of his Department for his success in vindicating and popularising an obnoxious law ; and, at the same time, by his urbanity and concessory spirit, has commended himself to those persons to whom the operation of

that law was distasteful, and who were ready to take instant umbrage at any act of misdirection, indiscretion, or oppressiveness on his part. The fact that, at the moment of his great calamity, his application for a vacant Inspectorship of Factories was supported by a memorial bearing the names of some two hundred magistrates, chiefly resident in Wilts, Somerset, Dorset, and Devon, is in itself a significant and sufficient testimony to the esteem in which he was held.

The indirect and collateral character of this testimony is just the quality which gives it value against an accusation of murder. Few men are seen to fall wholly and suddenly away from their footing on the social platform. The most atrocious and malignant miscreants are observed, almost without exception, to have been graduates in crime. Full as human character is of contradictions, they are not often long concealed from the scrutiny which looks into the life of a public officer. The gossip of his home is patent, and the hypocrite disguise is soon torn off in which that man comes out to shine amongst his fellows, who lives at home in the darkness of domestic tyranny. Will not one of those gentlemen, upon whose authority Mr. Kent was accredited to the Government in March, 1860, protest against the accusation which denounced him as a murderer in June? Or, if the accusation were fastened on him to conviction to-morrow, would they not unanimously say that such a crime is a moral anomaly—a prodigy without precedent in their social experience?

In April, 1835, soon after coming to Sidmouth, Mrs. Kent gave birth to another son, Edward Windus Kent. For some time previous to this event she was the object of much anxiety to her husband and family on account of the condition of her bodily health. She was more than once threatened with pulmonary consumption, and it was feared she would not survive her confinement, which, however, passed over safely. This boy, Edward, was first educated at Crewkerne, and, as he grew up, manifested considerable talent and an enterprising spirit. At fourteen years of age he was sent from Crewkerne to the naval school at Gosport, then under the management of Dr. Burney. At this school he remained two years, visiting home on the occasion of his holidays. On leaving Dr. Burney's he was sent to Bristol, where he remained for about a year under the care of a private naval tutor.

The history and conduct of this boy, and his ultimate departure from England, have been alleged as evidences of his dissatisfaction with his home. At an early age he had shown a predilection for the sea, and his father, after reluctantly consenting to his wishes, determined to give him an education suitable to the pursuit to which his son seemed instinctively and strongly devoted. That during the long and calamitous illness of his mother, (an illness which commenced soon after his birth and continued till her death), his associations with his home could be either agreeable or advantageous is not to be supposed. As he grew up, the deprivation of maternal care must have been felt by him in all its sadness and reality. At home he would learn to look upon his mother, whose long and lamentable mental illness had then commenced, but as the victim of a living death; or, during the frequent official absence of his father, would mourn in solitude over his great family misfortune. In all this time, after the death of his poor mother, upon the second marriage of his father, and to the period of his own untimely death, his affection for his family was unchanged and strong. To those who survive him it has added bitterness to their misery that his character, too, has been unsparingly and maliciously assailed; and they take refuge from the cowardly attack upon his memory in the fond recollections of his love.

After his return home from Bristol, Edward entered the service of the West India Royal Mail Packet Company, as fifth or lowest officer on board any vessel to which he might be afterwards appointed. By the system of promotion adopted by the Company he might hope, by good conduct and professional skill, to rise in gradation. But twelve months' approved service in a sailing vessel is the necessary qualification for the first step upwards. Mr. Kent therefore procured for him a mateship on board a merchantman. In this vessel, the "Kenilworth," which was hired by the government and used as a transport ship, Edward sailed for Balaclava during the Crimean war. In that memorable storm in which the ill-fated "Prince" went down, Edward's ship was wrecked alongside of her upon the rocky coast; and he alone of all her officers, with six only of her crew, survived that night. Escaping death almost by a miracle, he was thrown up high upon the shore, with no other salvage than his watch and a Bible

which he carried about upon his person, and which he afterwards left to one of his sisters as a dying legacy. At the time of the shipwreck Edward was nearly twenty years of age. He had gone to sea after the second marriage of his father, at whose house he had been staying in the interval between the completion of his education and his first voyage. This fact assumes importance as affording presumption that there was at this time no misunderstanding between him and his father which could render his home distasteful. His absence at sea was simply in pursuance of a previously well-discussed and settled arrangement for his employment. His own artless and touching letter to his father from the Black Sea is fortunately at hand to give weight to the supposition that his affection for his family was undiminished.

“ R. M. S. ‘Trent,’ at Balaklava, Nov. 17th, 1854.

“ MY DEAR PAPA,—I know that you will be very glad to hear of my providential escape from shipwreck on the 14th of November. The ‘Kenilworth’ was lying at anchor off Balaklava, when a most fearful gale sprang up about seven o’clock, and in an hour’s time increased to a terrible hurricane. About 9.45 the ‘Kenilworth’ parted from her anchors, and was dashed to pieces on the rocks in the course of a very few minutes. Only myself and six of the crew were saved, and twenty-three lost. I am the only officer that is saved. Captain Ponsonby, of the royal mail steamer ‘Trent,’ when he heard that I was saved, sent for me, and, as there was an officer wanting on board the ‘Trent,’ he has made me acting fifth officer. I should think that the best thing that could be done now would be to write to the Directors, and try and get the appointment confirmed; as I suppose all further hopes of going in another sailing-ship must be given up. I have lost everything but a shirt and trowsers, and my watch, which I had on me when cast ashore. Very fortunately for me the R. M. S. ‘Avon’ was lying in Balaklava; and Mr. Langden, the officer who was so kind to me when I was on board the ‘Magdalena,’ is on board her, and he has given me some shirts and a suit of clothes, and lent me 4*l.* to get what I wanted. Several other ships have met with the same fate as ours; and the loss of life has been most considerable. Captain Ponsonby is very kind to me. I knew him when he was chief officer in the Company. He is also very intimate with Mr. Arthur Windus, who always asks after me when he sees Captain Ponsonby; so the Captain seems to be interested in my behalf. I must now conclude with love to all.

“ I remain your affectionate Son,

“ EDWARD KENT.”

The circumstances under which this letter was written and

the feeling it displays are not more remarkable than those under which it came into the hands of Mr. Kent. Some weeks before its receipt he had received official notice from the Admiralty that the "Trent" was lost, with all hands on board. He made daily, anxious inquiries at Lloyd's, and at the ship-owners', in the forlorn hope that the fatal news might be contradicted. Day after day, for a month, Mr. Kent refused to believe that his son was lost. But, at last, even the fond and reluctant scepticism of a father was exhausted, and he had consented, upon most reliable intelligence and after a consultation with his family, to accept his terrible bereavement. His house was on that morning closed. His carriage was at the door to take Mrs. Kent and himself to Bath to purchase mourning for their family. He was actually stepping into it, when the postman was seen approaching the house, and put into his hands the letter from Edward, containing news under which the father staggered back, almost fainting, into his house. We shall close the door upon the scene which ensued; upon that revulsion of feeling, under the shock of which his heart must have almost stood still with joy.

Upon his return to England, by the order of the Mail Packet Company, Edward brought with him a high reputation for skill and courage; in consideration of which, and as some compensation for the hardships he had undergone, the period of his service in a sailing vessel was shortened, and he was made a fourth officer, and was sent out several times to the West Indies. By his talent and good conduct he speedily rose another step to be third officer. Great expectations were now formed of his prospects and career; and the friends of his family were often the gratified witnesses of the father's emotion on receiving intelligence of the merit and high promise of his son. He was now promoted, but in the same grade, to the intercolonial service, on board a small vessel passing from island to island, without returning to England. It seemed, indeed, as if Edward's profession had been well chosen, and his return was now anxiously expected; when, alas! for all human projects and all human hopes, news came of his sudden death. He had fallen a victim to yellow fever in the Havannah. In July, 1858, Mr. Kent was stunned by this bereavement. Two short years afterwards, when he had scarcely recovered from this blow, he was to be yet more shocked by a heavier calamity;

the murder of another son, the eldest son of another mother, just growing into the place in his father's heart from which Edward had been so lately and so lamentably torn.

In 1836, soon after the birth of her son Edward, Mrs. Kent first exhibited symptoms of insanity. Upon their appearance Mr. Gidley, of Sidmouth, her usual medical attendant, recommended Mr. Kent to take the advice of Dr. Blackall, of Exeter. In a general conversation which ensued it was found that the unfortunate lady evidently laboured under various though harmless delusions, and manifested so much weakness and bewilderment of intellect, that her husband was advised to place her, at once, under the care of a constant and competent attendant. As she was not violent or dangerous, Mr. Kent was unwilling to take this important and irrevocable step. Of the affection which prompted his forbearance there can be no doubt; that he was wrong in his decision is no less certain. The symptoms which caused him so much anxiety progressed because they were unchecked. Upon his return from church, on one occasion, he found her destroying some books of prints, the leaves of which she had torn out and burned. At another time, she took two of her children from the house, and lost herself within a short distance of the premises; but she still continued to go, at times, into society; and though her delusions continued and increased, her peculiarity was not always such as to attract notice. Her intellect, however, continued to grow weaker. It was not discovered that she at any time contemplated murder or suicide; and the fact of a knife having been found concealed under her bed appears to have occasioned little or no apprehension in this respect.

The early treatment of Mrs. Kent appears to have been most lamentably deficient and abortive. When will the truth be recognised, when will the duty be obeyed, which demands that science only shall direct the treatment of this terrible pathology? The law, as it now stands, makes the most humane and efficient provision for the security of personal liberty in the case of the poor, by requiring the sanction and personal participation of a justice of the peace in those proceedings which have their sad termination in a medical certificate of insanity.

Nothing is more right in theory, as in practice nothing can be more necessary, than the interposition, between the alleged

lunatic and his family, of an incorruptible authority and a responsible appeal. In the English magistrate this authority naturally resides. To him this appeal can be most safely and readily left, in the interests of society, and no less on behalf of the character and independence of the medical consultant, which require to be most protected where they are most easily assailed. From this point of view the magistrate's function in matters of lunacy is simply and accurately defined. He is bound to obtain for his guidance reliable and competent, as well as honest and independent, counsel. This duty is not left to his discretion or caprice, it is enforced on him by law. When science is called upon to speak she must not only be questioned as a witness, she must also be trusted as an associate and guide. But not to every minister in her temple is it yet vouchsafed to interpret her oracles aright. Not to every practitioner of the healing art is it given to bring from the bedside of bodily disease those highly trained qualifications, that rare and philosophic mind, that special and matured experience, which psychology requires. To enlist such service is the duty of the magistrate, and the statistics of insanity will bear another aspect when that duty is differently performed.

And upon a wider view of this question it would appear that the science of medical jurisprudence might, with great national advantage, be exclusively practised as a distinct profession, and by a class of men educated into an intimacy with those problems which are now guessed at only by the multitude of men who crowd into our courts of justice, each man once in his life, to "darken counsel by words without knowledge." Much social credit and status would attach to a distinction similar to that conferred by the Society of Actuaries; and such an obligation as that imposed on our commercial brokers would be a sufficient guarantee for the integrity of the "Medical Jurist." His functions would involve questions of high consideration and import. High, indeed, in comparison with theirs to whose competence and honesty we confide our interests in commercial finance. He would have jurisdiction in matters of public health—to a great extent in matters of public morals. He would raise his voice at the criminal tribunal with the authority and as the associate of the judge. Above all, as a member of a corporate

society, he would have a place, as well as a duty, in the State, and would share in the toil to search the shifting shoals of that great sea of science which bounds the shores of crime—that sea on which so many reputations have been wrecked, in which so much innocence has foundered. And as, in the very ratio of its frequency, the discovery of scientific error adds numerical emphasis to scientific truth, so a greater certainty would gradually and surely be approached than has hitherto been attained in regard to many great social questions.

From this digression we return to Mr. Kent's residence at Sidmouth, and to those melancholy domestic incidents which we find impressively told upon the gravestones in the churchyard there. In the five years between 1837 and 1842 Mrs. Kent became the mother of four children:—

Henry Saville Kent, born February, 1837, died May, 1838,  
of inflammation of the lungs.

Ellen Kent, born September, 1839, died December, 1839,  
of consumption.

John Saville Kent, born March, 1841, died July, 1841, of  
atrophy.

Julia Kent, born April, 1842, died September, 1842, of atrophy.

It is remarkable that only one of these four children survived its birth six months. That each sickly dying child was an index to its mother's health,—that her malady was reflected and impressed on each,—what pathologist will doubt? It is of the nervous system of young children that he has learned to inquire after the causes of a disproportionate mortality. He remembers that disease finds ready entrance into that frail organism along those nervous paths; that the Angel of Death comes often to reside and riot in those chambers, while they are as yet untenanted by thought. He recognises in the pale cold skin, in the attenuated limbs, in the feeble respiration, and in the cruel contortions of convulsions, the want, imperfection, or disturbance of that function which preserves the animal warmth of the infant body, governs and co-ordinates its muscles, and presides over and prompts its alimentation, development, and growth. He knows, too, that the conditions of its vitality are such that, from the earliest periods of foetation, its innervation is founded



on that type with which it is in continual and close *rapport*. Yet further, he observes that the objective impressions of the mother, the perceptions and sensations which reach her from the external world, are often found marked in strong and permanent relief upon the body of the child. From such and manifold similar considerations he will fairly argue, perhaps he may even boldly assume, the probability that upon its brain and nervous centres, as upon a sensitive and vital plate, there may be left an imprint or a trace of those shadows of emotion, passion, intuition, and desire, which have swept across the field of her consciousness, or have floated over the atmosphere of her inner life.

Bearing in mind then the condition of this poor lady during the five years from 1837 to 1842, we neither wonder at, nor regret, the fate of these four children. The symptoms of the malady which had come upon her not only afforded an unfavourable augury of her own recovery, but indicated also a constitution so imperfect, a blood so devitalised, an innervation so defective, as to render her maternity of vigorous and healthy children almost impossible. Let it be observed too that these children were born at an early period of their mother's disease. Her attack was yet recent. The issue of the fearful struggle might be still thought doubtful. Her constitution was actively resisting the invasion against which it had been suddenly and violently aroused. The maternal system continued to resent the aggression. It had not yet passively consented to the triumph of disease. The "*vis medicatrix nature*" was making levy upon every vital energy that could be called forth, and was taxing every vital resource that could be expended upon its relief and cure. In the mother's system, from the imminent necessities of its own personal defence, there was nothing left, in such a time of active war, to build up and vitalise the structure of a child. Quickly they submitted to the happy fate of "atrophy," "inanition," "consumption;"—going to a happier inheritance than was reserved for the future children of the same mother. And so it came to pass that an impressive lesson was written on four little tombstones, in the quiet churchyard by the sea, down on the old coast of Devon.

We have to add, with mingled regret and shame, that the deaths of these four infants became the subjects of popular

suspicion and inquiry in 1860, upon the suggestion, the foul improbable suggestion, that they had been murdered by their father. We have furnished a sufficient, and we shall give no other refutation of that charge. This shaft too has found its way straight to the heart of the family, and the quiver from which it was taken is not yet empty :—

“ Ye crushed and suffering ones, who lie  
 Steeped to the lips in misery,  
 Patient, though sorely tried !  
 I pledge you in this cup of grief,  
 Where floats the fennel's bitter leaf.

“ For you, our constant earnest prayer  
 Is for the light and strength to bear  
 Some portion of the weight of care  
 That crushes, into dumb despair,  
 Your torn and tortured hearts.

“ The man who has not learned to know  
 How false life's sparkling bubbles show,  
 How bitter are the drops of woe  
 With which life's cup may overflow,  
 He has not learned to live.

“ Then in life's goblet freely press  
 The leaves that give it bitterness ;  
 Nor prize the coloured waters less ;  
 For in your darkness and distress  
 New light and strength they give.”

*Adaptation of Longfellow.*

If we pursue this argument one step further towards its legitimate consequences, it will be found to throw light upon the events that followed the deaths of these four children.

The strife in which they perished had been hushed. The body of the mother had suffered and sympathised with her mind in resisting its disease. It had rested from that hopeless struggle ; and now it was called upon again to perform the functions of a parent. It is as worthy of consideration, as it is consistent with scientific truth, to suppose that the four deceased children represented, on the part of the mother, a condition of exhausted vital power. She had not bestowed upon their constitutions a strength which she had not to spare. They therefore

died. But now her disorganised mind rested, and her body recovered its outward health and vigour. "Insana mens in corpore sano." In such circumstances, the development of her future progeny might be a reflex of her altered condition.

In the last eight or nine years of her life Mrs. Kent appears to have been little affected by bodily suffering or disease. But her mental disorder continued without amelioration, and while she still continued to reside at Sidmouth she gave birth to her two youngest children, who still survive her.

Constance Emily Kent was born in February, 1844.

William Saville Kent was born in July, 1845.

On the occasion of the murder of their half-brother, the eldest son of the present Mrs. Kent, these two children, Constance and William, were forced into a terrible and notorious prominence from which they have never been withdrawn. Starting from certain peculiarities in their history and conduct, adopted upon popular clamour and demand, and spreading with the epidemic rapidity and contagion of popular gossip, suspicion, at a very early period, attached to them, especially to Constance, as the authors and perpetrators of a most unnatural and harrowing crime. For this suspicion of the mob no sufficient reason, explanation, or excuse has yet appeared in legal evidence. None has been furnished, nor even suggested, by the press. Yet there it lies, at the bottom of a festering sore, unreached and unrelieved,—stamped into the flesh of those young children with the burning brand of ignominy and disgrace.

What words of indignation shall sufficiently denounce the cruelty of that wrong which withers the reputation of these two helpless children? What terms of reprobation can be found to describe the cowardly injustice of the man who shelters himself from the punishment of slander behind the infamy of anonymous and intangible report; or who gives currency amongst his neighbours to those falsehoods and fabrications which he has accepted without a test, and which he circulates without risk to his credit or his skin? By such means, and at such hands, Constance and William Kent have suffered a ruin which can neither be averted nor repaired.

But, concurrently with all this, uninfluenced by the passionate declamations of the press or by the contagion of popular pre-

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judice, there have been found a few who, standing upon a higher ground, have looked calmly, deliberately, and long, upon the general surface of this mystery. Again with painful perseverance they have travelled over its details, tracked its deserts, and pondered on its depths. They have laboured with conscientious purpose and an honest zeal, and, alas! they have failed to illustrate or proclaim that innocence which they desired so earnestly to vindicate and to redeem.

Is there then a providential significance in the irrational and noisy discord of that voice which speaks the instinct and intuition of a people? Is the reverberant thunder, which stuns us in the crowd, but the echo of the still small voice of truth?

In the scales of British justice such sentiments have happily no weight. It is not by such considerations that innocence or guilt is to be tried. They cannot advance the interests of truth; and, if they are alluded to in this place, it is in order that their prevalence and influence may both be deprecated. We resume the story of this family where it was interrupted by the birth of Constance.

About twenty years ago, and before the birth of his daughter Constance, Mr. Kent found it requisite, in consequence of the confirmed and increasing illness of his wife, to devolve the education of his elder daughters upon a competent domestic governess. His children had reached a period of life when they required both instruction and restraint, and their mother was unequal to the charge. In this contingency, Mr. Walker, a surgeon of Sidmouth, recommended Mr. Kent to obtain the services of Miss Pratt of Tiverton. The father of this lady occupied a farm in that neighbourhood. Her mother was a Miss Acland, of a family well known in that part of the county of Devon. She had been educated, first at home, and afterwards by a Miss Fisher of Tiverton, where she was then employed as a daily governess in the families of a clergyman and a solicitor.

After an interview with Miss Pratt's family, Mr. Kent engaged her to come to Sidmouth, as the resident instructress of his children. Soon after this Constance was born; and as from that time Mrs. Kent became incapable of managing even her domestic affairs, that duty was, with her concurrence, placed in

the hands of Miss Pratt. Of the youngest child, Constance, she seems to have assumed from the earliest period the absolute control and care. For many months after her birth great apprehensions were entertained that this child would share the fate of the four previous children of Mrs. Kent. That she struggled through the feebleness of her early infancy is due chiefly to the devotion and personal attention of Miss Pratt; by whom she was fed, nursed, and waited upon for months. By degrees her bodily constitution assumed that healthy development and growth which have bestowed on her the contour and command of a powerful physique.

As she grew up Constance manifested a strong, obstinate, and determined will; and her conduct, even as a little child, gave evidences of an irritable and impassioned nature. Whether the governess possessed that experience and tact and moral weight which fitted her for the responsible and arduous duties she had undertaken; whether, in the delicate and unusual position in which she consented to remain in Mr. Kent's family, she taught her heart to lavish on that child the undeviating and considerate care, and motherly tenderness and patience, which its more than orphanage required—these are questions to which her memory and conscience only can reply. It is not expressed or intimated by those who observed her conduct, and must have watched and criticised it too, that she was either unfaithful or unequal to this difficult and trying task. Her full vindication in this respect seems to have been attested by those ample and searching inquiries to which she has been subjected in the course of the painful events and revelations which have since so unexpectedly transpired.

In 1848, when Constance was about four years old, Mr. Kent left Sidmouth and took his family to reside at Walton, a small watering-place on the Somersetshire coast of the Bristol Channel. There he remained till March 1852, when he removed to Baynton House, about seven miles from Trowbridge, in Wiltshire, and there, six weeks after her arrival, Mrs. Kent died after a short and unexpected illness. Amongst the slanderous imputations with which the character of Mr. Kent has been assailed, that which charges him with causing the death of his wife is not the least curious or unfounded. From this

horrible and malicious charge the surgeon who attended her has amply vindicated Mr. Kent. In a letter written in November 1860, Mr. Shorland says—"On the 2nd of May, 1852, Mrs. Kent was taken suddenly and dangerously ill (of obstruction of the bowels), and expired on the 5th. Miss Pratt was, when this melancholy event took place, visiting her friends in Devonshire, but returned to Baynton a day or two after; and to my certain knowledge Mr. Kent was not absent from home one day during the illness of his wife." In August, 1853, fifteen months after this event, Miss Pratt became the second wife of Mr. Kent. They were married from the house of her uncle, a retired banker, of the firm of Currie and Co., Cornhill. The ceremony was performed by the Hon. and Rev. Henry Legge, at Lewisham church, near Blackheath. Mr. Kent's daughters, one of whom was Constance, officiated as bridesmaids on the occasion; and two of the children of Mrs. Moseley, the sister of Mr. Kent, were also present—a circumstance scarcely consistent with the suggestion that the marriage was distasteful to the family connexions of Mr. Kent, or that any previous impropriety of conduct on the part of the persons principally concerned, either deserved, or was visited by, their disapprobation or discountenance. The charges of flagrant immorality before marriage, with which it has been sought to tarnish the character of Miss Pratt, have not only entirely failed of proof, but they find no support in any circumstance which has been established, upon minute and prolonged inquiry made by magistrates and police officers, amongst the people to whom, during the long course of her residence with Mr. Kent's family, her conduct and character must have been open to daily and constant observation. No one has been found able to confirm a statement by the suggestion of which it has been sought to supply a motive for the crime which has bereaved her of her son. As a matter of probability—and the probable may sometimes light us in the mysterious—we ask any man of the world to say whether a woman will either expect or be likely to pass on to the distinction of the wife, through the transition period of the mistress. From these points of view we estimate the probabilities which tend to vindicate the reputation of the second wife of Mr. Kent.

After this marriage Mr. and Mrs. Kent continued to reside

at Baynton House. The family included the three daughters of the late wife—Maryanne, aged about twenty; Elizabeth, aged eighteen; and Constance, aged eight. Their youngest brother, William Saville Kent, about seven years old, was also there. The eldest son, Edward, was a welcome guest at his father's house on his occasional returns to England. On one of these visits a circumstance occurred which assumes a remarkable significance, as bearing upon an imputation which seemed, and was designed, to suggest a motive for the murder.

Edward returned to England to find a stepmother in his father's house. He was imprudent enough to express himself towards her in terms of dislike and resentment. Mr. Kent thought it right to interfere, and to tell his son that his wife should not be treated with indignity or disrespect. Edward took so much offence at the remarks of his father, that he left the house and the country without seeing his family again, or making any apology for his misconduct, though no long time after he expressed his great regret to his father, and a reconciliation was effected which was interrupted only by his death.

"Le diable boiteux" has peered into the privacies of Baynton House, and has whispered of a discreditable and improbable *liaison* affecting the paternity of the murdered child. The dead cannot now be heard; but the true Asmodeus has alighted on the roof-top, and redeems Edward's memory from dishonour by rescuing from oblivion a circumstance that furnishes a refutation of this calumny.

In June, 1854, ten months after her marriage, the present Mrs. Kent, being still at Baynton, met with a slight accident, which was followed by her premature delivery of her first and still-born child.

In 1855 Mr. Kent seems to have experienced inconvenience from the situation of his residence at Baynton, which was some miles from the railway station where he frequently resorted in his official journeys. It was at the suggestion of his official Inspector and old friend, the late Mr. Howell, one of the members of the Factory Commission, that Mr. Kent had been induced, during the illness of his first wife, to reside in retirement; and both at Walton and at Baynton House his choice had been determined, under that gentleman's advice, by the consideration of

Mrs. Kent's state of mind. After her death, and on Mr. Kent's second marriage, Mr. Howell urged on Mr. Kent that much inconvenience was caused to himself, and expense entailed upon the department, by the distance of Baynton House from the lines of railway and from the seats of manufacture; that there no longer existed any reason for his further social seclusion; and that it was most desirable for his grown-up daughters that they should be introduced into society of their own rank, and that he should himself take that place amongst his friends and acquaintance from which he had been shut out by that feeling which would neither allow him to occupy it alone, nor to expose his family to the distress associated with the melancholy condition of their mother. A demesne of such extent and character must also have been an expensive residence. Its accommodations are, in fact, adequate to the wants and pretensions of a country gentleman of considerable and independent fortune. At all events, Mr. Kent determined on leaving Baynton House; and having at last succeeded in disposing of his occupation of the place to Mr. Cochrane, a nephew of the late Lord Dundonald, he went with his family to reside at Road Hill, near Trowbridge, the scene of the lamentable catastrophe which gives occasion to this narrative.

The necessity for these remarks arises out of the insinuation that, during the life of his first wife, Mr. Kent wished to live in a retirement which would screen him from public censure as to his cruel indifference to her, and his misconduct in reference to the governess. A simple statement of the truth is often more weighty than a violent declamation to repel a slander; and we submit Mr. Kent's conduct as a husband and father to the impartial criticism of the world.

In June of the same year Mrs. Kent gave birth to a little girl, Mary Amelia Saville Kent; and in August, 1856, Francis Saville Kent, whose fate is so shocking and notorious, came into the world.

In July, 1856, just before the birth of the murdered boy, the two youngest children of the first wife, Constance and William, absconded from their home. Constance was then about thirteen, William about eleven years old. It ought not to be difficult to account for such an extraordinary proceeding on the part of two young and tender children. One would naturally suppose that



the servants in such a household must have been familiarly cognisant of the cause of their dissatisfaction, of the occasion of their fear, or of the object of their resentment. It was to be expected certainly that, by the neighbours and visiting and intimate acquaintance of the family, something more than mere conjecture could be advanced to account for so unusual an occurrence; and that the parents would, in the course of the recent inquiries, have been found as able, as they should have been desirous, to furnish some explanation more probable, more sufficient, more satisfactory, than simple love of adventure on the part of those children, for conduct which must have filled them with pain and with dismay. Nor, while it remains unexplained, can any fair or reasonable complaint be made of that criticism which, on the part of the public and the authorities, has supposed some defect in their education, and moral discipline, and domestic treatment. No evidence has appeared to impugn either; but a painful doubt rests upon the public mind in reference to all. What motive of real or fancied wrong, of apprehended punishment, or suffering, or injustice, was operating upon their minds when they went forth as wanderers and in disguise from their father's house?

It has been observed that from a very early age Constance was placed under the direction and influence of the present Mrs. Kent, her own mother being then unable to superintend the management of her children; and also that the preservation of her life was due to the undeviating care and tenderness and to the personal devotion of Miss Pratt. Constance's education seems to have been chiefly conducted by her mother-in-law, even after her marriage, and during their continued residence at Baynton House. The conduct and behaviour of the child is complained of as having been at this period occasionally very troublesome and bad, sometimes even insolent. Her ears are said to have been boxed; but her general punishment was simply banishment from the parlour to the hall. That she was ever treated with cruelty by her mother-in-law is emphatically denied, even by her own sisters. Amongst our social evils troublesome children and indiscreet impatient parents are not uncommon, nor are they incurable; and these details can assume importance in this family only in consequence of the events that

have since transpired, and which have originated the presumption, perhaps neither correct nor warrantable, of the child's irritation and dislike of a relation which had been imposed upon it, and against which other resistance was impossible.

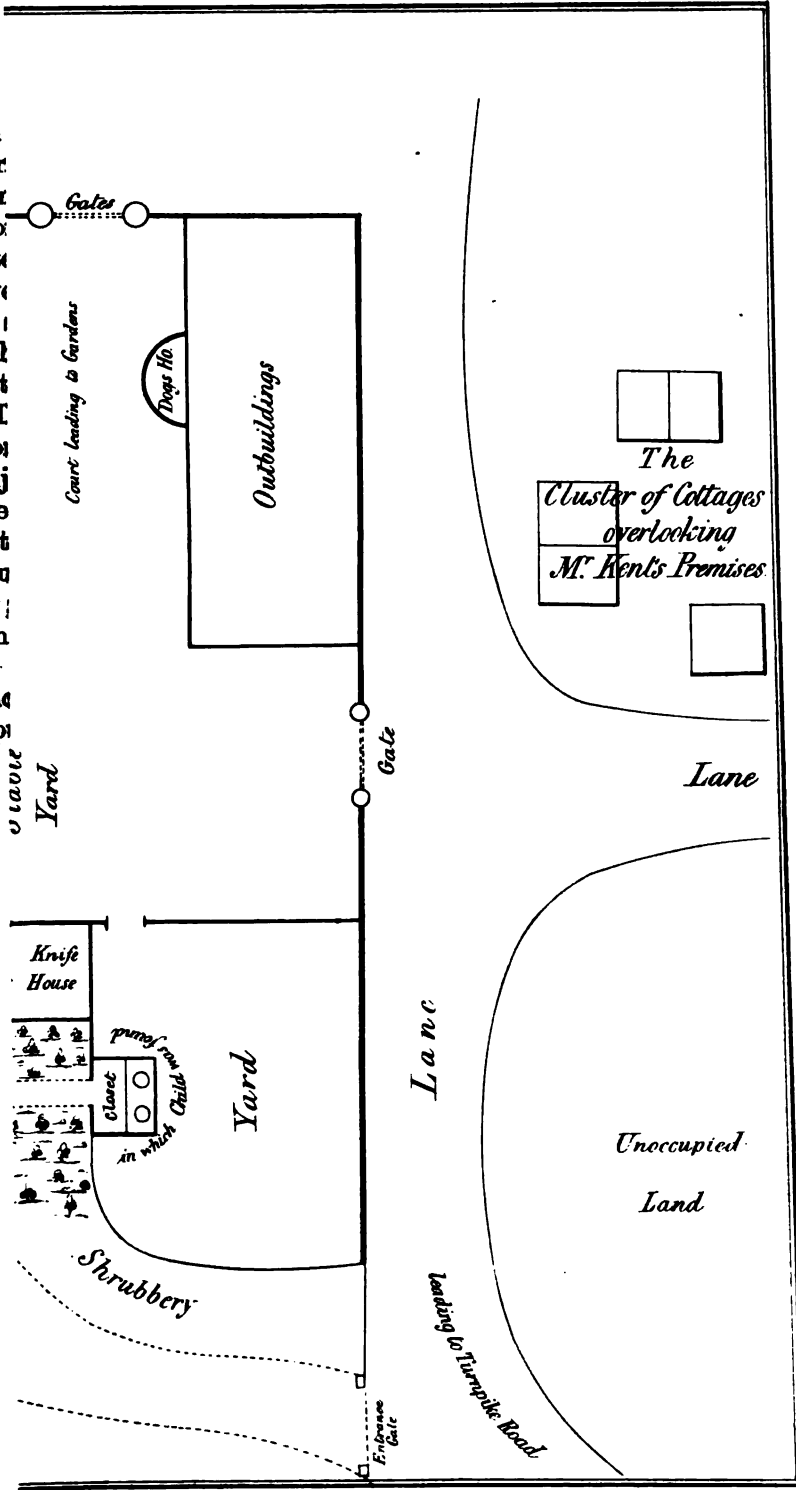
In this escapade, which was planned and executed by Constance, her young brother William seems to have been a passive and compliant agent in his sister's hands. During the holidays, in June, 1856, they had been at home from school together. Their holidays had already expired; but they had been kept at home for a few days longer, pending the return of their father from an absence on business in Devonshire. There is no evidence to show that any recent or particular fracas had happened in the family during Mr. Kent's absence; but at all events, in the afternoon of the day before Mr. Kent's return, Constance and William were not to be found. An alarm was at once raised. Search was made, but without success. It seems that, for some weeks before, Constance had complained of weak ankles; that her legs had been carefully examined by a medical man, under the impression that they had been injured or diseased; that she had been advised to wear, and had actually put on, laced stockings to remedy the lameness of which she complained; that she was excused from dancing, and, very much, from walking exercise, and had been taken to the Bath flower-show in a wheeled-chair. After lunch, on the day she left home, she went down into the closet in the shrubbery, put on some old clothes of her brother William's which she had secreted and mended, and cut off her hair, which she flung, with her own clothes, into the vault of the closet. She then started, with her brother, on a walk of ten miles to Bath, where they arrived in the evening. They went to the Greyhound Hotel, where they asked for beds. Their appearance excited the suspicion of the landlady, and they were questioned by her. Constance was very self-possessed, and even insolent, in her manner and language. William soon broke down, and burst into tears. He was placed in bed at the inn; and as nothing could be done with Constance, the police were called in, and she was given into custody for the night. She allowed herself to be separated from her brother, and was taken to the central police-station, where she spent the night in the common detention-room, maintaining the most resolute bearing,

and a determined silence as to her history. Early in the morning their father's servant-man discovered them and took them home. Upon Mr. Kent's return the same day, William at once expressed the greatest sorrow and contrition, and sobbed bitterly. Constance for many days continued in solitude, and gave no evidence of regret or shame at her conduct. At last she said she "wished to be independent;" and her object appears to have been to reach Bristol, and to leave England with her brother.

The general accuracy of these statements may be depended upon. They furnish the basis of the various rumours, real and conjectural, which have prevailed respecting this remarkable case; and illustrate abundantly the danger and extravagance of that public clamour which has complicated every successive inquiry, and silenced the utterance of reason, of science, and of law; rumours so unjust and so ruinous to the family of Mr. Kent,—many of them so wholly and maliciously false,—that they can be neither justified nor excused even by that profound, instinctive, and laudable desire which still pants to pounce on and to punish the undetected murderer.

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Court leading to Gardens

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Outbuildings

Gate

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Lane

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Cluster of Cottages  
overlooking  
M. Kents Premises

Knife  
House

penny row  
Closet  
Chalk  
in which

Yard

Shrubbery

Unoccupied  
Land

Entrance  
Gate

leading to Turnpike Road

## CHAPTER II.

## THE CRIME.

“ The night had waned, but darkness and dismay  
 Rose with the dawn, and blotted out the day ;  
 While hurrying feet and wailings to and fro  
 Spread the wild panic of impending woe.”

The investigation of truth — The qualifications required for it — Principles of analysis and criticism — The family relation — Character and habits of Mr. Kent — His residence at Road — His traducers — Description of Road Hill House — The afternoon and evening before the murder — The morning of the murder — The loss of the child discovered — The conduct of the nursemaid — The drawing-room window — Question of the path by which the child was removed — The blanket difficulty — Discovery of the murder — Picture of the tragedy.

HITHERTO our path has been along the safe and comparatively easy road of historical detail. Many of the statements made have not only been notorious, but have become also subjects of legal record ; others have come to light in the course of personal inquiry. Of the rubbish with which this case has been strewn and obscured, of the vague rumours and impertinent gossip which have administered to the prurient curiosity of the mob, no notice has been taken. No attempt shall be made to exhume them from their decay.

And in the comments that have been advanced another design has been contemplated than the mere avoidance of error. That design has been the apprehension of the truth. Bare facts have no interest if they have received no application. The admeasurement of latitude and longitude is a poor geography indeed, until it teaches the climate, social polity, and physical capabilities which distinguish that small point upon the map on which the finger of the pupil has been laid. The value and the charm of those wonderful volumes that embellish and enrich our libraries consist, not in the treasures there entombed, in the traditions there preserved, in the dim and dusty relics of the

past that lie encrusted upon every page, but rather in the profound research, in the patient labour, in the careful comparison of that commentary upon the facts which constitutes the true philosophy of history, brings lessons of warning, instruction, and example down to us, makes the heart of dead dynasties to beat again, and breathes into their dry bones the breath of resurrection and of life. And so, commensurately to the importance of a humbler yet tragic story, the reasonable conjectures and suggestions into which we have digressed have seemed sometimes to wait for us to seize them where they have lain, upon the surface of the facts; adopted reluctantly, indeed, by us, still more slowly and reluctantly by those who have scarcely yet learned to look dispassionately at events of which they have been the contemporaries and witnesses.

And yet, as conjectures, they have only a restricted application. They admit of possible correction or disproof, and must not be suffered to narrow the field of inquiry, nor to anticipate or prejudice the efforts of those who are responsible (and in such a case who is not responsible?) for the elucidation of the mystery and the detection of the murderer.

In the exact problems of mathematical science we build up the visible and tangible materials placed at our disposal into the corollary they will construct, and follow the order of a sequence from which no deviation is allowed, and which takes us, step by step, to a clear and inevitable conclusion. But it is a condition of crime that its elements seldom admit of such a demonstration. Many links are usually wanting in the chain by the help of which the murderer is pursued through the folds in which he is entangled, till he is reached at last, bound in the strong coil of a logical necessity. The inscrutable character of human motives, the fallacy of human judgment, the defects of human testimony, and the imperfection of those technical rules by which evidence is frustrated, avoided, or refused,—these, and many other difficulties, encumber, but do not deter, the pursuit of crime; nor do they present insuperable obstacles to its discovery.

The detective instinct, brightened by genius, searched fearlessly the depths of space, and marked unerringly the place of that missing planet which no eye had seen, and whose only

register was found in the calculations of astronomy. That discovery was due to no happy inspiration. It was neither guessed at nor doubtfully pronounced. It was the creation of genius, the property of reason, the result of labour applied to the interpretation of scientific truth. In the same degree, and with the same results, the secrets of the human heart may be searched, and will be rendered up to him who will scrutinise with equal patience, and will read with equal care, the physiognomy which that heart has printed on the human face.

The history of human conduct is written with an imperfection due to different and opposite causes. We read the story of a people, of their traditions, struggles, doings, and decay, of the events and calamities that have befallen them, and of the victories that they have won. In all this we see nothing of each one of those various and many units which have been so curiously constructed into a social problem. Each individuality is merged in that other unity which constitutes the grand, historical result. The pleased eye ranges over the surface of a beautiful and perfect building; it lingers there, without penetrating to the texture of each separate stone, or tracing that thin line which cements and binds it into its relations with the rest. The general result has been attained; but beneath that very generality there lies buried many an important, living, pregnant truth.

By some volume of biography, on the contrary, the human judgment is apt to be betrayed into another error, which, though different indeed in kind, is equally pernicious, and has its source in a narrow particularity. One or two pages may be devoted to the genealogy and parentage of the man whom we are to be taught to esteem, to imitate, to marvel at. One or two more may be given to the infancy, childhood, and education of the hero of the tale. But soon he grows up into a separate and independent agent; he influences us, as he conquered others, by his moral earnestness and intellectual strength. In virtue of those very qualities which entitle him to our notice, he comes soon to shine alone upon us as the bright particular star of our regard. As his beams warm us into admiration, or light us upon our own still dark, and difficult, and doubtful path, our eye is dazzled at the focus where they are concentrated. We



thus lose the quick perception of surrounding objects ; we even stumble upon them at our feet, but are without the power to leave upon them, as we pass, the memorials and warning of our own discomfiture.

Clear and correct principles of criticism, then, in respect to human conduct, are not to be found, either in the diffusiveness of general history, or within the narrow, partial limits of particular biography. The motives which lie sleeping in the human heart are ready to awaken at the lightest touch ; upon its dormant passions a spark will some day fall and cause them to burn there and blaze out ; to every one of a thousand fugitive influences they will respond at once. These operate upon the physical and moral being ; they develop and establish character ; they direct, and will, if uncontrolled, determine human action. Nor in all this is there one element of accident or of caprice. The rules which govern these phenomena are unerring and exact ; and the principles upon which those rules are founded, and out of which they may be educed by the painstaking and laborious observer, are both intelligible and precise.

By the family relation these influences are engendered. In the family career this character is formed. Upon the family circle its action is expended. There, in the home of parents and children, examples will be found, and comparisons may be instituted, which escape the grasp and are overlooked by the generalities of history. There, principles may be applied and rules be tested which fall beyond the function and the limits of biography. Of neither can we ask an explanation, in neither shall we find a record, of those recondite and mysterious operations which constitute the true economy of human life.

Come then to natural science for an analogy that may explain, for an illustration that may enforce this argument. Every star we look on in the clear night has been flung out along its centrifugal path into a distance where all is vague, diffuse, and dim. Its history is written and comes down to us on the tradition of that first bright ray that travels to us from it through the lapse of time and the immensity of space. It hangs there, spangling, with ten thousand more, the illimitable vault of heaven. We know that star is there.

It hangs, suspended, fixed by an opposite, a centripetal power.

Watched by an eye closed to every other object, its place, dimensions, colour, weight, all are observed and told. Taken from the crowded page of astronomic history, it now receives a memoir and a name.

Yet of the purpose and meaning of this star what have we learned from either source? What understood from either lesson? With its first observers we glance at it where it lies in its far off distance, one amongst many thousands sparkling at its side. Itself still isolated, it has for us "no speech nor language" beyond the silent sign of that one ray that has struggled to this earth, to say that it is there. Or if, along a telescopic path, we call it up from the vast profundity of distance and of time—a separate, single star—to look into its nearer face, "its voice is not heard" to tell the celestial story, or to sing the harmony of its companion and attendant spheres.

But, soon again, a vigilant untiring eye rests on it where it lies, amidst its kindred group. From day to day, from hour to hour, that fraternity of suns and satellites is watched; not its own features only, but those of all the rest of that bright band, are constantly and closely scanned. Every motion is noted, every dimension measured, every irregularity investigated, every orbital disorder is announced and inquired into; both its own and theirs; till, at last, not only is its past history revealed, but its present character and future career are confidently predicated too. Its own lightest oscillations are reflected upon each one of all that clustered company. Through each of them its discords vibrate now. The mystery of their reciprocal disturbances has been solved; every perplexing perturbation has been counted in the sum and comparison of their mutual and corrective compensations. And now, in that brotherhood and sisterhood of stars, it takes its place, ranged in the order, held in the discipline and government of that sidereal family.

And, in the face of such a demonstration, who will doubt that nature, true to herself, faithful to her own simple universal laws, expresses in every moral disorder of each human family, in every perturbation of each human spirit, in each characteristic feature of the human face, a lesson to us all; and that many a mystery which clouds the domestic sky, many a calamity that desolates the domestic hearth, may find its solution and will render its account to a similar, an honest, and an assiduous inquiry?

We proceed at once to the history of the Kent family, from the period when two of the children, Constance and William, absconded from their father's house, under circumstances which subsequent events have rendered painfully notorious from causes yet involved in all the mystery which invested them at the time of their occurrence in June, 1856. During the subsequent four years both these children were placed at school; Constance continuing her education near London. On her removal from thence it was thought desirable to send her to Beckington, a village one or two miles from her father's house. During this period Mr. and Mrs. Kent and their family had accorded to them that place and welcome in the society of their own rank to which the station of Mr. Kent so unquestionably entitled them. No aversion or distrust seems to have been occasioned by his social conduct. It was known that from some cause or other, whether from their own misconduct or from domestic mismanagement, a constant and unvarying succession of female servants prevailed at Road Hill House; but no tongue of busy rumour, or of malice, had at any time substantiated the fact, or, as far as is known, even suggested the supposition, that this domestic inconvenience originated in any misbehaviour of Mr. Kent. Whether those who have cast this stone upon him are themselves without sin is a question, not for their own consciences only, but for the judgment of those who have observed the facility and frequency with which the criminal tendencies and habits of the accuser are attributed by him to others. He calls in his neighbour to bear part of a burden which has loaded him so heavily that he can only hope to struggle through the world upon the crutches of a common and participated infamy. For such an aspersion on the character of Mr. Kent there is no foundation whatever. The testimony of Mr. Hughes, the Chief Constable of Bath, is an ample refutation of the charge;\* and the readiness with which that testimony is given reflects honour on him as a public officer, and is in contrast to the taciturnity of others.

In the six months previous to the murder Mr. Kent had the strongest incentive to the avoidance of social wrong-doing and to the maintenance of that untarnished and exemplary morality which had never hitherto been suspected or arraigned; for he

\* See Mr. Hughes's letter in the Appendix.

was employed in securing and actually obtained that recommendation to the Government to which reference is made elsewhere, and which bore the signatures of two hundred gentlemen of the first rank in his neighbourhood, certifying their conviction of his eligibility to be made a member of the Factory Commission, a situation involving in its duties the care and guardianship of young women and children. The opportunities afforded to a public servant of abusing, under such circumstances, the confidence reposed in him are so undoubted and apparent that, for the credit of the men whose names are appended to that recommendation, we venture to affirm their individual and unanimous ignorance of such a suspicion. Nor, in the midst of his calamity and disrepute, has one of the many servants whom he has discharged come forward, either of herself or by her friends, to accuse her master or to give colour to the slanderous imputations charged upon him.

Whether at this time Mr. Kent was living at Road Hill House in a style and at an expense unwarranted by his income and unsuitable to his large and increasing family, is a matter which it is quite irrelevant and impertinent to discuss. His tradesmen were willing to supply his orders and were fully paid. The murder of his son is not a circumstance which justifies or requires any further comment, unless indeed there had been ground for the belief or the suspicion that a criminal motive had arisen out of the consequences of extraordinary expenditure; or that such general recklessness of character and immorality of life had been proved, or could be fairly presumed, as would dispose a man to indulge at any cost, at any risk, and with total disregard to consequences, to good fame, and to the interests of his adult daughters, every passion, appetite, and lust which disgraces and corrupts society. The establishment of Mr. Kent has been spoken of as if it were the scene of perpetual saturnalia, where bacchanal orgies were continually celebrated. He has been represented as living in a constant state of financial difficulty and extremity, with the hand of the sheriff's officer ever on his throat. His unscrupulous traducers have at least this merit—that they are “good haters;” and they have filled up their picture of this domestic interior with representations of vice, not sketched after the realities of Hogarth, but conceived rather by

that vigorous malice lavished on the frescoed figure of his friar-foe, whom Michael Angelo consigns, in his 'Last Judgment,' into the hands of a devil seen dragging him down into—the Inferno.

The village of Road is situated on the north-eastern border of the county of Somerset. Close to the village, but in the adjoining county of Wilts, stands Road Hill House, which was till recently occupied, and had been much enlarged, by a wealthy clothier. Its front aspect looks down upon the village. It is a little retired from the road, within its own grounds. It consists, on the ground-floor, of a large central hall, from which, as you enter, there opens, on one side, a library, with a drawing-room behind it; on the other side, a spacious dining-room, which has been carried out beyond the general area of the house and is flat-roofed, having no bedrooms over it. At the back of the hall is the staircase, and a door, leading to the kitchen and offices, which shuts off the servants from the rooms occupied by the family. Upon the first floor a central vestibule leads into the bedrooms, and on the second floor the same arrangement prevails. Again descending to the ground-floor, we pass through the door at the back of the hall, whence a long passage passes down behind and parallel to the dining-room, leads to the kitchen and servants' offices, and terminates in a back door which opens into a court occupied by the stable and out-buildings. Outside, the whole front of the house looks upon a lawn, at one extremity—or, rather, in one corner—of which a yew shrubbery conceals the closet in which the child was found, and in which he was, in all probability, murdered. This closet can be reached either from the front or back door.

On the evening of the 29th of June, 1860, the family consisted of Mr. and Mrs. Kent, his three daughters and one son by his first wife, and his three infant children by the present Mrs. Kent, who was immediately expecting her confinement again. The female servants included the nurse, housemaid, and cook: these all slept in the house. There were also employed a man who acted as coachman and gardener, and had been some years in the family; and a boy, whose duty was to clean the knives and shoes and assist in the garden. This boy was under notice to leave on the following day, but no circumstance had

occurred to make his dismissal an occasion of angry or vindictive feeling. No male servant slept in the house.

From the carriage-entrance to the lawn in front a lane passed down, outside its boundary, to the stables. In this lane were several houses, inhabited by poor families, who, it will appear, were not on good terms with Mr. Kent. A large dog was kept chained by day, and was loose at night, in a stable-yard, enclosed by a high wall, through which gates opened upon the lawn in front. The closet in the shrubbery was close to these gates. That closet was not frequented by any of the family, and rarely, if ever, by the servants.

The library was used almost exclusively by Mr. Kent himself as an official room, and here, during the afternoon in question, he had spent several hours with the little boy who was murdered that night.

We are to look into that room. The father sits there with his favourite son, surrounded with the gravities of his official life, solacing himself with the gambols and caresses of his child. It is a day of cleaning-up, of clearing-out, of domestic confusion, and even the child's nurse is employed in the *mêlée*, and has relinquished to the father the care and custody of the little boy.

We look again into that room, strewn with papers as it is. On the table lies the draft of a factory report, on which the young scribe has scratched a pothook and a blot. In answer to the "naughty boy" greeting he has just received, he climbs, or tries to climb, his father's knee. It is lowered to receive him. He has got there, fairly mounted, on his legs, within his father's clasp; for the parent's arms are round his boy.

And now a romp begins: one of those scenes which, in the boy's recollection, take their place ever side by side with the prayers he remembers at his mother's knee. Scenes which become the food of memory, which save the man from harm or rescue him from destruction. Elaborate essences of early boyhood, stored away on shelves, where they remain like wine—new wine—to brighten and encrust, till life's maturity shall need to bring them out, from their cobwebs and their darkness, to cheer and animate the crushed or weary spirit.

At his usual early hour of bedtime the nurse returned to put this boy to bed, and he was laid in his cot, in the same room.

with his little sister, (the night-nursery,) the arrangements of which we shall presently describe.

From this time (about eight o'clock P.M.) till eleven o'clock nothing unusual occurred in the house. The servants were summoned at the usual hour to evening prayers, and one by one the family retired. At eleven o'clock, or thereabouts, we find Mrs. Kent creeping to the side of her sleeping boy in the night-nursery, where she found the nurse. Both the children were quietly asleep. The nursery-door was then closed, and the nurse, thoroughly wearied with her long day's work, undressed herself and fell asleep.

The bedrooms on the first floor were occupied as follows:—The bedroom of Mr. and Mrs. Kent was over the library, and had a dressing-room attached. This dressing-room had two doors: one led into Mrs. Kent's bedroom, the other led directly into the landing-place, close to the door of the night-nursery, and was never used, being fastened up by a heavy piece of furniture placed against it on the inside. Their eldest little girl, Amelia, slept in a crib in her parents' room. Over the hall was the night-nursery, divided into two compartments, in the first of which the two other children—the murdered boy and his youngest sister—slept with their nurse. Its window looked upon the lawn in front. Through a door there was ingress to the second compartment beyond, used as a bath and dressing-room. Its window looked out at the side over the roof of the dining-room; any person might ascend to the window along that roof. The wall was ivy-covered, and a dog was loose in the court. No disturbance of the leaves, or other circumstance, indicated to the strictest scrutiny on the following day that any one had scaled that wall in ascent or descent. A spare bedroom and two lumber-rooms occupied the remainder of this floor. Close to the night-nursery, at the angle farthest from the door of Mrs. Kent's bedroom, a short passage led round to the back staircase, past the water-closet, and down into the kitchen. To the use of this staircase the servants were restricted and habituated. At the bottom of this back staircase was a door which fell together of its own accord, and shut off all communication with the house.

Upon the second floor, the bedroom over Mrs. Kent's was occupied by the two eldest daughters. On the opposite side the

housemaid and the cook slept together. Between these, over the dressing-room of Mr. Kent, was the smaller bedroom of Miss Constance Kent. The dormitory of her brother William and two unoccupied rooms completed this floor.

It was the custom of Mr. Kent (a wise custom in a retired country house) to go over the premises after his household were gone upstairs. This he did with a dark-lantern in his hand; and on this night he made his usual round, observing that every door opening into the hall was secured on the hall side before he went upstairs, so that no person could get into the hall through either of the parlours or through the kitchen passage. He also ascertained that a door which led from the hall down into the cellar was secured. All passage into the hall was therefore sealed.

It seems that some days previously the lantern which Mr. Kent carried in these rounds had been broken, was sent into the village to be mended, and had been repeatedly and somewhat urgently sent for on this day. This circumstance has been tortured into importance by those who have parodied the Macbeth tragedy, and by whose ingenuity the murderous weapon also has been placed within the father's "clutch."

The house was now still. Mr. Kent retired to his room, and, upon the averment of his wife, who was constitutionally restless and vigilant, he never left it again till he was disturbed on the following morning by the nurse knocking at the door.

Not a sound was heard in the nursery. The mother, yearning over her only son, has been seen gazing on him as he slept,—a perfect statuette of God's own sculpture. Anxiously and lovingly she had hung upon his softest breath, had seen his face radiant with happy dreams, and had passed out from him—for ever!

And now a Rembrandt-shadow steals upon his brightness, and night's curtain drops.

"Thou sleepest, but when wilt thou wake? there lies  
The shadow of death on thy soft sealed eyes:  
Mournful, though sweet, is thy rest to see;  
When will the hour of thy rising be?  
Love, with soft kisses, unfelt, hath pressed  
Thy meek dropped eyelids and quiet breast;  
And the glad morn, calling out bird and bee,  
Shall colour all blossoms, fair child,—but thee."



It is five o'clock on the morning of the 30th of June. Six hours ago these two children and their nurse had been left; and now the sun is up, looking into the window, shining upon their little beds. One for the little girl was drawn up close to that of her nurse, so that an outstretched arm might reach her if she was disturbed. Her brother's cot was in a distant corner of the room. At this early hour the nurse waked, and looked into the cot at her side, where the little girl still slept tranquilly. She then raised herself slightly on the bed to look after the boy. His cot was empty. The boy was gone. She lay down again and went to sleep till half-past six o'clock. This is the statement of Elizabeth Gough.

About half-past six o'clock she waked a second time,—looked a second time into the cot in the corner. It was still empty. She got up, went across the room, and examined it. Certainly the child was gone. The bed-clothes were turned neatly back; there was no mark of struggle or disturbance; nothing in the room was disordered or displaced. On the pillow was the mark where his infant head had rested; on the bed the very form of his body was impressed and plainly visible. At once she went out from the nursery to the bedroom of her mistress. There she knocked—waited—listened—and knocked again; and, having failed to waken either of the parents, not choosing to arouse any other person in the house, she went back to the nursery. This is the statement of Elizabeth Gough.

She next deliberately dressed herself,—even deliberately said her prayers,—and then, going across the landing-place, knocked again at Mrs. Kent's door, and addressed her with the inquiry, "Please, ma'am, have you got Master Saville? for he is not in his cot;" or words to that effect. "No; we have not got him here; where is he?" was the answer of Mrs. Kent, spoken with an accent of wonder and alarm. This is the statement of Elizabeth Gough.

These statements have derived no support, nor have they received any contradiction, from any other independent human testimony. No eye, in all probability, had rested on those secrets to which the nurse's had been closed. Their value, therefore, must be tried by their own intrinsic credibility, and by the light of such collateral and circumstantial evidence as

can be found either to corroborate or to discredit them. Their truth or their untruth may be argued upon the question either of her guilt or innocence. Upon the supposition that the nurse was guilty of the murder, or of participation in it, or of concealment of the fact that she had witnessed the removal of the child from the nursery by some other person, with either her willing or compelled assent, her statements seem unnecessarily and even dangerously elaborate in detail. She had been hardly worked on the previous day, was very tired at night, and might be supposed to have slept heavily. Why then should she encumber her defence with the admission that she waked at five o'clock, missed the child, and omitted to alarm the household? If guilty, why should she be at the pains thus to concentrate attention upon herself, and to rouse suspicion by a confession which must create prejudice against her in the minds of her master and mistress, when she might have simply and credibly affirmed that she had but just discovered the abduction of the child when she came the second time, at about seven o'clock, to their door?

There is another feature in the nurse's statement equally important and remarkable. The records of criminal trials abound with ample, almost unanimous, testimony to the readiness with which guilty persons direct attention elsewhere and inflict doubts upon the conduct of other persons, in the tales they invent to account for or to nullify the effect of circumstances which seem to press heavily upon themselves, in order to turn aside the gathering current of suspicions, of which the consciousness of guilt makes them fearfully aware. In the statement of Elizabeth Gough, made at the door of her mistress, is there one expression, one insinuation, which deserves such an imputation? She might have been silent, but she went on to speak. She relates circumstances most unusual in their occurrence; improbable, it may be, if regarded by themselves; blameworthy, certainly, as applied to the conduct of a trusted and responsible guardian of children, one of whom had been stolen from her charge without her raising an instant alarm. In all these circumstances she relates her own condemnation for gross negligence, and for unconcern and misconception of her duties. Neither then nor since has her testimony been shaken, nor has she ever been betrayed into any inconsistency or circum-

stantial difficulty in her repetition of this extraordinary but simple statement. Till these questions are disposed of she is entitled not only to the benefit of a doubt as to her complicity in this crime, but to the credence of those to whom she related and repeated her singular and mysterious account of what occurred in that nursery on the morning of the murder.

At a later period of the morning, the nurse, when closely questioned, admitted some suspicion of the character of the motive to the murder. To her mistress she said, "Oh! ma'am, it's revenge." And on other occasions similar remarks escaped her; but she always expressed this opinion with reluctance, and, when placed herself in the most perilous circumstances, she obstinately refused to colour her own defence by the accusation of another person. Except to her mistress, in the one expression we have quoted, she maintained on the first day an impenetrable silence as to any suspicion she might entertain, and wore such an uniform expression of fairness and ingenuousness as convinced those who watched her of her personal innocence and of her ignorance of the person of the murderer.

But look at the nurse's statement again, upon the supposition of her innocence of the crime.

Against the truthfulness of that statement it has been urged that no nurse, having a child confided to her, and missing it as she affirms, could fairly or reasonably conclude that the mother had removed it while she slept. At least, that, as in this family there had been no precedent for such an occurrence, she could not, consistently with the presumption of her innocence, have lain down again and gone to sleep on finding that the child was removed. Now it is certain that Mrs. Kent had repeatedly discussed with this nurse her anxiety about her children; that she had instructed her, "if anything uncomfortable occurred, to come to her immediately." Mrs. Kent goes on to say, "I had never, that I remember, taken the child, during this nurse's time, from the nursery to my room; never when she was in bed asleep. I may have taken the child from his cot to my bed, but *I cannot be positive.*" The nurse affirmed that Mrs. Kent had said to her, "Nurse, do not be frightened if I come in and take the child away." Mrs. Kent was on one occasion questioned upon the truth of this statement, and, though she denies

using these words, she appears to have said something to the nurse which justified the inference.\*

Now let any mother and mistress of a family, observant of the marvellous carelessness and indifference of English servants, and of their ready, easy adoption of the *laissez-faire* in all its simplicity and breadth, under the recollection and the burden of instances of similar negligence which her own experience can furnish, or with the history of which the writer can readily supply her, say that the nurse's story is improbable or absurd. After reading the evidence of Mrs. Kent herself, and remembering that this servant, a young woman of three-and-twenty, had been sent to her bed after a long summer's day of house-cleaning and unusual labour, we verily believe that Mrs. Kent would have pardoned her fault, if it had not been associated with the murder of her son. Such an association may have much influence in guiding the feelings and in deciding the judgment of mothers. It will have none in determining the value of testimony and the course of justice. It can have no weight in the question of the innocence and truthfulness of Elizabeth Gough.

But suppose the statement is untrue. The guilt of this murder may still not be hers. For imagine this young woman to have missed the child at five o'clock, but not going to sleep again, as she says she did. That she was fond of the child is established by the testimony of her mistress. Placed alone, suddenly surprised, in circumstances of perplexity and fear, without any source of counsel and support, with no person to sympathise or share in her position, she would conjure up every phantom that could disconcert and alarm her. She might remember domestic incidents and disagreements, unavoidably disclosed to servants, though unseen and unguessed of by others; and these occurrences she might associate with the absence of the child. And so, minute after minute, hour after hour, would pass in the process of procrastination, till the first noise of another servant about the house would drive her to the precipice of a disclosure and a lie.

Or, still supposing her statement is untrue, it may be so in

\* On the 9th of July Mrs. Kent was examined by the magistrates, and said,—"I have always told my nurses not to be surprised at seeing me in their room at any hour of the night. I have been in the nurse's room; sometimes she has awoken, sometimes not."

another part of it. She may not really have waked till about seven o'clock, and may have imprudently preferred the dilemma of accounting for the two hours previous by a falsehood, rather than avow that she slept soundly in that room through the catastrophe of such a night.

But really this puzzle, if we choose to make a puzzle of it, is capable of being put together into so many different and incongruous figures, that we prefer to fall back upon a general principle of human action rather than weary the reader by conjectures which make the imagination giddy. That principle can be forcibly and shortly put, and may give the key to this enigma.

I suddenly enter a room and put my finger on the pulse of my friend. That pulse is a falsehood, but I am not misled by it. Its beats are 90 in a minute, but he has neither fever nor exhaustion. My presence has disturbed him; presently he recovers his tranquillity, and now his heart beats at the sound old rate of 70. I meet another man in the street; I tell him an unwelcome truth, and he is pale and dumb. Of another I ask a hurried and unpleasing question; he hesitates, stammers, and breaks down in his reply. Does all the world then wear a mask? No! for in all these phenomena are found evidences of causes operating upon physical conditions to produce inevitable and intelligible bodily effects. And, analogously, there are disorders of the mind,—disorders rather of the moral being,—which derange its functions and deform and distort its ordinary and normal expressions. The erratic vagaries of a mind abandoned to the impulses of perplexity and fear have no affinity, and must not be confounded, in our estimate of individual character, with those operations of deliberate judgment and design which betray themselves in habitual untruthfulness or settled purpose of wickedness, and indicate a deep-seated and organic disease of the soul. He never conquered who has never fought. He never fought who never had a wound. On some weak point, in some unguarded moment, upon some unfortunate and unforeseen contingency, the calmness and moderation and sobriety of reason have been surprised into a surrender. The brightest virtue has been dimmed, reputation has fallen, and character been wrecked. Truly, “let him, that thinketh he standeth, take heed lest he fall.” We do not extenuate the weakness that permits the abduction of reason, nor justify the moral

treason that dethrones it from its seat ; but we recognise the frailty of that human nature which, in every man's personal or relative experience, supplies him with examples of occasional and flagrant lapses into sin, and affords a possible, a philosophical, and charitable explanation of the conduct of Elizabeth Gough. In the statement that she makes she may be guilty of the indiscretion, and may suffer the penalty, of a lie. Yet her heart may be as true as steel.

After her conversation with her mistress the nurse is found going up to the door of the two elder daughters to inquire of them for the little boy. These young ladies slept together, and they replied that they had not seen him. At this moment Miss Constance Kent, who slept by herself in a room adjoining that of her sisters, "went to her door to listen, to hear what it was." It seems she came to the door and opened it, for she adds, "I don't know what I was doing at the door ; I was nearly dressed." No information could be obtained, however, on the second floor. The nurse then met the housemaid, who had been downstairs some time, and addressed her with the same inquiry. The housemaid says, "Nurse asked me if I had seen the little boy, as he had been lost from his room. I told her I had found the window of the drawing-room a little open." This incident of the open drawing-room window did not lessen the alarm and anxiety of the family ; and it is a feature in the case which assumed, at once, an importance which cannot be overrated in the consideration of this mysterious crime. By the family it seems to have been assumed that the child had been stolen, and that he had been carried away through this window. And, even after the discovery of his murder, the path by which he was removed from the house was still presumed to have been through the drawing-room. In this case he must have been carried past the bed-room of his parents, and round the house under their window. This may have been so ; and we are bound to regard with some deference the strongly expressed opinion, to this effect, of the police, and of others who have taken much pains in the investigation of the probabilities on this point. But our own opinion remains unshaken—that the opening of the drawing-room door, and the lifting-up of its window, were a feint and after-thought, designed to misdirect the search, and to produce an impression that the

child had been stolen by some person concealed in the house when Mr. Kent retired to bed. Let it be remembered that on that side of the nursery-door farthest from the parents' bed-room a passage led round to the back staircase; that in this staircase was a closet where some damp and dirty socks were found after the murder under suspicious circumstances; that at the bottom of this staircase was a door, by the closing of which all communication with the bedroom apartments could be instantly and effectually shut off; that close to this door was the kitchen, where the knives were kept, and where, perhaps, far into the night, a fire might be smouldering sufficient to consume the bloody relics; that beyond the kitchen a long passage terminated in the back door, which led through the stable-yard direct to the closet where the child was found.

Further, let it be presumed that the deed was perpetrated by some one who had gone to bed in the house that night; who left a bed-room for the bloody purpose; was well acquainted with the house itself; and had made a mature and skilful calculation of the facilities of one direction of egress, of the difficulties and dangers of another. These considerations, alone, seem to furnish a great preponderance of probabilities for the supposition that the opening of the drawing-room window was a mere disguise, and that the child was really carried out to his death by the back staircase and back door. The evidence of Mrs. Kent, and of the surgeon, when Elizabeth Gough was charged with the murder, corroborates the supposition that the child was actually murdered *before the drawing-room shutters were opened*. Mrs. Kent says, "Early in the morning—it was bright\* daylight—I heard a noise as of the drawing-room shutters opening. I did not call my husband's attention to it, for he was asleep." And Mr. Parsons states, "I saw the body about nine o'clock, and from its appearance I think it must have been dead five or six hours *at the least*." The other medical man (Mr. Stapleton) first saw the body between eleven and twelve o'clock on Saturday morning, and he, at once, expressed the opinion that the child died *soon after midnight*.†

\* In the sworn deposition of Mrs. Kent the word "bright" is omitted. She is simply made to say, "It was daylight."

† The medical opinion as to the period of death is formed in a great measure upon the character and degree of cadaveric rigidity. Its degree in

Now certainly it was not "bright daylight," nor "daylight," much before three o'clock in the morning, for the sun did not rise at Road till two or three minutes before four o'clock. It further appears, from the testimony of a man named Moon, who worked at a lime-kiln, that he had arranged to take some fish that night in the stream just below Mr. Kent's house; and that, on going, about one o'clock in the early morning, to take up his net which he had spread out on a field to dry for that purpose, he heard a dog barking most furiously; that it was in the direction of Mr. Kent's stables; and that he believed it to have been Mr. Kent's dog. And the policeman Urch states in his deposition before the magistrates on the 13th of July, that he "was on duty till ten minutes before one o'clock, and that as he passed the premises he heard Mr. Kent's dog bark furiously, and saw a light in the hall and nursery." It seems unaccountable, too, that a murderer, with three hours of night (from eleven P.M. till two A.M.) at disposal for the secret perpetration of this deed, should actually wait till the sun was risen to increase the chances of detection by lighting up the path from the drawing-room window round the front of the house to every chance passer-by; when, in the hours of darkness, the descent of a back staircase and the closing of a door would have rendered even a cry inaudible, and would have furnished the shortest passage from the nursery, through the house, to the closet, by much more than half the distance, along a path hermetically sealed from every eye. Of course we are supposing the murder was done by an inmate of the house, and by some person who knew the dog and could silence him by a whisper. Sarah Cox, the housemaid, states, at her examination on the 9th of July, before the magistrates, "When Mrs. Kent was informed the child was murdered,

any case, and at a given time after death, will depend upon many modifying circumstances; such as the mode and suddenness of death, the exposure of the body to temperature, and the age of the deceased. Such an opinion must therefore always be expressed with caution, and its value will depend upon the experience of the observer. In this case it is of the greatest moment to determine the date of death. The author has therefore taken the opinion of one of the first of our living physiologists upon a narrative of the case. His reply is, "I should coincide with your view as to the cadaveric rigidity." This opinion fixes the death of the child at one o'clock in the morning.



she said, 'Some one in the house has done it.' I said twice, 'I have not done it.'" And Mrs. Kent, in her deposition taken on the same day, says, "It must have been no stranger who did it, as it must have been some one who knew the premises. I have no reason to blame nurse. The only thing I blame her for is not telling me the instant she missed the child."

For these reasons we dissent from the opinion that the child was taken from the house through the drawing-room window; and we have argued the matter here, because much misconception seems to prevail respecting it.\*

A great difficulty has been made about the removal of the blanket. It has been urged that no one person, after taking up the child, could hold it in one arm, remove the blanket with the other, and afterwards replace the bed-clothes tidily. But why suggest this difficulty? What more easy and simple than to lift off the quilt, then take up the blanket, put it on one side, and replace the quilt; and then take up the child, put the blanket round it, and carry both out of the room? Surely one person could do this; and a woman would do it in this way.

The whole family was now aroused. The premises were searched; neighbours were called in. Mr. Kent ordered out his carriage, and started for Trowbridge to give notice of his loss to the county police.

We shall not relate the various discrepancies which have been extorted from, or that have been forced upon, the words that fell from him in his distraction; nor shall we attempt to reconcile them. Soon after he was gone the body of the child was discovered, barbarously murdered, by two men who entered the closet, saw a pool of blood upon the floor, and drew up the corpse from the place into which it had been thrust.

Upon the discovery of the murder, the clergyman of the parish, Mr. Kent's nearest neighbour, at once followed him

\* At a very early period of his inquiries the detective officer, Mr. Inspector Whicher, formed the decided opinion that the child was taken out of the house by the back staircase and back door, and that the drawing-room window was opened to misdirect the search. This opinion he still retains. For this and other facts related in this volume, and for the courteous readiness with which they have been supplied, the author is glad of this opportunity of thanking Mr. Henry Clark, the professional adviser of the Trowbridge magistrates.

towards Trowbridge, met him on his return from thence, and announced to him what had happened. Has that gentleman been asked, has he ever voluntarily avowed, his impression of the demeanour of Mr. Kent? Did he look like a guilty man? Or did he behave himself only like a bereaved father when that terrible announcement was made? We cannot tell; for the dry technicalities of law have not photographed the expression of the father's countenance, nor supplied us with a testimony which, emphasized by the character and authority of a Christian clergyman, would throw light upon those more comprehensive materials which are the foundation of public opinion and of English justice, though they are beyond the grasp and exceed the limits of legal inquiry.

Where so much is left open to conjecture, while the mystery still remains unsolved, we venture to sketch the picture into which these materials will most naturally fall; a picture which violates no truth, suggests no improbability, indulges in no fancy, and interprets all the facts—a picture which bears the impress of reality.

The perpetrator of this deed being still unknown, we cannot represent the murderer otherwise than as an "impersonal figure." It may be that soon after midnight this figure, whose apparition will henceforth be associated with the spot until the memory of the crime shall have faded away, emerged from its apartment or place of concealment, to execute the fell purpose of destruction on which it was resolved. With cautious and measured steps it moves to and fro upon the landing, to assure itself that all is still, and that no impediment exists to balk or stay the execution of the murderous design. Slowly and stealthily it wends its way down the staircase to the kitchen, where a knife is seized. On, through the back door, to the small building hidden behind the trees. Here the arrangements are deliberately made, and the sharp weapon of death is laid down ready for use. Returning the same way, the figure re-enters the house, re-ascends the stairs, again lingers on the landing, and crouches at each chamber door with eager attention. Hearing only the breathings of deep slumber, it opens the nursery door, peers in and around, and noiselessly enters the room. The

child sleeps in his cot ; the nurse sleeps soundly too. Without fear of discovery, without question of accounting easily for being found there if the inmates should awake, the murderer approaches the cot, and, burning with a deep and cherished revenge, glares upon the victim as he sleeps. The unconscious child, half waking, half asleep, is lifted up, and is folded in the blanket, which had been first withdrawn. Unobserved the figure steals out of the room, and draws the door together. The prey is now within the serpent's coil. There is no sound of alarm ; no obstacle exists to frustrate the murderous intent. Down the staircase, bearing the fated innocent, the figure glides. A second time it threads its way, in the twilight of a summer's night, past the dog, who barks, and hears a well-known whisper, and shrinks back into his kennel, on towards that secluded corner of the garden where the unfrequented closet is concealed under the shadow of the yew-trees. Its door is opened, passed, and closed again upon the murderer and the victim. The child, still wrapped unconscious in the blanket, is laid down. The blanket's folds are raised ; the knife gleams forth ; the deed is done. - It is a short and terrible drama.

There is a pause ; the muscles shudder and contract, and the limbs are drawn up and stiffen in the agony of death. In an instant the knife is thrust into the side, with the same ferocity with which the cat is seen to pounce again upon, and to mangle, its quivering and dying prey. Then all is still. And now the body, folded closer in the blanket, is forced through the opening in the closet seat, but not into the vault beneath ; for the obstruction of a board prevents its descent out of sight.\*

The murderer retires. Craftily and completely every trace of guilt is cleared away, and suspicion only tracks the retiring

\* It is reasonable to presume that the child was brought to this closet in order that its body might be plunged into, and might disappear in, the vault beneath. A long time before this crime was committed Mr. Kent had himself directed that this splash-board should be placed there. No other person in the family appears to have known that he had done so. That board is another "silent witness" to vindicate Mr. Kent from the foul charge made against him. Mr. Kent knew that the body of a child could not descend into that vault, for he had himself rendered it impossible ; and this fact has to be reconciled with the presumption of his guilty attempt to deposit there the dead body of his own child.

footsteps. Whether the mysterious figure re-entered the house to wait for and to watch the results of the foul deed, or wandered away elsewhere to indulge the emotions of a gluttonous revenge for some real or fancied wrong, must for the present remain a matter of simple conjecture. But if the motions and proceedings of the criminal are rightly shadowed forth in the preceding paragraphs, they may be sufficient to indicate or to suggest the motives which prompted to this horrible act. Whatever may have been the cause, the passion, or the motive, it is a crime which calls aloud to Heaven for retribution, and its detection is the solemn duty of society.

“The foulest act with which men’s hands are soiled,  
That telleth, loud, humanity’s disgrace,  
Leaves on the earth its evil;—undefiled  
The Fact lifts up to Heaven its holy face;  
And blotteth not the pages of that book  
Whereon the brooding eye of God doth look.”

## CHAPTER III.

## THE POST-MORTEM EXAMINATION OF THE BODY.

“ His first, last suffering, unforeseen, unfeared,  
Ends, with one struggle, pain and life together.”

“ It is of no use to yourself, to your patient, or to science, to remember that on such a day you thought so and so ; but it is of great use to all to remember why you thought so.”—*Dr. Chambers.*

General remarks—The blanket and its appearances—The child's clothes—The wound in the throat—The wound in the side—The position of the body after death—Its effects—The wounds upon the left hand—The blood upon the floor—The medical opinion given to Mr. Kent—The suffocation-theory—Criticism upon it—Eminent authorities on the subject.

THE details of a post-mortem examination are not often revealed to the public eye. The door usually closes upon a sight reserved for those who have a licence to look into the house of life, and to make themselves familiar with its furniture and arrangements. At such examinations subjects of daily careful thought become objects of research, things for the eye and hand to rest upon without reserve, at times and under circumstances which no familiarity can render common or less painful to the rightly-constituted mind. To trace the footsteps of disease, to note the burglarious entrance of the deadly foe, to watch his stealthy tread, to follow him from organ to organ, to look into the garden he has desolated, upon the wilderness that he has left, to see each barrier that has been raised against his progress, each breach that he has battered, and through which he was expelled again, but only to return and overleap the wall of life, till in the citadel he writes the fearful, fatal history of the last struggle and surrender ; to translate into the language of science these records of pain and wasting, of weariness and woe, from the hieroglyphics graven in etchings in the human flesh, is to provide a purpose and a justification for what else were treason against the consecration of the human corpse.

But if the living tenant of this palace has been driven rudely out by an unauthorised and violent intruder, if murder overtakes and cheats disease of its appointed prey in the lust for human life—then justice joins with science in the loud demand for truth, and the public press into the presence of the dead.

The murdered child is lying in the laundry, wrapped in the filthy bloody garments in which he was found. These garments cannot be removed or disturbed, even by the police, without the warrant of the coroner; and it has come. It is addressed by Mr. Sylvester, Coroner of Wiltshire, to Mr. Parsons, the surgeon first at Road on that morning, and the medical attendant of the family, directing him to make the necessary examination, and to report thereon at the inquest on Monday. Ample time was thus very properly, and, on the part of the coroner, most thoughtfully, provided for a strict and minute survey of all those circumstances and things falling within the scope of the medical inquiry, as well as for the consideration and resolution of any difficulties and doubts that might arise.

On the arrival of the messenger from the coroner Mr. Parsons was conversing with Mr. Kent in the parlour at Road Hill House. At their united and earnest request another surgeon who was present (Mr. Stapleton of Trowbridge) consented to assist in the examination of the body. The examination was at once proceeded with.

Upon and around the body was the blanket in which the child was found, and in which he was supposed to have been murdered. Clearly it was proved to have been withdrawn from the closet with him. On the outside of this blanket there was but little blood, except what appeared to have soaked through from the inside (or surface next the body), upon which it was most profusely distributed, especially where it corresponded to the *left and upper part of the left side* of the child. In some places, and, for the most part, it was seen in large, irregular, stiffened patches, as if it had flowed over the inside of the blanket in an uninterrupted stream. In a few places it seemed to have fallen with the force, in the direction, and with the interruption, of arterial jets, as if sprinkled or thrown off from a shaken brush.

By far the greater part of the effused blood presented the

former appearance; but the arterial jet and sprinkled form were unmistakable in more than one place. The quantity of blood poured out upon and remaining in the blanket might be fairly estimated at eight or ten ounces. There was no appreciable difference in the colour of the patches of the blood, nor could this appearance be expected. Seven or eight hours had elapsed since Mr. Parsons's arrival; fourteen or fifteen hours probably since the death of the child. After such an interval all physical characteristics of colour would be lost under exposure to the air. The two kinds of blood (venous and arterial), when dried, can be distinguished by no chemical criterion; nor can the microscope detect any appreciable difference in their corpuscles. It will presently appear that these considerations are invested with the utmost importance, inasmuch as they involve the question of the mode and circumstances of the child's death; *the question of the suffocation-theory.*

There were upon the blanket no marks of bloody fingers, and no hair; no knife appeared to have been wiped upon it, nor was it torn or cut; further, there was no sign of its having been stretched in any direction, or in any degree, by any one wrapped within its folds.

Upon the removal of the blanket the child was found clothed in his nightdress and under-flannel. Both were profusely stained with blood, differing not at all from that found upon the blanket. A large cut was observed in both garments where they covered the *left side* of the child, a little below, and to the outside of, the left nipple. At this spot little if any blood was found effused upon them, nor were they otherwise torn or cut.

The child's body, stripped of its clothing, presented the following appearances:—

One deep cut severed every structure in the throat—vessels, and nerves, and all—down to the front of the spine. It had been made from left to right,; for the blood had gushed out upon the left side and arm—the right arm and side, on the contrary, being almost free from blood. It appeared to have been done by one clean sweep, leaving no notch, and presenting no irregularity in its outline, either upon the skin or upon any of the tissues across which it had been drawn.

By its extent, and as to its inevitable and immediate results,

this cut amounted, physiologically, to decapitation. It abolished at once all feeling, and prostrated all resistance.

Upon the left side of the body, below and to the outside of the nipple, a sharp blade had been passed diagonally over the fifth rib. Severing wholly the cartilage of the sixth, partially that of the seventh rib, it had been thrust into the chest, behind the membranous covering of the heart, which it had grazed without entering it. It then penetrated the diaphragm, and had grazed the stomach in a similar manner, and without piercing its cavity. In its passage, or during its withdrawal, this blade had been violently twisted or wrenched round, as was evident from the torn appearance of the muscular fibres, and the scraped, irregular appearance of the exposed rib, at the posterior angle of the cut—an appearance remarkably contrasted with the simple, smooth surface of the other parts of its edges, and affording a reasonable inference that it was inflicted with a murderous intent, and under some ferocious impulse. Very little blood had flowed from this stab; none was found adherent to the side; nor was any coagulated upon the corresponding parts of the nightshirts. This stab injured no vital organ, nor would it have caused immediate death. It would have been followed by very little bleeding, even if the heart's action and the circulation in its vessels were still going on at the time of its infliction. Its position and appearances afford no ground for the presumption that it was done by using the knife to thrust down the body of the child into the closet; and for the following reasons: The wounded side lay undermost when the body was found; the child was found there wrapped in the blanket, which was not cut; and blood had trickled down into the child's hair over the left temple,\* showing that he lay there upon his left side, with the head downwards, after death.

*With the head downwards, after death.*—The effects of such a position, upon a recently dead body, after the kind of death denoted by the wounds described, shall be carefully explained. They may be safely relied upon to account for the following appearances observed at the post-mortem examination.

Upon the countenance of the child, about the lips, around the

\* Thomas Benger says in his evidence on the 13th July: "I pulled out the child. It was lying on its left side on the splash-board."



eyes, upon the looser textures of the face, there were marks of suffusion, a slight discoloration of the skin—lividity it could not properly be called, nor was it called so, or considered so, at the post-mortem examination—a doubtful appearance at the most, contrasting somewhat with the bloodless pallor, the marble whiteness of the skin elsewhere. One murderous cut had drained the large vessels in a few short seconds of their blood. In the capillaries—the smaller vessels—much blood still remained when the child was thrust, enveloped in the blanket, head foremost, head downwards, into the filthy grave that yawned for him.

From those small vessels the blood in them would, of necessity, gravitate mechanically towards the head and face, and, filtering downwards slowly through the muscles attaching the head to the body, would produce the distention and suffusion of the face, which have been so erroneously referred to as evidences of suffocation.

The child's face wore an expression of repose. Its upper lip, retracted slightly by the mortal spasm, had stiffened upon the upper teeth, unbruised, unhurt, unpressed; the tongue, not forcibly protruded, not fixed between the teeth, not bitten by them, had fallen slightly forwards on its separation from its attachments to the throat. The whole aspect of the face bore witness to the suddenness of death, and bid defiance to the supposition of a suffocative struggle.

Nor on any other part of the body was there found one evidence of suffocation. No mark, no bruise to indicate resistance. No livid patch to show how the battle for life was fought by every muscle, and in every limb, as in death by suffocation.

But upon the hand—that *left* hand, that beautifully chiselled hand, hanging lifeless from a body that might, even in its mutilation, furnish a study and a model for a sculptor—there are two small cuts—one almost down to the bone; the other just a scratch—upon the knuckle of the forefinger. How came they there?

Upon *any* part of *either* hand that murderous knife might have fallen before or after death. But upon the *forefinger* of the *left* hand—strange, most strange they should be there!

Suppose that child, laid down upon the floor, wrapped in the

blanket. Its folds are raised, the knife is introduced, it is laid upon the left side of the throat. At its first touch upon the sensitive skin, the *left*—the *corresponding* hand—is raised, and comes in contact with the knife.

It is raised again more feebly; the second cut is but a scratch. Instantly the knife is thrust into the left side by a hand still within the blanket.

In such a murder, no consideration, no circumstance, no incident is to be dismissed unheeded. All must be explained, each part made consistent with the whole. These cuts upon the left finger proclaim the consciousness of the child to the first sharp pang which waked him from his happy dreams, to look one moment at the treacherous murderer, and then to die.

Upon the floor of the closet there was a puddle of blood, two or three ounces, dark and coagulated when first seen—soon trampled over by hurried and by anxious feet. It seemed to have soaked through the blanket, and to have fallen there when the child's body was raised and thrust head foremost into the place where it was left and found.

It is not necessary to relate—it cannot help the ends of justice nor the understanding of the cause of death to describe—the further steps taken in this examination. In no one organ of the body was there found a trace of disease or poison. The examination was completed, and the officers of justice resumed their custody of the body.

Upon the return of Mr. Parsons and Mr. Stapleton to Mr. Kent they addressed him with the assurance that the child had died *an instant and comparatively painless death by the cut in the throat. On the part of both, this opinion was fully and unhesitatingly expressed.* Upon the facts recorded, and from the reasonable presumptions raised upon these facts, what other conclusion could have been arrived at? What other conclusion would have been scientific or even credible?

At the inquest, two days after the post-mortem examination, an opinion was propounded by Mr. Parsons (voluntarily propounded after his evidence was finished), that some appearances on the mouth, and the absence of the marks of much arterial jet in the blanket, led him to suppose that the child might have been partially suffocated. He was so understood at the inquest,

but that statement was not then sworn to, and seems not to have been recorded.

The appearances on the mouth gave no colour to such a proposition. They are otherwise explained and accounted for. Mr. Sylvester, the coroner, a surgeon of nearly fifty years' experience, and whose official duties give him intimate acquaintance with post-mortem appearances, says—

“MY DEAR SIR,—After viewing the body of the murdered child at Road, I was of opinion that death had not been caused by suffocation; and I still retain that opinion.

“Yours sincerely,

“GEORGE SYLVESTER.”

The same opinion has been furnished to the author by some of the highest physiological authorities. Mr. Paget, of St. Bartholomew's Hospital, has perused the case, and says, “If a body be hung with its head downwards, any time within (at least) six hours of death, the lips will become livid by gravitation of the blood.” Mr. Canton, of the Charing Cross Hospital, says, “I believe the lividity of the lips admits of the ready explanation you give of it.”

Nor will the absence of arterial jet on the blanket lend any support to such an hypothesis. After the first jet that followed the knife, the head in all probability fell forwards under the weight of the blanket. The subsequent bleeding, therefore, though much of it was *arterial*, would not be *sprinkled*, because the opposite faces of the wound would be approximated; and the blanket, being in direct and close contact with the wounded vessels, would be deluged, as it was found to be, by a hæmorrhage which admitted of and presented no peculiar characters.

Supposing suffocation to have been partial, the earliest effect of such an experiment is within the recollection of every sleeper who has been waked up from nightmare, *with a thumping heart*, when his face was covered by the bedclothes. If the throat were cut at such a moment, the signs of *much* arterial jet might reasonably have been expected, and there would surely have been some marks of resistance observable in the blanket. But these appearances did not exist.

And suppose the attempt at suffocation carried one step

further. Within less than "five or ten minutes of pressure with some soft substance" death must have ensued,—an occurrence incompatible with the testimony of the medical man who, on the 27th of July, 1860, declared "the incision in the throat was, as far as I can judge, the immediate cause of death."

Two months afterwards further reflection required the same observer to say, "I have formed the opinion that the child died by suffocation." That opinion is not concurred in by the author, who believes that the suffocation-theory is utterly untenable, though he is sure it was propounded with perfect honesty and good faith, in the full conviction of its truth. "Second thoughts" may be sometimes best, but "first impressions" may be more safely relied on as a rule.

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NOTE.—It is a question to consider, whether the wound in the throat did not at once produce a vital shock, under which the heart "stood still" for a few moments; whether, during that time of sudden and profound collapse, while arterial jet was suspended, the child might not have been thrust into the closet before the heart pulsated again and fluttered itself to death; and whether the absence of the signs of *much* arterial jet is not sufficiently accounted for by supposing that, when the heart beat again, it poured its blood away into the vault.

The author does not adopt this reasoning; but he *does suggest it* as deserving of thought and of discussion. In the language of Mr. Savory, "In this kind of death—death from shock—the heart is powerfully affected, and its action is arrested by a sudden and violent impression," "acting at once through a nerve-centre and destroying its action." At the moment of incision there would be one arterial sprinkling, *and this was seen upon the blanket*. The heart then would be instantly "shocked" into a pause, from which it would recover to bleed to death in the closet. (See p. 187.)

## CHAPTER IV.

## THE SUSPICIONS.

“ You would seem to know ”—“ you would pluck out the heart of my mystery.”—*Hamlet.*

Materials for suspicion — Their first form of combination — A presumed conspiracy within the family — Reasons against it — The arrival of Mr. Kent's friends — Examination of the nurse — Her deportment ; contrasted with that of Mr. Kent — His isolation from his friends — The cottages in the lane — The discharged servant — The Vendetta — The various popular slanders and surmises — The nursery window — End of the first day's inquiry.

It is the purpose of the two following chapters to record the history of some of the suspicions which have been associated with this remarkable case, to examine the foundation on which each rests, to trace its origin and direction, and to test its value. To do this with anything like an absolute order of time or place is impossible. Of each it may be affirmed that it exceeds the rest in some extraordinary quality of mystery, cruelty, incredibility, or baseness. In all of them are found striking and instructive comments on the condition, habits, and feelings of society as it exists amongst us. Every one of them has its psychological lesson. We stumble at one moment over a literary curiosity which rivals the letters of Junius ; at another, we get again upon our legs to puzzle over the changes of a philosophical kaleidoscope. As the mystery attached to the crime has been deepened and prolonged, suspicion has become a passion ; and the passionate appetite has been morbidly goaded by an earnest desire for the discovery of truth, sometimes by a fancied sense of duty, or, as has been too often the case, by a dangerous, unlicensed, and unscrupulous curiosity.

In spite of their very vagueness and improbability, we find in some of these suspicions a certain suggestive value. That value we shall attempt to determine. On more than one occasion the

hand of justice has been heavily laid upon the shoulder of a supposed criminal; and officers of police, acting under the sanction of competent, experienced, and conscientious magistrates, have not hesitated to brand women with a terrible and indelible mark, and to stamp them with the ignominy of a charge of murder. It may be that in England we blunder upon the truth more often than we succeed in educing it by any logical rule or technical process. Our detective service provides and permits no Vidocq to watch for a criminal with patient and untiring invisibility. English society endures no spy, and therefore an English detective is a figment. We pay the price for this privilege in the occasional impunity of some great miscreant.

Of the various conjectures and theories which have perplexed the pursuit of the criminal, some have floated easily and harmlessly over the popular mind. Others have taken deep and ineradicable hold in the popular heart. Perhaps we shall be able to show that the most improbable of them are retained with an almost malicious tenacity—that the most reasonable of them have been too easily dismissed.

From the moment that the child's abduction was made known outside the narrow circle of the household, the finger of suspicion was pointed to the family itself, and especially to some members of it. This suspicion was deepened, and first found expression, when it was learnt that the child had been murdered as well as stolen from his bed. The place where the body was found, the time when the deed was committed, and the few incidents, and accessories, and traces left for consideration, narrowed still further the limits of search, and indicated a simplicity of means and an intensity of motive which were at once striking and unusual. There were observed too a thoughtfulness of preparation, an apprehension of consequences, and a readiness and talent in providing against them, which justified the impression that the crime had been long contemplated, and that its detection would involve great difficulties and require much skill.

For some hours after the discovery of the murder no methodical inquiry was prosecuted. The family were paralysed with horror. The blow which had fallen on the father stupefied and confused him. His children and servants were equally terrified and powerless. His nearest neighbours rushed to the scene,

sympathised in the alarm, and contributed to the obscurity, without furnishing one useful or practical suggestion. The police, on their first arrival, had little time, and found in their experience little precedent, for the performance of any duty beyond the rôle of police routine; they had not prepared or pursued any plan of operations. They had occupied and surrounded the premises, and commanded every avenue of ingress or escape. They stretched a cordon round the house, and waited for orders. They had looked at the body of the child, speculated a little, and done less. Impressed with the conviction that the murderer was within their toils, they appear to have exercised a wise discretion in confining themselves to vigilance and reserve. Whether at this time any suspicion found harbour in the breast of any member of the family cannot be known. Circumstances had occurred in the house amongst those who lived there, domestic troubles had been suffered, domestic scenes had been enacted which have since become matters of public notoriety and subjects of legal proof, the recollection of which by members of the family must have been at once revived, and must have pointed painfully, and but too probably, to an occasion and motive for the murder. If at this early period ominous and gloomy forebodings of the truth arose, they were not suffered to transpire; nor did one of the family, from the father to the humblest servant, betray by word or look any consciousness or suspicion that the murderer was amongst them—was one of themselves. The police and spectators did not hesitate to form and express that opinion. Every member of the household as certainly rejected and combated the supposition. It is right to add, that no suspicion then actually attached itself to either of them. Their statements were consistent, their conduct was natural, and their very reticence, when questions were not asked, well became that great grief which found no other outward show. It was that "mourning garb" which hurt nature puts on so soon, and which she wears so long—"that frock or livery that aptly is put on:"—

" 'Tis not alone the inky cloak,  
 Nor customary suits of solemn black,  
 Nor windy suspiration of forced breath,  
 No, nor the fruitful river of the eye,  
 That can denote it truly."

From the father downwards there was observed no attempt to conceal, no want of candour or truthfulness, nor of readiness to act upon any suggestion that was offered. Especially there was no reluctance to enter upon or to assist in a minute and thorough search. From personal impatience or alarm, from the expression of fear, and from the countenance of conscious guilt, all were absolutely free.

Out of these materials that first suspicion was constructed which enters more or less into every other, that a conspiracy had been entered into to conceal the criminal and misdirect the pursuit—a conspiracy formed beforehand, and which therefore made all or many in the house common participants in crime; or afterwards forced upon and accepted by all or by some of the inmates; all, in fact, whether two or more, who knew anything, had seen anything, or suspected anything, and who might be dangerous or indiscreet. Such a scheme to baffle detection, a scheme so clumsy and so frail, is utterly inconsistent with the skill displayed in every other part of this great crime; and is rendered more than ever improbable by the consideration that, after every renewed investigation, each member of this presumed conspiracy has come out of the ordeal unscathed. Can it be inferred from criminal records—is it within the probabilities of human occurrences, or the possibilities of human nature and endurance—that a conspiracy so suddenly formed, so slenderly supported, so slightly coherent, amongst persons having so few interests in common, should have remained impregnable against the continual assaults and constant subtle approaches that have endangered it since the commission of the crime? If the answer is in the negative, that negative is strengthened by the consideration that the internal and essential weakness of such a compact is not its only contradiction. The impressions of the earliest observers, the truth which lurks at the bottom of public gossip, and the results of the various magisterial inquiries, were from the first, and still remain, in direct acknowledged opposition to the suspicions suggested by the family and servants. On the part of the police especially this manifest diversity of opinion soon became a direct stimulant, and gave a positive direction to their inquiries. That the murder was done by some person or persons outside the house, introduced into it or con-



cealed within it, was given as the opinion of every member of the family. Between the police and the family consequently an early difference of opinion and feeling existed. This difference soon, and inevitably, assumed a personality from which the police derived immense advantage. Each member of the family became a witness on his guard and at his peril, doomed to bear the burden of the reserve and untruthfulness involved in a participation in this presumed conspiracy—not only liable, but actually, and separately, and repeatedly subjected, to hostile criticism and rigid scrutiny by the police, under the perilous impulses of fear on the one hand, and of a ruffled temper on the other—called upon to encounter trying examinations on the weakest points, at the mercy of irresponsible questioners. A battle between combatants so unequally matched could have surely had but one of two issues—either the miscreant must have been surrendered at discretion from amongst them, or the presumption of such a conspiracy, whether of few or many persons, meets the only fate it either admits of or deserves—to be dragged forth to the help and vindication of this outlawed and unhappy family.

We shall recur to this suspicion hereafter. It ceased to exist in this vague and general form. It died an early and a natural death, and was buried, only to be dug up again as a foul and slanderous witness to the complicity of the father himself, with its nurse, in the destruction of his child, or in the shape of a suggestion that he had received the confession of his daughter Constance, and provided for her escape. In these more precise and definite forms it directed upon Mr. Kent himself the full broadside of popular indignation.

Five hours had now elapsed since the discovery of the murder when two visitors from the neighbouring town of Trowbridge came upon the scene. One of them, Mr. Rodway, had for some years acted as the official legal adviser of Mr. Kent; the other, Mr. Stapleton, was the certifying surgeon to factories in the neighbouring district. To both these gentlemen Mr. Kent was professionally known, but their social acquaintance with him was limited. They went to Road Hill House on the first news of the murder, with the simple desire to render assistance and sympathy to him and to his family. On their arrival, about

eleven o'clock, they found the inmates of the house in charge of the police, no other persons being within the premises except Mr. Peacock, the parochial clergyman; the family surgeon, Mr. Parsons, who had been sent for at an early hour, and had remained in attendance; and some men who were employed under the direction of the police. Mr. Rodway and Mr. Stapleton were admitted into the house without the knowledge of the family, and proceeded to a consultation with Mr. Superintendent Foley.

It was evident at once that the police felt under some restraint as to the full range of the house, and the active and unscrupulous discharge of their unpleasant duties of search and surveillance; and it was clear that no steps had been taken by any one present to put them at their ease, by formally delivering every place and person into their custody. An interview was directly had with Mr. Kent, and he eagerly requested Mr. Rodway to express to the Superintendent his wish to surrender himself and everything in the house, together with every member of his family and household, to the control of the police. At the same time he entreated his friends to assist the police and advise with them without delay or reserve. What these proceedings were, and with what success they were prosecuted, appears in the narrative of the Search.

At a later period of the day the nursemaid was suddenly called into the dining-room, and was closely and verbally examined in the presence of the Superintendent. She was reminded that the child had been left in her custody, and that its removal from her charge, under such extraordinary circumstances, subjected her to suspicion. This she readily admitted, and evidently felt. Her answers were simple and consistent throughout. There was no hesitation, evasion, or impatience in her manner. Upon her retirement it was mentioned that her features wore a look of fatigue, and gave the impression that she had passed a restless night. The medical men present were of opinion that the shock to her feelings, her sense of isolation and subjection to a charge of neglect, her near relation to the deceased, and the effects of weeping, would account for this expression of countenance; and the Superintendent especially urged his concurrence in this conviction. In answer to the question, whether she had "any sus-

picion of the motive or person of the murderer?" she disclaimed any suspicion whatever. This inquiry was made of her at various times and by different persons, but always with the same result. She repeatedly repudiated the idea that the deed was done by some member of the family, or by one of the servants; but her testimony on this point was confined to negative statements. She never suggested the possibility of its being done by a discharged servant or by a stranger. She made no effort, and dropped no hint tending to lead or to direct suspicion elsewhere; and she appeared to have no personal anxiety for herself or for any one else in the house.

The impression left upon every mind at the close of the nursemaid's examination was, that she was a person of considerable intelligence, and perfectly free from all guilt or complicity.

That she had no suspicion herself was by no means equally clear. The contrary was believed by more than one person present at the time; and that belief, so far from being shaken, has been confirmed by many subsequent occurrences.

A vigilant and careful observation failed to detect any communication of word or gesture between Mr. Kent and any one of the servants after the discovery of the murder, especially not between Mr. Kent and the nursemaid. Whether Mr. or Mrs. Kent, or either of their daughters, distrusted her, or entertained any suspicion of her integrity, cannot certainly be told. But deeds speak more loudly than words. It is remembered now, and was thought at the time a significant and remarkable fact, that the parents of the child who was left in the custody of that nurse, and was left there only to be withdrawn and murdered, had consigned to her care, on that very next day, and before his body was cold, another child, his sister, and their little daughter. Did the mother distrust her? Was the mother's confidence shaken? Had she thought of the nurse as the possible murderer of her boy when she sent her with that little girl into the garden? Did the elder sisters suspect her, and endure such a profanation? We submit this fact as the best evidence of their conviction of her innocence—the conviction of those who knew her best, and might have had most reason to suspect her.

Mr. Kent himself remained constantly accessible throughout the day; passing freely from room to room and frequently

conversing with the gentlemen there. In those consultations he from the first and invariably urged the opinion that the murder was committed by some stranger or discharged servant, from a vindictive motive. He expressed the greatest confidence in his servants. Very early in the afternoon he begged that a detective might be sent for from London; a course which would have been adopted but for the representation of Superintendent Foley, who said it was unnecessary and might be productive of difficulty and disappointment. To that representation Mr. Kent reluctantly gave way. Again he urged his conviction that some one had got access to the house from without. It was felt, and was remarked, that he shrank, instantly and sensitively, from every suggestion that the murderer slept in his house, and was still there. He uniformly carried the discussion, and desired to direct the search, *beyond* his household and premises; and appeared to think the time and energy wasted which were diverted to other channels.

In this respect Mr. Kent, from the first, stood very much isolated. A different impression rested upon the minds of his friends and was evidently entertained by the police. His mind seemed to wander irregularly, discursively, and unsteadily, over a wide field. He suggested a succession of suppositions, all equally vague and improbable, and unsupported by any testimony or by the evidence of a single fact. Every servant he had dismissed,—every village dislike he had incurred,—every neighbour he had disobliged or quarrelled with,—was passed in review and became the subject of remark, but without shaking the conviction of some of the listeners that the murderer was in the house. In all this there was no particular mark of consciousness or suspicion,—no particular appearance of effort or design,—no particular point of weakness,—but there was that general and inevitable effect produced which is caused by a material difference of opinion, urged strenuously by a deeply interested person on such a subject; the general, indistinct, dawning notion that he was himself haunted by some horrible and unavowed and guarded suspicion of a heavier calamity impending over him, and that he failed to find in his heart the Brutus-courage to grapple with the thought that lurked there and stung him.

We rest upon these particulars to remind the reader that they

But  
see  
p 26.  
- see  
also  
p 56

describe accurately the conduct and demeanour of two persons who, at the earliest time and from the discovery of the murder, were the objects of vigilant observation,—Mr. Kent and the child's nurse. Our narrative brings out, it is intended to bring out, in strong contrast some striking differences in their conduct; differences which seem to forbid the idea of any compact between them founded on a common guilt. It is right these differences should be recognised, and they must be kept in view when we pass on to the more difficult duty of dealing with a suspicion which has united these two persons; which has arraigned them upon that suspicion before the bar of public opinion; and arraigned them, too, not upon the facts of the case, but upon rumour and suggestion only, before the cruel and irresponsible tribunals of the public and the press.

But before we approach this part of the subject, involving as it does the gravest considerations and consequences, it seems desirable to dispose of a number of vague surmises,—suspicions they hardly deserve to be called,—which have, from time to time, and in a greater or less degree, obtained a temporary and slippery hold upon the public mind. Scandal, malice, and invention have been the ingenious and constant purveyors to a depraved and pampered appetite; and the press has opened its broad sheet to the miserable bill of fare. The conduct of the press in this respect well deserves the comments and the censure which have been bestowed upon it.

We have already pointed to the fact that, from a very early period, Mr. Kent, in his conversations with his friends and in his instructions to the police, avoided and combated every suggestion which directed suspicion to any member of his family or household. He invariably insisted upon his own unpopularity, alluded to persons who owed him an old grudge or had threatened him with vengeance, and related several incidents tending to carry out of the house the motive for the deed, and to fix it upon some stranger or discharged servant.

It appears from Mr. Kent's statements that on coming to Road he found that his front terrace was bounded, on one side, by a lane in which there were some cottages; between his premises and this lane there was either none or a very insufficient fence, offering no protection against the oversight and

intrusion of the inmates of those cottages. His first act was to secure his own privacy and that of his servants by placing at this angle of the grounds an impervious fence.

The cottagers took umbrage at this act, and his servants and children were in consequence frequently molested by them. His children were called after, in their walks and on their way to church, by the cottagers' children; and considerable inconvenience on his part, and ill will on the part of the cottagers, was the result. Soon after this, and before the feeling had subsided, Mr. Kent prosecuted to conviction one of the residents in that lane for some offence. A new element and cause of irritation was thus introduced, and was soon followed by another occurrence, which, as he believed, and as it seemed probable, created not only an ill feeling, but a combination against him. Beyond the enclosed grounds of Road Hill House the land slopes on one side gradually down into a beautiful and watered valley. In the river which intersects this valley Mr. Kent secured the right of fishing over a certain extent of its course. He cultivated and protected the fish, put up warnings against trespassers, and reserved the right of fishing exclusively to himself and his friends. In this same river the inmates of the cottages also had been accustomed to find their amusement, and they at once resented a monopoly which deprived them of their dish of trout. Poaching commenced, and, on the other side, watching and threats of punishment. The cottage corner became a thorn in the side of Mr. Kent; and, upon the occurrence of the murder, he not only desired that these cottages might be searched and their inmates examined, but expressed the conviction that the murderer would be found there. It was incidentally mentioned that the washerwoman of the family was nearly related to some of the inmates of these houses; and that, through her means, some assistance might have been rendered to the design, and some clue perhaps be discovered that would lead to detection. On the part of Mr. Superintendent Foley, and afterwards by Mr. Inspector Whicher, the whole of these particulars were discussed; but every inquiry, made at their instance or at the suggestion of the magistrates, failed to attach to any one of these cottagers the slightest taint of suspicion.

Mr. Kent also stated that, during the year previous to the

murder, a servant in the family, we believe a nurse, received notice to leave their service for some ordinary domestic reason. She was of a most violent temper, often giving way to paroxysms of rage, in which she threatened vengeance upon the children under her care. Upon the day of her leaving most violent and unseemly language appears to have been used by her, and she left the house in a passion, threatening to come back and take vengeance upon the family. That servant was found, her time during that night was fully accounted for, and no suspicion rests on her.

These suspicions were founded on circumstances within the knowledge of Mr. Kent and originated with him. He had repeatedly and strongly expressed an opinion that the murder was not committed by any one in the house. These were the only suggestions he attempted to offer in support of the opinion which he professed to hold. Without impugning Mr. Kent's good faith in this matter, we think it right to add that no person who was made cognisant of the facts which accumulated and were grouped about the house in terrible and significant array on that unhappy morning accepted Mr. Kent's speculations, or was shaken in his conviction that the murderer was there.

We remember at a recent assize in this county to have heard a remark drop from the lips of Mr. Justice Erle, which bears upon the story of Mr. Kent's discharged servant. His Lordship was addressing the jury, at the close of a trial for manslaughter, upon the evidence of a witness who had deposed to certain strong and violent expressions used by the accused towards the deceased at the moment of the fatal assault,—“*You villain, I will kill you,*”—and it was sought from these words to draw evidence of malice and of an intention to kill. The learned Judge told the jury that it would not be right for them to assume that such words necessarily implied malice to the extent of murder; that, under the influence of passion, all men, some men especially, committed themselves to threats of the most violent and most specific kind, expressive of intentions which they had never really entertained or dreamt of carrying into action; that such threats were often as meaningless as the oaths which decorated their ordinary conversation, and might as safely be passed over as expletive expressions and be treated with a similar indulgence.

We thought of Mr. Justice Erle when we heard the words which the discharged servant had thrown at the head of the family—"sound and fury, signifying nothing."

Amongst our social romances,—the romances of real life,—there are not wanting instances of an entirely opposite character. Many an unuttered revenge, nursed and carried through long years in the heart of a woman smarting under the sense of real or fancied wrong, has fallen suddenly and with terrible emphasis upon the head of the wrongdoer; or, like the Corsican Vendetta, has been poured out upon his child or wife. Many a seduction, many a desertion, many a broken promise has been thus avenged.

It occurred to one gentleman who was with Mr. Kent in the course of the day to lead him to this subject, and the question was suddenly and unhesitatingly put,—“Did you ever, not recently perhaps, but did you ever in youth wrong a woman? Look to your correspondence, turn to your recollections, look into your heart.” The full meaning of the question was apprehended; the countenance was unaltered; its expression never failed; the decisive reply was, “No.”

We pass on, through another parenthesis in this discussion, to the consideration of some of the noisy curiosities which have announced themselves as suspicions. Under the high pressure of excited feeling and mystery, every suggestion, possible and impossible, has been whistled off through the safety-valve of gossip and the penny press, and as their echoes die away we consign them to oblivion.

1st. That Mr. Kent was a needy and improvident man; that he wanted money; that the life of the murdered child was assured; that he murdered it to realise the policy. These suggestions are answered by the fact that the child's life was not assured. Was the life assurable, except under special and exceptional circumstances? Is such a motive, if it existed, a motive to such a crime, and equivalent to such a terrible risk? We think not.

2ndly. That the father was heir-at-law and legal representative of the child whose death would relieve his pressing necessities. But the father could derive no benefit from the death of the child. He could inherit only the misery and ruin which have followed his sudden and violent decease.



3rdly. That, in doubt of the child's paternity, and in the exasperation of jealousy, the father avenged himself upon the child for its mother's infidelity, is a suspicion which no one is base enough openly to avow; yet it has found its place in the bill of indictment, and has been whispered in the corners where foulness lingers and into which its slanders retreat.

4thly. That the mother, who at her first confinement passed through an attack of puerperal convulsions, was, now on the approach of a similar trial,—on the eve of another confinement,—again attacked, and, this time, by puerperal mania, and in its paroxysm killed this boy,—is refuted by the competent testimony of those who were intimately acquainted with her habits and her health at the time of this occurrence.

5thly. That somnambulism led the murderer to the victim. Did a somnambulist open the drawing-room window, hide the knife, clear away the traces of blood, and contrive the scheme which has so ingeniously and completely baffled detection?

6thly. That the nurse had stolen some jewellery in the family, or committed some fault or criminality of which the child was cognisant, and which she feared he might reveal. She had been heard to say "Master Saville goes and tells everything to his mamma." Armed with this piece of information, inquiry was stimulated and expectant. No jewellery had been stolen; no tale had been carried; and the closest investigation of the nurse's history justified the public statement of Sir John Awdry, that he had "learnt from his brother magistrates that every inquiry into her character had been exhausted, and that the nurse's antecedents were unexceptionable."

One other suggestion demands a more serious refutation. Adjoining to the nursery in which the child slept was a dressing-room entered from the nursery. In that dressing-room was a window opening upon the flat roof of the dining-room, which constitutes an additional and one-storied wing to the building on that side. Upon that dining-room roof it was possible to get, and easily from it, through the window of the dressing-room, into the nursery itself. Had the girl a lover who passed through that window upon amorous intent, upon the invitation of the nurse or without her consent? It was said she had a lover sighing for her at Woolwich, and another at Isleworth. Did

either of them come to visit her at Road to console himself for distance or delay, gaining access to her bedroom by that or any other way? The contradiction to this suspicion is found in the facts that no mark of disturbance was found upon the ivy-covered wall which must have been scaled in this Don Juan expedition; that the lovers have been inquired after and accounted for; that the correspondence of the nurse and her conversation in her intimacy with her fellow-servants give no colour to the suspicion; that her history and character are of some value in the calculation, and are against such a proposition in the balance of its probabilities. Granted that a man came into the nursery from the outside; that the child awoke and saw him; that he was alarmed by the appearance of a stranger and that he cried;—that he was not suffocated is certain, the post-mortem examination of the body disposes of this supposition,—the suffocation-theory is untenable, for that he died instantly by the knife is a scientific and inevitable conclusion. Is it likely then that a man so disturbed would forget his haste to be away, and bring upon himself the guilt and risks of such a murder? Men who are unscrupulously fond of women will run many risks to accomplish a purpose, and will not hesitate to murder an *unborn* child to conceal a criminality, but they do not commonly war with the knife against the lives of *children of four or five years of age*—their very instincts, brutal as they are, are in opposition to deeds and to designs of blood. And suppose the man escaped, leaving the nurse to pacify and silence the child; take for granted the groundless accusation against her purity and virtue, and we ask, Have the scrutiny of many months and the ordeal of her trial lent any authority to this suspicion, that she murdered the child to impose the silence of death upon the discovery of such an amour?

We have brought down this narrative to the evening of the day after the murder. We have weighed in the balance of truth or submitted to the test of probability the speculations of those who came first upon the field of inquiry, and who have become the depositaries of startling facts, many of them so shadowy and evanescent in their nature that they have vanished as objects of sense, and can now be only subjects of description. The light by which they were seen flashed fitfully for a moment and then faded away; but it gave a colour to the picture, threw a gleam

of revelation upon its most salient points, and left an impression that stamped itself, in that brief moment, as deeply in the memory as a common history of many common years.

We have heard the scandal of the village gossips, have listened to the words wrung from the agonised and bruised father in the extremity of his despair, and have taken question of death itself upon the body of the victim. It is time we should retire. We fling aside the loose, broken, unconnected fragments that have fallen around us, turn away the rubbish that cumpers and conceals the ground, and carry with us the recollections of the sights, conversations, and impressions through which we have been hurried. These we shall submit to the correcting ordeal of second impressions and of personal and friendly criticism.

If there are any who never saw what they have never looked for, they will find it here. If there are some who by habit or instinct find an inhuman gratification in taking correct and curious census of the sins of their neighbours and the calamities of their friends, they may find employment here. The facts that are related might have solved a mystery or called a criminal to justice. For these purposes they have not been used. They have a voice, however, in this book to speak a complete and ample vindication, and it will be seen how far they serve to elucidate and justify this history.

Under the impressions produced by these remarks we have prepared the reader to pass on into another chapter.

## CHAPTER V.

THE SUSPICIONS—*continued.*

“ Maledictis me quisquam sciat  
Et contra me larat vocem execrabilem.”—*Lucian.*

“ Had it pleased Heaven  
To try me with affliction,—had he rained  
All kinds of sores and shames on my bare head,  
Steeped me in poverty to the very lips,  
Given to captivity me and my utmost hopes,  
I should have found in some part of my soul  
A drop of patience ; but, alas ! to make me  
A fixed figure for the time of scorn  
To point his slow unmoving finger at :—  
Oh ! Oh !”—*Othello.*

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The father and daughter—Suspicion falls on Constance Kent—Why?—She is associated with her brother William—Account and criticism of the inquest—Disgraceful scene—Conduct of the coroner—The suggestion of suffocation—Its acceptance—The father becomes an object of suspicion—The child is said to have been killed by accident, by two persons, and then mutilated—Examination of this question—Elizabeth Gough and Mr. Kent—Refutation of the suffocation-theory—The absconding of Constance and William, and reflections thereon.

WITHIN a day or two after the commission of the murder suspicion had been directed against Mr. Kent, as well as against his daughter Constance, as principal actors in it. Hitherto these suspicions have been kept out of view. It was thought desirable in this narrative to bring them together and to contrast them. In a former chapter an attempt was made to dispose of those speculations, vague and various as they were, which directed inquiry into other channels, and to demonstrate, by a sort of exhaustive process, the improbability of success in any search that was not concentrated upon the family and household.

The field of inquiry, wide and uncertain when first entered upon, became thus gradually but surely narrowed to a focus

upon which the light of all the observed facts seemed naturally and strongly thrown. Of the grounds of the suspicions against the father and daughter, of their origin, and of the order in which they arose, we have now to write.

Upon the morning of the murder a painful impression was soon produced, not only that the murderer was within the house, but also that in the family itself recent and notorious occurrences supplied a motive for the crime. Conversation with the father,—his evident restlessness when reminded that appearances were opposed to the supposition that the murder was committed by a stranger,—the contrast between the nurse's conduct and his own (she simply maintaining her own innocence and disavowing her suspicion of any other person, Mr. Kent, on the contrary, not only ignoring the facts as they accumulated around his household and family, but arguing upon and against those facts, without satisfactorily answering or removing them),—these, and many other considerations, each one singly almost unappreciable, but forming collectively a chain of reasoning which led to another conclusion with the gathering strength of moral conviction, created a difference of sentiment which was felt and recognised before the day had closed; and, on the part of Mr. Kent's friends, the inquest was looked forward to as an occasion which might far more than double his present calamity, by placing his daughter Constance in the utmost peril.

This terrible suspicion, ominously whispered to each other by the few who had been engaged in the first day's investigation, found a voice in the village in the interval that elapsed before the inquest. It was enlarged upon also, for not only Constance, but her younger brother William, as acting in complicity with her, and under her influence and suggestion, were openly pointed out as the persons who had destroyed the child. The motives of revenge and jealousy were as openly attributed to them, and the expectation of their committal was strongly entertained in the village.

Conjecture was rife, popular indignation was excited, and the jury assembled under circumstances prejudicial to the calm investigation of truth.

How this tide of popular feeling was arrested, by what means it was diverted from the children, Constance and William, to

be poured mercilessly forth, in resistless overwhelming torrent, upon Mr. Kent himself, we shall now relate.

The picture of the inquest hangs in its proper place in this exhibition. It deserves and decorates a room by itself, and is referred to here only for the purpose of the present discussion. The occurrences which took place at that inquest, after the first witnesses had been examined, made it evident that the mob had been disappointed, and had become angry and dissatisfied. Women had crowded into the room to hear how a throat had been cut, and they held young children in their arms to gaze upon the bloody relics that were produced in court. The palpitating relish that flutters the mantillas at a Spanish bull-fight has its analogue in the "sensations" with which Englishwomen will sometimes gloat upon the circumstance and tale of some hideous and bloody crime. To woman's nature there is everywhere a fascination in startling catastrophes, a charm in the sudden crisis which comes to close a scene. On the banks of the Ebro our peninsular sisters dress up their little cruelties in gay and jaunty colours. They come to a courtly scene, and hallow it with a Sabbath sanction; and the matador, when he falls, is decorously and quickly concealed beneath his flag and scarf from the glances of fair Spanish eyes. But an English village matron will not tolerate disguise. The coarseness of barbarity is forgotten, or is tolerated and redeemed by the sense of its reality, and by the satisfaction of a full and visible disclosure of its most dramatic details. The thing must be seen or told as it was veritably done. Her sympathies for suffering are suspended till her instincts have been indulged; and, when curiosity and the love of the horrible have been satiated, the Englishwoman recovers from her eclipse and comes forth among us in the brightness of her better attributes again.

But at the inquest upon this poor child there was more than this. Exclamations of dissatisfaction soon gave evidence that a spirit was aroused which it might be difficult to govern or suppress. That spirit soon found vent in personal execrations and in open brutality. Alas! if such savagery should find response in the breasts of a British jury.

The coroner, with an early perception of the simplicity and paucity of his resources, presented to his jury such witnesses

only, and obtained from those witnesses only such evidence, as clearly made out a charge of murder. From the moment of his arrival at Road, he appears, in common with every person who had hitherto been engaged in investigating this mystery, to have entertained but little hope of a special result to his inquest in the shape of a commitment. He evidently desired however to record and charge the crime of murder as against "some person or persons." His adoption of certain witnesses precluded no other witness whom the police might think proper to summon; and he was heard to urge upon Superintendent Foley the propriety and duty of placing other evidence before him, if by any possibility it could be procured. We mention this because an attempt has been made to show that the coroner selected certain witnesses and shut out all other evidence; the fact being that the usual list of probable witnesses was prepared by the coroner in concert with the police, who were instructed to bring before him such other evidence as might be thought desirable and useful. At the same time, he avoided the adoption of any theory, indulged no prejudice in himself or in others, and suffered no one, especially no member of his jury, to pander to the cruel appetite of the infuriated mob by whom they were unfortunately surrounded, and by whom it was even attempted to overawe his authority and court. It is believed by those who closely watched the proceedings that he soon became cognizant of the character and feelings of the jury, and of the hostility of some of them to Mr. Kent and to his family; and he could not fail to hear the taunts showered upon them so frequently by the spectators.

The coroner adopted, under these circumstances, the judicious resolution of confining himself to the examination of the few witnesses named at the commencement of the inquiry (unless other material evidence could be adduced); of avoiding useless desultory gossip and the examination of suspected persons on oath; and of obtaining from the jury an open and general verdict of murder, which might justify and stimulate the most prompt, and instant, and earnest pursuit on the part of the police.

This resolution, afterwards so amply vindicated by more than one of Her Majesty's Judges, was frustrated. Had it been adhered to, it is probable that the efforts of the police would

have been more successful, and that the criminal would have been placed at their mercy. What subsequently happened, however, imported a fatal prejudice into the minds of the police, and gave a tone to all their future proceedings.

When his witnesses had told their tale, the coroner, in the usual form, put it to the jury that they should find their verdict;—that their verdict must be murder;—and that the police would become responsible for its detection. The scene that followed is described elsewhere in this narrative, and is explained in the affidavits upon the motion against the coroner in the Court of Queen's Bench. The difference of opinion between the coroner and the jury on the subject of Mr. Kent's family ceased to be a discussion;—it became an extra-judicial, indecent, and dangerous controversy. Amidst the howlings of women and children, the resolution of the coroner was denounced as un-English and unjust. The well-known cry of "one law for the rich and another for the poor" was uttered and sanctioned by men who knew the baseness, and the danger, and the omnipotence of such an appeal to the popular passion; it rallied the jury and the mob to a common standard of resistance; and the coroner retired to Road Hill House, where witnesses were forced upon him by a jury over whom he had already lost all control.

Upon his return to the room where the inquest was to be concluded, the proceedings at once assumed an *ex parte* complexion. It was in vain that he remonstrated against the irregularities and prejudices of his jury; in vain that he charged upon them the important duty of determining their verdict by the evidence alone. A butcher, disqualified by a good old rule from assuming the functions of a juror, was produced, fresh from the shambles, as a witness to describe the effects of his knife upon the throats of animals. His evidence might have supplied a page to 'The Mysteries of Paris,' and constituted him the English impersonation of the Chourineur of that extraordinary romance—"The Butcher of the Boulevards," who had lived in an atmosphere of blood and saw everything through its reddening medium. The medical man, who had been examined and who had resumed his seat, afterwards made a voluntary statement, offered with diffidence, attested by no valid reason, and unsupported by any sufficient explanation, that from certain



appearances which he had observed (*but which he had not even mentioned at the post-mortem examination*) it struck him that the child might have been partially suffocated.

It is necessary to present a summary of these facts even at the risk of repetition. The details of the crime involved considerations so revolting to human nature, and at the same time so incredible, that this suffocation-theory was hailed by many humane persons as presenting an escape from a difficulty which taxed faith to the utmost, and pronounced a shocking libel on mankind. And there were not wanting others who seized with insidious and damning malice upon this novel and ingenious hypothesis to ruin a man whose office and career were already unpopular; to such persons Mr. Kent was either already personally obnoxious by his faithful discharge of official duty, or was regarded by them with that general dislike with which many people come to look upon a public officer charged with functions which may place them in controversy with the law. It was to these two classes of persons, from opposite quarters, in opposite extremes, and from opposite motives, that the suffocation-theory was most especially acceptable.

There is an unreasoning and ignoble humanity, "the counterfeit presentment" of a generous soul. It feels and suffers in its superfluity of nerve, but it commits and contemplates no active sacrifice. This form of selfishness, under the disguise of a sensitive delicacy of feeling, is become a social poison. It protests against no injustice, is bound by no obligation of knight-errantry, and accepts, on every subject about which it is not itself concerned, that form of belief which spares the trouble of thought. It values truth itself at little if it must pay its freight, or toil with it along the road of controversy in dragging it to light. It asks no question even of itself, for a note of interrogation would shatter it to pieces. The moral of this apostrophe follows.

The difficulties of this question of the Road murder have demanded solution from men of ability and education—men whose lives have passed usefully in habits of close and daily observation of human nature. These men have looked at them, and turned aside. Others, whose professional studies and attainments have given them a profound acquaintance with the nature of evidence and with the difficulties of proof—men familiar with

the enormity and unscrupulousness of guilt, with the infirmity of human passions and the subtlety of human motives—they, too, have stumbled over these difficulties, and have left them discomfited and bruised. What wonder is it, then, that our tender-hearted acquaintances, whom we have apostrophised so feebly, should seize upon the suffocation-theory? It was an easy plausibility, thrown out as by a happy inspiration; one of those accidents of invention which had cost as little trouble to enunciate as it required to believe.

When the suffocation-theory was announced, it could not fail to be observed that it gave colour to the supposition, quite unwarranted by any fact previously disclosed, that two persons had been concerned in the murder.

The attempt to stifle a cry, or to prevent a disclosure, does not necessarily imply an intention to take life; but the attempt might have been carried to an extent not originally designed or contemplated. A telltale boy waked from his sleep, and made an unfortunate and involuntary witness to a scene of guilt, might have had a hand or pillow pressed upon his mouth by those who hoped afterwards to bribe or to frighten him into silence. But suppose the experiment carried too far, prolonged to suffocation. Think of the fearful explanation to be offered—of the responsibility incurred of accounting for a dead or dying child. Then every measure which shame and fear could suggest would be pressed eagerly into the service of those who had fallen into this terrible jeopardy. The fatal accident must be clothed in the disguise of crime, and the knife must be employed upon the dead body to throw the guilt of stealing life on other shoulders, and to furnish evidence of another kind of death; and when the knife had done its bloody work of mutilation, two guilty persons (one of them the father of the child) would hurry back from the closet into which they had flung the mangled body of his child, to concert a scheme of concealment, and to tremble in complicity over this victim of an accident.

Must the father of the child, then, be one of those two persons? It was not to be supposed that the murderer, in an attack upon this child's life, if that attack was made at the instigation of revenge, paused in the very crisis of frenzy and of action. It is not to be believed, even by our credulous and



easy friends, that, when the victim had been pounced upon and was secured, the hand was used only to stifle an imaginary cry, or to press out a life for which the ready knife could open an instant and a wider passage. Nor can it be admitted that a vindictive attack is compatible with the supposition that two persons were concerned. Revenge is a very miser, and gives no share of its indulgence up; certainly not when it proceeds to the extremity of such unprecedented murder. Such a murder affords irresistible evidences of a plan laid, an opportunity waited for, and obstacles removed. It must have been executed, too, by a solitary murderer. No such suspicion has ever rested on the father's head.

Or suppose the impulse of insanity. It is sufficient to say that the lunatic has, and can have, no accomplice. Such an assertion is so obviously true as to require and admit of no discussion. This, too, is no question which affects the father.

But if murder was not originally contemplated, and if the death was an accident and the cut throat a disguise, we ask again, was the father one of the two persons who must have been concerned in this catastrophe?

Spare us yet another page, and this question shall have an answer.

Take the opinion of any one who has been concerned in this investigation, at any period of it; consult the "mysterious portfolio" paraded upon the table in the Trowbridge court; read again those depositions which its owner drew in triumph from its recesses; imagine, if you can, those other depositions which remained behind, buried in its depths, during the long four days of that poor girl's torture; ask of the magistrates who discharged her their opinion upon the whole of this remarkable and mysterious case; and you will be told, upon the only testimony that has any value, that but two suppositions are reasonable, or even possible, as founded upon the facts or accounting for them. One of those suppositions is abundantly refuted by the fact that *the child was not suffocated*.

We refer for one moment to an idea entertained at one period, that Constance and William Kent were associated in the perpetration of this murder. The fact that they absconded together on a previous occasion from their father's house; that the place

where the body of the deceased child was found was chosen by the brother and sister as the place where they disguised themselves, and whence they started on that adventurous expedition; and that in this circumstance there was proof of their mutual confidence and of their dissatisfaction with their domestic treatment,—these facts have been adduced with some weight as considerations in favour of such an hypothesis. On the other hand, those who have seen and questioned William Kent, and who were the witnesses of his natural and artless grief upon the discovery of the murder, have come unhesitatingly to the conclusion, not only that there exists no proof or evidence of his complicity in the murder, but that every circumstance clears him from suspicion. After the earliest village gossip had died away, it was felt on all hands that no charge could be preferred against William Kent, and that no shadow of suspicion rested upon him; and Constance has been discharged after a searching inquiry. The question, then, is reduced to a simple proposition, and its answer admits of no alternative. If two persons were concerned in this murder, and if those persons, or one of them, is to be found in the house, Mr. Kent himself is one of those two persons.

We make this answer fearlessly. If Mr. Kent has not yet been put formally upon his trial, he has not the less been subjected to its infamy by the convenient proxy of Elizabeth Gough. The whole elaborate machinery of her arrest and commitment, the select artillery of the prosecution, and the efforts made to persuade the magistrates to send her for trial, had the effect (whether designed or not we cannot say) of assailing and endangering Mr. Kent, through a charge preferred against the nurse. Such a mode of approach to the siege of a man's character, and to the sack and destruction of his domestic peace and social position, is *a measure so extreme and unusual, that its failure ought to be followed by some public reparation to him who has been dragged through such an ordeal*. No man who was present at that trial can doubt this fact, that the nurse's commitment on the charge of murder would not only have implicated Mr. Kent, but must, to have been consistent, have been followed by his immediate apprehension on the same charge. That he had gone into her room for a criminal purpose, that his child

was awakened and knew him, that its cries were stifled by the hand, and that death ensued with all the consequences we have supposed—was it not to prove these things that Elizabeth Gough was brought in custody from Isleworth, and produced as a prisoner before the magistrates at Trowbridge? Her vindication, therefore, is the vindication of Mr. Kent. It rests upon more than the insufficiency of proof; the very theory itself of the mode of death is a failure. It would be controverted by the coroner, who saw the body of the child (himself a medical man, and competent by large experience to judge), and it is emphatically denied by other testimony. This theory, and the dogmatical assumption that two persons must have been concerned in an act which it was supposed would have overtaxed the strength and ingenuity of one, these are the simple grounds of the suspicion against Mr. Kent. Upon the persons who have been heedless and rash enough to venture upon and to promulgate these speculations, without being able to demonstrate them; upon those who, from malice or mistaken zeal, have lent a ready credence to these unwarrantable and unsupported suspicions; upon those who have had neither the forethought to predict, nor the human, generous heart to protest against their inevitable consequences—upon these must rest the fearful responsibility of ruining an innocent man.

From the panoply of an impregnable and unquestioned character such suspicions might have fallen harmless. That they have attached themselves to Mr. Kent with such singular tenacity is a circumstance which we cannot explain. What had been the tenor of his social and domestic relations—with what observance he had obeyed the obligations imposed upon him as a husband, as a father, as a master—we cannot say. These questions contain a problem which we cannot solve. From the most slanderous imputations thrown at him from every quarter we know he has escaped unscathed. The answer is in his own heart. Under no other than great and irreconcilable provocations are young and tender children used to desert their homes, and to leave the protection of their parents. The greatest, and most cruel, and most hopeless only, could have suggested a revenge which could inflict and require a murder.

Another reflection has been forced upon us by this terrible

and disastrous occurrence. When the brothers of Joseph went down into Egypt, their hearts misgave them in their calamity for that which they remembered to have done concerning their brother. "We are verily guilty concerning our brother; therefore is this distress come upon us." In the midst of this family was there some unatoned and unrepented sin, some habitual unkindness, some cruel neglect, some relative unfaithfulness or unredressed wrong, which the Recording Angel had his commission thus to punish and avenge? These questions have been asked.

In the presence of some great and marvellous calamity such considerations may intrude upon us; but while we thus moralize we are too often tempted to steel our hearts and economize our sympathies, lest we seem to look with pity or to pour balm upon the bruise of him from whom God Himself has turned away. We forget that, in the Providential government, the bolt that falls has an errand we cannot guess, a path we cannot trace; though it has blasted the dearest possessions of him who just now walked in God's sunshine at our side. "Think ye, those upon whom the tower of Siloam fell, that they were sinners above all men. I tell you, nay!"

## CHAPTER VI.

## THE SEARCH.

CALLICLES.—“I know not how it is, Socrates; you appear to me to speak well! Yet that which happens to most, happens to me; I am not quite persuaded by you.”—*Plato.*

The prompt endeavours of the police and others entirely baffled—Was the crime premeditated?—Was it committed by a lunatic?—Instances of homicidal lunacy—Careful search of the house and its inmates—The result—Opinion of the police—Neglect of scientific testimony—Limited character of the public inquiries—Their history and most striking features—The silent witnesses—The piece of flannel—The scrap of newspaper—The blood on the floor—The two stained garments—One dismissed by the surgeons; the other lost by the policemen—Questions arising therefrom—Suggestion of the detective officer—The missing night-dress—Proceedings against Miss Constance Kent—Extraordinary conduct of the washerwoman—The night-watch of the two policemen—Remarks thereon—Mr. Kent's suspicions of the neighbouring cottagers—Inspector Whicher's proceedings—Remarkable occurrence during the service of a previous nursemaid—Two Elizabeth Goughs—Remarks—Effect of the same scenes upon different observers—The interpretation of the two Syracusan pictures.

THE search which followed the discovery of this murder was so prompt and thorough, the field of investigation seemed so limited, and the motives, if various, appeared so clear and palpable, that it strikes one as both remarkable and startling that the operations of the police, and the numerous other agencies that were instantly and continuously employed, should have been so completely ineffectual. Until the assassin shall be discovered, it cannot be known whether this crime was a premeditated act, or whether it resulted from some sudden and uncontrollable homicidal impulse. The mode of assassination, and the rapid and expert removal of every trace of guilt, support the hypothesis of a previously settled scheme, whilst the barbarous wounds that were inflicted indicate the workings of a savage and implacable temper. This unusual, but evident, combination of cool deliberation, with fierce, almost maniacal, passion, is a feature in the case which may

afford some help in the solution of its mystery. The theories by which it has been attempted to reconcile these apparently opposite and incompatible conditions have been supported by arguments plausible enough to force them into a temporary popularity and acceptance. One by one however they have fallen before that closer scrutiny, that exigent demand for proof, so well illustrated by the classic sentiment which records the judgment and the scepticism of Calicles.

Upon the first news of the murder an impression was produced upon the minds of one or two persons that an homicidal lunatic had escaped from control, found access to the house and concealment there, perpetrated the murder, and disappeared from the scene. Instances are not wanting to justify such a supposition,\* and it seems desirable to present a summary of the facts and reasonings which seem to justify it. Whether it is adopted or not, it is certain that it affords one legitimate explanation of the most extraordinary features of this crime, and offers a reasonable alternative to the conviction that it was committed by some member of the family. In the latter supposition there is something so revolting and unnatural, and it is so wholly unsupported at present by any direct and legal proof, while, at the same time, some of the facts tend so strongly to suggest it, that no time can be ill spent which is devoted to the elucidation of those precedents and authorities which support the former.

Not many years ago the child of a solicitor in the neighbourhood of London was murdered, while the family sat at dinner, by a young nursemaid of eighteen years of age, to whom that child had been intrusted. In this case the crime was *immediately confessed*; and, in such cases, this is the usual result, but it by no means constantly or necessarily follows.

In July, 1837, a man was charged, in the midland circuit, with the murder of four of his children. The idea came to him only on the night of his perpetrating the crime. He was a person of industrious habits and an affectionate father. After he had strangled the children he left the house and went to a neighbour's; but *said nothing of the murder*, until he was apprehended the next day and taken before the coroner, when he made

\* Read the History of the Murders in the Rue Morgue.



a full confession. Not one of the witnesses had ever observed the slightest indication of insanity about him. He made no defence, but several medical practitioners came forward to depose that he was insane. The prisoner's grandmother and sister had been insane; the latter having entertained a desire to destroy herself and her children.

Homicidal monomania may make its appearance at all ages, even in children not more than eight or ten years old. The act of violence may be committed without warning, and the patient may express neither regret, remorse, nor fear. He may coolly contemplate his victim, *confess the deed*, and at once surrender himself to justice. In some rare instances he may *conceal himself, hide the weapon, and endeavour to do away with all traces of the crime*. The symptoms just described have been observed to become more aggravated in proportion as the homicidal impulse was strong. It may be further observed that *premeditation* and *precaution* are met with in crimes committed both by sane and *insane* criminals. With comparatively few exceptions such persons are not only powerfully influenced, but materially controlled, by the same motives which influence and control those who are still mixing in the world.

In 1843 a case occurred of a young man of mild manners who laboured under a delusion connected with windmills. "He would go any distance to see a windmill; and would sit watching one for days together. His friends removed him to a place where there were no mills, in the hope that this strange propensity would wear away. He enticed a child into a wood, and, in attempting to murder it, cut and mangled its limbs with a knife in a horrible manner. How would any sane person have connected this delusion respecting windmills with the perpetration of murder? Yet it turned out that he had taken the resolution to commit this horrible crime in the hope that he should be removed, as a punishment, to some place where there would be a mill."

M. Broussais says, "There exists sometimes (from a perversion of the natural desire of society) cruelty, a delight in destroying, an impulse unreasonable. This horrible perversion may be considered as a species of chronic anger or hatred, which impels the individual against himself, or other men, or inanimate objects."

M. Esquirol has expressed his conviction of the reality of such a derangement; and M. Pinel records the following characteristic example of it: "An only son of a weak indulgent mother gave himself up habitually to the indulgence of every caprice and passion of which a violent temper was susceptible; and his impetuosity increased with his years. Every instance of opposition or resistance roused him to acts of fury. He assaulted his adversary like a savage, and sought to reign by force. When unmoved by passion he possessed a perfectly sound judgment, proved himself competent to manage his affairs, and ever distinguished himself by acts of beneficence and compassion. But at any fête or public meeting he was sure to excite tumults and quarrels, and he generally left the scene with a bloody nose. Enraged by a woman, he threw her into a well; and was condemned to perpetual confinement in the Bicêtre."

Dr. Pritchard, the late senior physician to the Bristol Infirmary, relates that he was requested to visit a little girl of seven years old, the daughter of a farmer. She was a quick, lively child, of affectionate and mild disposition; and had been sent home from school in consequence of a great change in her conduct. She had become rude, abrupt, and unmanageable; and was extremely passionate, in consequence of the corrections she had received. Her parents had no control over her, and their kind remonstrances were despised. She was cruel to her younger sisters, taking every opportunity to pinch or hurt them when she was not observed. Her general health was much disordered. Her little eyes glistened most brilliantly. Her head was hot. The palm of her hand had the peculiar feel of a nervous grown person. Dr. Pritchard took her to his own house, where she recovered.

Similar cases are related by Mr. Hitch, the resident medical officer of the Gloucester Asylum, by Dr. Symonds, and others.

Several remarkable cases have been brought before the French tribunals which afford further illustration of the real nature of actions which are either atrocious crimes or the dreadful effects of disease.

"In June, 1824, Antoine Leger was tried at Versailles. He had fled from his home and concealed himself in a forest, where he lived for weeks. He one day caught a rabbit, which he killed

and devoured raw. Seeing a little girl near the margin of the wood, he seized her, murdered her, sucked her blood, and afterwards buried her body. Three days afterwards he was apprehended. At first *he denied the charge and invented absurd stories*; but at length he avowed the fact. Before the audience he displayed profound apathy, even an air of gaiety and satisfaction." M. Georget relates the case of "L. A. Papavoine, a solitary and morose wretch, who, wandering in the wood of Vincennes, saw a lady walking with two young children. He went to the village, bought a knife, and, returning quickly, stabbed one of the children; and, while the affrighted mother attempted to remove it, killed the other. He took flight, but was overtaken and brought to trial, and was proved to have been insane."

The recollection and consideration of such cases, and the possibility of their recurrence, formed important features and imported a peculiar character into the search at Road Hill House on the morning of the murder. The police performed their duties with commendable care. Every part of the house was searched; every person was examined; every suspicious circumstance was noted and compared; and before the close of that trying day their efforts were rewarded by the discovery of a bloody piece of breast flannel, some stained night-dresses, and a shred of bloody newspaper; and they arrived at the conviction that two persons at least were implicated in the crime. On the following Monday, two days after the murder, their chief constable arrived upon the spot. He went round the house with some of his men, looked at the drawing-room window, and made an inspection of the premises. He then quickly reappeared in the crowd of anxious and waiting spectators, to make the official authoritative declaration that, in his opinion, two persons had been concerned in the murder.

We do not say that this opinion was too hastily formed, or that it was without reasonable *primâ facie* foundation. We simply state that it was the opinion of the police, soon and publicly expressed, after doing their duty with a diligence and ingenuity of research worthy of a better result. Confining themselves to an analysis of details, accustomed to act upon their own ideas and in their own routine, and to rely upon the resources of their

own experience and mutual counsel only, they do not appear in this unusual emergency to have varied the principle of their investigation. The cunning of the criminal was too much even for that "exaggeration of care and patience" which they displayed; just because it was "diverse, in character, in mode, and in application," to the ingenuity which they opposed to it and expended upon it. In this search the police held no clue which led them, straight and unerringly, up to the central figure in the tragedy; and if, in making their approaches from its outskirts, and drawing still closer and closer the lines with which they environed the *dramatis personæ*, the criminal dug a counter-passage of escape beneath their feet, and their efforts resulted in a failure, that failure cannot be suffered to detract from the credit to which their diligence entitles them.

Has it occurred to any of those gentlemen who instructed the police, and who were responsible for their proceedings; has it never occurred to either of them individually, upon any hint given within a week after the commission of the crime, to consider the practical value of the medical and psychological aspects of this case; and to test those helps which science might bring to the elucidation of its mystery? Let us hear the evidence of Dr. Conolly.

"Not long ago," says Dr. Conolly, "a boy, not quite twelve years old, murdered his grandfather by mixing arsenic with his fruit after dinner. The crime itself, in one of such tender years, afforded, at least, a strong presumption of an unsound mind. He was of a stunted growth, with a downcast look, a face scarred with scrofula, and a manner indicative of indifference to his position and insensibility to his crime. He was the son of a father who had died insane. In childhood he had been mischievous beyond the limits of childish mischief; regardless of truth; insensible to reproach; and apparently incapable of remorse or shame. The medical attendants of the family had previously expressed their opinion that his mind was not sound. His intellect might be acute, but his moral sentiments were undeveloped; and his propensities as he grew older might be expected to become the governing powers of his actions. This evidence was disregarded by the jury, and scoffed at by the judge, who declared that he rejoiced that a verdict of wilful murder was

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returned. The press applauded the judge and covered the doctors with abuse. Yet, after all, he was not hanged, but was sent to school to be improved."

During the year 1848 the wife of a gentleman of fortune left the side of her husband in the night, walked out of the house, and drowned herself in the pond. She had shown no symptoms of melancholy, despondency, or insanity. Suppose she had murdered her husband instead of herself, and had afterwards become calm (not an uncommon case), what judge or jury would have accepted medical testimony of temporary madness?

While these pages were being written, a young lady, of twelve or thirteen years of age, came under the notice of a friend of the author. Her conduct at the school where she had been placed gave evidence of a passionate temperament; and at last, upon some quarrel with a schoolfellow, it was learnt that, after threats of revenge, she had secreted and carried about a knife. Upon this discovery the family felt that they were endangered, and became alarmed. The child was found to be suffering from functional illness, and this operating upon an irritable temperament had produced unquestionable temporary mental disorder. She was in the state described in the case related by Dr. Pritchard. After some weeks, during which this child was most anxiously watched, her bodily disease was cured; and, concurrently with this physical improvement, her mind and feelings became tranquil. During her illness her intellectual activity was unimpaired. If she had murdered her schoolfellow, what would have been said to the plea of insanity? That she did not proceed to this extremity does not weaken the illustration; for there existed, beyond all question, both the vindictive and homicidal impulse and the homicidal design.

Such instances might be multiplied from the recorded experience of every observant medical practitioner. The lessons they teach are well enforced by the remarks of the same eminent and judicious physician:—

"I have no hesitation in saying that there are to be found among children and youth many who, from an inherent proneness to criminal actions, ought to be carefully and constantly superintended and guarded. But the pride of families and the prejudices of the public equally forbid such salutary precaution.

The result is that crimes are committed which might have been prevented, and when the result takes place the virtuous indignation of the public knows no bounds. Judges rejoice that juries find verdicts against a poor, miserable, diseased child; and the newspapers dwell with a ferocious joy on the defeat of the medical testimony. It is the painful duty of others to view these questions solely as legislators and defenders of society. Medical men must steadily view them as physicians, physiologists, psychologists, and not be scared away from what they know to be true, nor from declaring it. The same courage which causes them to brave the dangers of pestilence should support them in this duty beneath the assault of pestilent tongues and pens. Not the voice of the people calling for executions, nor the severities of the Bench frowning down psychological truth, should shake their purpose as inquirers and witnesses. Their business is to declare the truth. Society must deal with the truth as it pleases."

By these considerations we are prepared to estimate the calamity which Mr. Kent has suffered. A man of unsuspected character, upon the maintenance of which he depended for his social and official position and for the support of his family, sustains a heavy and irreparable misfortune. His child is murdered in his house, under circumstances which refer suspicion to himself or to certain members of his household. With such great interests at stake, the imperative demands of society for the production of the murderer are listened to, and the pursuit invades and interrupts the privacy of his house. In these proceedings society only is heard; for he is silent. Not a voice is raised in his defence; not a hand is put forth for his protection; not a look of sympathy is bestowed upon him. His vindication,—even his liberty from day to day,—must depend upon the agencies which a provincial police-court can supply. He must trust,—for all that he holds dear on earth has been committed,—to the fidelity, to the discretion, to the mercy, of ordinary officials. In all this there is no legal injustice. Of all this he makes no complaint; for "the law is no respecter of persons." But the mystery deepens and popular prejudice extends. His children and servants are suspected and examined upon a clamorous demand. One after another, some of them are apprehended and are charged with the crime of murder. Alternately the suspected persons assume

the opposite characters of prisoners and of witnesses against each other. Confined under a perpetual and unrelenting surveillance, they are brought out, one after another, to be subjected to the torture of the popular gaze and the infliction of popular execration. But still the mystery deepens and prejudice extends. The issues which affect the guilt or innocence of those who are successively accused involve questions of science as to the mode of death of the murdered person, the history of the family, and the possible motives and mental condition of the murderer, in so far as they are deducible from the character and features of the crime itself. These questions are not answered, they are not even raised, in the judicial proceedings. The testimony competent for their discussion is available. It might be of doubtful value. It is certainly conflicting. It might prevent a commitment on a charge of murder and the ignominy of a doubtful acquittal. It might suspend or reverse the condemnation pronounced by popular prejudice, or it might solve the mystery of the crime.

And who will say that in these respects the voice of science would be irrelevant; that its discrepancies might not be interpreted and reconciled; or that its very imperfections and failure of strict legal proof might not have a moral weight which would be neither unimportant nor superfluous?

Imagine a man stretched, bound upon a plank, moved gradually, closer and closer, to a rotatory saw. He knows that in a few short moments the instrument of death will be upon him; that it will touch, then tear, and then divide his flesh. He is helpless, hopeless. In his mental agony he counts the moments that must pass before his bodily pain begins. His cry,—his last shriek,—is wrung from him in the moment when his eyes are closed to meet the whirling steel. The mental sufferance anticipates and quenches the pain of mere physical death. The limits of human endurance have been passed, and death itself can inflict no pang upon the palsied sense. How truly does Victor Hugo conceive the story of the 'Last Days of a Condemned'! The slow, stealthy, steady, and progressive steps by which the wretched criminal falls, stage by stage, from horror to horror, into that fatuous apathy with which he meets his doom at last. Through a similar, graduated torture has that man been passed who, hurried from one calamity to another, his house invaded and his

character maligned, his friends fallen from him and his children outlawed upon the imputation of a crime against which he is powerless to protect them, sinks at last into stolid indifference and insensibility ; till, shut out from all human sympathy and human help, he endures, without a murmur and without a groan, the torture of that terrible machinery which has been set in motion to lacerate his heart. Such a silence is now preserved by Mr. Kent in his despair, a silence well explained by the statement of his medical attendant, which certified to Sir John Awdry that he had visited and examined Mr. Kent during the inquiry into the charge against Elizabeth Gough, and had found him in such a state of agitation and mental incoherence that it was impossible for him at that time to give reliable or coherent testimony. In such, or in equivalent terms, how truly was that moral and intellectual palsy certified which, even at that time, had overtaken and prostrated his faculties, and which could neither be simulated nor concealed !

These calamitous results—calamitous to Mr. Kent, most unfortunate for the interests of truth—may be fairly attributed to the partial and fragmentary character of the proceedings in every successive public inquiry. With what was done in private—with the unsworn depositions and unpublished reports—we have no business here ; none with the frequent and unwearied councils of war called for deliberation on this case, almost day by day, for weeks together. We are at liberty to suppose that such inquiries occupied the most extended and general area of search. That on such occasions zeal and time were unsparingly lavished upon the simple pursuit of truth by those to whom the management of this difficult case was intrusted, is beyond all doubt. But in public, certainly, every investigation has appeared from the first to assume a special and restricted direction. Thus, at the inquest, it was a matter of complaint against the coroner that he narrowed the field of inquiry. That the inquest was vitiated by such limitation cannot be denied ; but the responsibility of that defect must rest, not upon the coroner, who took the widest view of the case, and recommended his jury to find the widest verdict which the evidence would admit of—a verdict of murder committed by some person or persons. It must rest upon those who frustrated his efforts and succeeded in fixing the



minds of some of his jury upon a village prejudice; which, whether well-founded or not, was likely to lead them astray from the oath which charged each one of those sworn that he would "inquire and true presentment make of all those matters and things that should be given him in charge; that he would present no man from hatred, malice, or ill-will, nor keep back any from fear, favour, or affection; but a true verdict give according to the evidence." Against that prejudice, clamorously insisted on; against its admission into his own mind; against its influence in misdirecting or limiting his duties, the coroner resolutely contended. True, he alone of all those engaged upon that inquest, except one of the witnesses, was competent, upon view of the body, to form an opinion of the cause and mode of death. He alone had looked upon the body with a scientific eye. It was the good fortune of that jury to be presided over by a medical coroner. Familiar with the aspect and the features of death, he had already assured himself that this death had been instantaneous; that the wound in the throat had been inflicted during life; that every sign of suffocation was absent. Yet, under the solemn obligations of his oath, he paused to hear what his witnesses would say, and commended the issues of the case to the impartial and unprejudiced patience of his jury. How far he succeeded, and to what extent he failed, is related in the Appendix. And will any one who reads the story of that inquest say that that inquiry was not limited by popular passion and prejudice, in spite of every effort of the coroner, to the accusation of two helpless children?

And when Constance Kent was produced publicly before the magistrates, with the view to her commitment, here again the inquiry was confined—technically and rigidly confined—to the question of her guilt: so much so, that even those who undertook her defence did not think it their duty, or were not suffered, to extend their vigilance or inquiries beyond its limits. On that day the public sentiment was altered, and she had become an object of popular favour. Her position was compassionated. Her liberation seemed already secure, or was so easy of attainment that it could not task that forensic talent which was employed on her behalf. The savage fury of public prejudice had already been recalled from its attack upon that

child, to fasten its fangs upon her father. It might have been expected that, with so much talent to spare, the licence of counsel might, on that day, have been allowed to pass beyond the bare relevancy of his special instructions; that while the magistrates were in session, the witnesses present, and the public expectant, some voice might have burst beyond the boundaries assigned to it, and have been indemnified for its excess; that, in imagination at least, the father, the mother, the sisters of the prisoner might have been presented to the magistrates, with the prayer that this prolonged and terrible suspense might cease; and that, under the extraordinary and suspicious circumstances which had clothed the whole family and household in dust and ashes, they might be severally subjected to a general and public scrutiny, which should hold them in duress from day to day, till the murderer was selected from amongst them, or till all were purged from blood and restored to good fame and social estimation. That this step was not taken is not the fault of the magistrates nor of counsel. It is the fault of our criminal procedures in England, which limit themselves, in their frigidity, to a particular charge and to a definite purpose, and cannot be kindled into fervour and will not burst out into flame in the vindication of any innocence which is not actually impugned upon the depositions.

It ought not to be difficult to criticise correctly the conduct of the inquiry upon the prosecution of Elizabeth Gough. In the case of the accusation of Constance Kent public sympathy was early enlisted in her favour. In that of Elizabeth Gough, on the contrary, its countenance beamed brightly on the prosecution. Armed with the authority of her Majesty's Attorney-General, the widest range was committed to the scrutiny of the gentleman whose criminal experience and tact had earned for him his selection by the magistrates. Starting from the family and household, his search extended over every witness that could be pressed into his service. Every incident was probed, every assistance proffered, every fact produced, with a promptitude which augured well for his success. In this "embarras de richesse" where shall he begin? How divest himself of some of this redundancy of material? As page after page accumulated

on his hands, how shall his eye wander over even the marginal notations of that ponderous brief whose broadside is bearing down upon the servant at Isleworth? Perhaps some duplicates of evidence may safely be dispensed with. At last the train is laid, and this young woman, who was to be shown to have seduced a husband from his duty or fascinated him from his fidelity, is brought down to Trowbridge, in the custody of a stalwart inspector of police, charged with the murder of Francis Saville Kent.

Mr. Ribton, the gentleman retained to defend her, and whose services were secured by subscription in her own village, where her character was known and respected, has described in his appeal—his successful appeal—to the magistrates the character of that prosecution which failed so signally. In the course of his preliminary inquiries, many days before the trial, Mr. Slack, accompanied by his own medical friend, whom he introduced as medical counsel to watch and assist his proceedings, went to the house of another medical man for the purpose of obtaining evidence. He learnt that his testimony was opposed in detail, in fact, and in opinion, to that which had already been obtained as to the cause of death; and this in most material points. That evidence he was employed three hours in collecting; it was put down upon many folios of brief-paper, and when the nursemaid was accused it was asked for by Sir John Awdry, and was not forthcoming, on the ground that it was not necessary to trouble the magistrates with it. His clerk went to another gentleman during the trial, to inquire if he could furnish any evidence "in support of the prosecution." His evidence was not "in support of the prosecution," and was not needed. These remarks would be misunderstood if they were supposed to suggest that, in the performance of the arduous task intrusted to him, Mr. Slack was actuated by any other motives than a sense of professional duty and a desire to discover the murderer. By a legal fiction, the magistrates could take no public proceedings in this matter except upon information against some particular person. The charge was made against the nurse upon the conviction of its truth, and in the belief that it could be established. The fabric fell, not before the assault of opposing testimony, but under its

own dead weight ; and an important public service was rendered by a prosecution which failed in its object and vindicated an innocent person.

It would seem, therefore, that every successive inquiry, in its public conduct, has, from some reason or other, even in the most zealous hands, been confined to some particular feature of the case, or been directed and limited to the prosecution of some particular person.

Let us proceed to examine the *silent witnesses* produced by the police in this extraordinary case.

A piece of flannel, about ten or twelve inches square, was removed from the closet with the child's body. It was stained with blood. It was found under the body, and might possibly have been thrown or have fallen into the vault long previously. A very uncertain light has been thrown upon this flannel, as to its use and character ; none at all upon its owner. Its edges were neatly bound with narrow tape, and it appeared to have been used as a covering for the female breast : a conjecture proposed by the police woman-searcher and confirmed by the opinion of the medical men. No woman in the house was a nurse ; none possessed or was found to have used similar clothing. No flannel of similar texture, at least none capable of identification, was found in the house.

A piece of newspaper, of five or six inches square, was found on the floor of the closet. It was folded, and the opposed surfaces were adherent with blood. When separated, the figure of the bloody impression was divided symmetrically and exactly into two corresponding halves, exactly as if a bloody knife had been wiped in it, leaving on each fold a transcript of one side of the knife at the junction of the blade with the handle. It might certainly have been so marked by a large carving-knife. It was found to be a portion of 'The Times' newspaper of June 9th, and this newspaper was regularly taken in by the family.

In the vault where the body was found there was a large quantity of water and little else—perhaps some hogsheads—the surface-drainage of the ground near it. This water was stained considerably with blood—in the opinion of Mr. Superintendent Foley, “ with much blood.”

Two stained garments were deposed to and examined. Their history and appearances must be explained.

On the afternoon of Saturday, June 30th, the day of the discovery of the murder, about five o'clock, Mr. Stapleton, one of the surgeons present, was suddenly requested by the police to examine a garment which was said to have been found in one of the bedrooms. It was a night-dress, said to belong to a member of the family, and was not Miss Constance Kent's. The marks upon it, and all the circumstances connected with them, and the history of the garment itself, furnished unequivocal evidences as to their nature, and refuted the possibility of their being associated with the murder. The surgeon therefore dismissed this garment. Two hours afterwards he went into the stable-yard to get out his carriage, and there he found a policeman standing in charge of the police-cart, in which he said he had some things which the superintendent had retained in custody, and was going to take away to Trowbridge. The surgeon felt some anxiety about the night-dress that had been shown him, went to the police-cart, and there observed *the same garment* which he had seen two hours previously, and made the remark that, under all the circumstances, it would be proper to mention it to the authorities. It seems to have been retained by the police until Monday, when it was brought back by the superintendent to Road. At all events, at an early hour on Monday morning, before the inquest, it was again shown by the superintendent, and this time to both the surgeons, who concurred in dismissing it, being fully convinced that the marks upon it had no connexion with the murder. This night-dress, therefore, was seen three times by Mr. Stapleton, and was the only garment shown to him. It was seen once by Mr. Parsons on Monday morning, and was dismissed by him also.

To suppose that this garment was a bloody relic of the murder is simply absurd. It was forced into useless prominence in the course of the extraordinary inquiry held at Road by a Bradford magistrate, who failed to throw discredit on the medical evidence respecting it by his quotation of half a French story, or to distinguish between it and the one we have now to discuss.

This second garment seems to have been found by a police-

man in a boiler-hole or grate, some time in the course of Saturday. It was called a woman's chemise or day-shift, and its appearance is described in the sworn depositions of the police in the inquiry taken upon this matter before the magistrates at Trowbridge on November 30th. It was replaced by the police, as they declare, on their own responsibility, in the place from which it had been taken. They say they had arrived at the conclusion that it had no connexion with the murder. For their own sakes it would have been better that it should have been medically inspected and produced at the inquest, as it would have been desirable to clear up the suspicion associated with its being found in a boiler-hole.

But the contradictions and suspicions respecting this garment are not yet explained. The depositions taken before Mr. Saunders at Road, on November 9th, have not yet been reconciled with those sworn to before Sir John Awdry at Trowbridge on November 30th. This, at least, is certain, that it was never seen by the surgeon, by the magistrates, nor by Mr. Whicher, the detective officer. Those who saw it can best explain it. Let us hear what they say.

*Police-Constable URCH, Nov. 8th.*—"I was present when Sergeant Watts found some woman's *night-shift*."

"Was it a night-shift or a day-shift?—It was a shift. It might have been worn night or day, as it was such as is worn at all times."

*Nov. 30th.*—"I was present, on Saturday, June 30th, when Sergeant Watts pulled something out of a boiler-hole. We carried it to the stable. It was wrapped in brown paper. When it was opened we saw a small woman's *day-shift*. It had a bit of a flap in front and short sleeves. I did not see any doctor examine it."

*Sergeant WATTS, Nov. 9th.*—"On Saturday, June 30th, in the boiler-furnace in the scullery I found a shift wrapped up in brown paper. I took it into the stable, and called Dallimore's attention to it. I wrapped it up again, and as I was coming out I saw Mr. Kent just outside the stable-door. He asked me what I had found, and said 'he must have it seen,' and 'that Dr. Parsons must see it.' I did not let Mr. Kent see it, but handed it over to Mr. Foley. I asked Dallimore at last Road fair what had become of it, and he told me he was going to put it into the place from which it was taken; and one of the servant-girls was coming into the scullery, and he put it down by the side of the boiler-hole."

*Nov. 30th.*—"I could not see it without stooping down. It was pushed back in the hole as far as it could be. If a fire had been lighted there

it would have been burned. A fire appeared to have been there recently. I cannot say if any medical man saw it."

*Superintendent FOLEY, Nov. 9th.*—"When the shift was shown to me on Saturday it was by my directions shown to Mr. Stapleton. I told Dallimore to keep it for the present. Mr. Whicher and myself came over here (Road) nearly every day. If you had asked me, I think I could have satisfied you that all the matters you have gone into have been thoroughly investigated already."

*Nov. 30th.*—"On Saturday, June 30th, I was shown a stained *day-shift*, not a *night-shift*. I afterwards gave it to Dallimore. I don't think I saw it afterwards. I won't swear any medical man saw it. If Mr. Stapleton saw it he saw it on Saturday.

"I understood from you that Mr. Stapleton had seen it?—I understood he had seen it; but I can't positively swear whether he did or not. I showed him the night-dress on Saturday."

*Police-Constable DALLIMORE, Nov. 30th.*—"I was present on Saturday, June 30th, when the shift was found in the boiler-hole. We took it to the stable. It was made with turn-down flaps behind and before. Mr. Foley ordered me to keep it for the present. I put it into the trap, and took it to Trowbridge. It stayed there till Monday morning. On the after-part of Monday Mr. Foley called Mr. Stapleton to look at it. I held part, and Mr. Foley the other. I showed it to Mr. Stapleton just at the stable-door. I afterwards put it back by the side of the boiler-hole. At Elizabeth Gough's suggestion I examined a room over the kitchen soon after I had put back the shift. I went in again half an hour afterwards, and it was gone."

*Mr. Inspector WHICHER.*—"The blood-stained garment found in the boiler-hole was never mentioned to me by any member of the police."

*Mr. STANCOMB, one of the Magistrates.*—"With regard to the stained garment in the boiler-hole, it was a circumstance which, till very recently, the magistrates were ignorant of."

*Mr. STAPLETON, the Surgeon.*—"I never saw such a garment as the one described by Watts."

Several questions arise out of this conflicting evidence, which have never yet been satisfactorily answered.

Was it a day-shift or a night-gown?

Was it ever shown to a medical man?

Why was it put back into the boiler-hole?

Who removed it?

When was it removed?

Why was the circumstance not mentioned to a magistrate or medical man, or to the detective?

Inspector Whicher suggests a supposition which deserves notice. He says, "When the finding of the blood-stained gar-

ment in the flue, and the 'direful secrecy' that had been previously kept respecting it, oozed out, I felt quite satisfied that it was the actual nightdress in which the deed was committed. . . . I have no doubt it was placed there as a temporary hiding-place, and that the police afterwards, by some negligence, let it slip through their fingers. Hence the necessity for secrecy before, as well as after, it oozed out."

If it was a *nightdress*, and *not a shift*, it might well have been placed there as a temporary hiding-place; first, by the murderer, who might have thrust it there out of sight, that it might be consumed when the fire was lighted, or be removed and destroyed at a convenient season if not so burnt; secondly, *replaced* there by the police, who might, after consulting with each other, put Dallimore to watch, who went away, and left it, and lost it for ever. Yet let it be remembered that Mr. Whicher's opinion is based on conjectural foundations only, which must be valued by their own inherent probability.

On the night of the murder Miss Constance Kent had three nightdresses. Of these only two now remain in existence—at least two only are producible. Where is the third—the missing nightdress?

It seems to have been a custom of the family that the housemaid should collect the dirty linen on every Monday morning, in a lumber-room on the first floor, in the presence of Miss Kent, who took an account of it in a book. On Monday morning, July 2nd, the housemaid found a nightdress of Miss Constance Kent thrown out upon the landing, as was usual. She put it into a basket with the rest, and after she had done so, and Miss Kent had entered it on the list, Miss Constance Kent came to the door of the lumber-room, before the packing of the basket was quite finished, and asked the housemaid "to look into her slip pocket to see if she had left her purse there." The servant looked for the purse without success. Miss Constance then asked her to go down and get her a glass of water. She did so, Miss Constance following her to the top of the back stairs as she went out of the room. When she returned Miss Constance was there, drank the water, and went up the back stairs into her own room on the second floor. On the following (Tuesday) evening the housemaid received a



message from the daughter of the washerwoman that there were three nightdresses entered in the book, that only two were found in the basket when it reached her house, and that the missing one was Miss Constance Kent's.

On the 27th of July Miss Constance Kent was brought in custody to Road, from Devizes county jail, to which she had been committed on a charge of murder preferred by Inspector Whicher a few days previously, and the "missing nightdress" was a material element in the proceedings against her.

On the part of the prosecution it was attempted to be shown that Miss Constance Kent had committed this murder in the nightdress she had worn on Friday night; that on her return into the house she had burned, or otherwise destroyed, or effectually concealed, the blood-stained garment, and had taken another from her drawer to replace it when she got into bed again; that she wore this second nightdress on Saturday and Sunday nights; that on Monday morning she threw it out for the wash, allowed it to be put into the basket and accounted for in the book to represent the one she had destroyed, and that she had then contrived an opportunity for removing it by sending the servant away for a minute; that she succeeded in taking it from the basket while the servant was gone for the water, and went up with it at once to her own room, so escaping the dilemma of having to take from her drawer the third and only remaining nightdress, the absence of which would have attracted notice and inquiry.

On the part of the defence it was alleged that the washerwoman, Mrs. Holly, was connected with, and related to, a family who resided in the lane at the side of Mr. Kent's house, and who were hostile to him on account of his stopping their fishing, and because he had prosecuted one of them for trespass; that one of them was a sweetheart of a discharged nursemaid of Mrs. Kent's; that the murderer of the child had placed the body, or caused it to be placed, in the closet where Constance Kent had cut off her hair and put on male attire on the occasion of absconding from her home; that this had been done to throw plausible suspicion on this young lady; and that her nightdress was abstracted to give colour to the presumption against her.

When the daughter of the washerwoman first announced on

Tuesday evening that this nightdress was missing, Mr. Kent declared that it had been certainly sent to the wash, and that he would take proceedings against her mother unless it was produced in eight-and-forty hours. At the same time he wrote to Superintendent Foley to tell him what had occurred, and expressed himself most earnestly in vindication of his daughter.

It seems that when the clothes arrived at the washerwoman's house on Monday she desired her daughters to look carefully to see if Constance's nightdress was there. This is a circumstance so remarkable that it can only be accounted for, and that doubtfully, upon the supposition that the washerwoman shared in the general conviction first entertained in the village, and clamorously expressed at the inquest held that day; and that she was cognizant from the gossip of the kitchen of some family disagreements, which increased her suspicion that Constance was the murderer.\*

It is no less remarkable that she should tell Mrs. Kent that the best way would be "to let her have another nightdress to prevent suspicion, in case the police should come to inquire of her about the clothes." It is not surely to be supposed that the police had laid this trap for Mrs. Kent. If this suggestion originated with the washerwoman—and there seems no doubt of it—she ought to be able to explain this discreditable trick, or should be called to account for it more satisfactorily than she has done in public up to this time.

Where so much is to be said on both sides, where so much remains unexplained, we cannot summarily dismiss the avowed apprehensions and suspicions of Mr. Kent without examining them in the light of his own conduct. On the night following the murder two policemen were let into the house at Mr. Kent's desire, by arrangement with their superintendent. It was suggested that, if there was anything to conceal, anything to destroy, the kitchen fire would be the place to effect such a design; and, on the supposition that the murderer or an accom-

\* Mr. Whicher has ascertained that the washerwoman had heard and spoken of the nightdress shown to Mr. Stapleton on Saturday by the police. She knew little or nothing however of the particulars respecting it. She supposed—as others have recklessly supposed and said—that it had something to do with the murder, that it was detained by the police, and that she would learn the secret by looking into the basket. For the disclosure of this secret she was waiting on Monday.

police was in the house, it was inferred that such an attempt would be made on that night.

These two policemen were admitted into the house by signal, after all the family had retired to bed, by Mr. Kent himself, with the knowledge only of Mrs. Kent besides. They were placed in the kitchen, and could range over the premises outside; but Mr. Kent bolted upon them the door leading from the kitchen into the house, so as to prevent them from coming out of the kitchen into the other parts of the house.

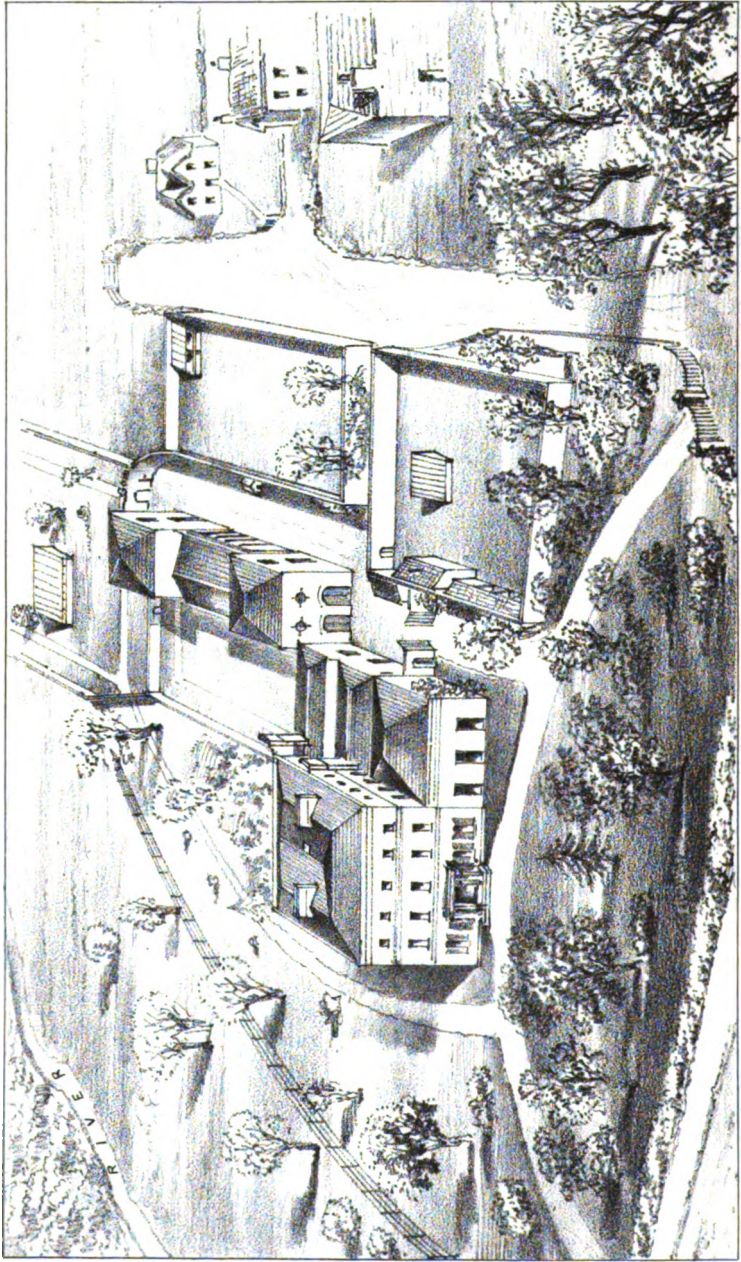
In this act there is a remarkable discrepancy, which originated the suspicion that Mr. Kent found employment for the police, while he could, in another part of the house, either conceal the evidences of his own guilt, or have undisturbed communication with his daughter Constance, whom he desired to interrogate and to protect. But take another view of the case. That Mr. and Mrs. Kent really believed that the murderer was in the house, that some garment had to be destroyed, and that, after all was quiet, the same mysterious Figure which on the previous night had desolated the family might be expected to reappear from a bedroom. If the kitchen door were unfastened, the murderer might suspect some trap and return; but, if bolted as usual, the door would be opened, the murderer would enter the kitchen, walk into the arms of the two policemen, and be inevitably detected. In this view of it all seems natural, simple, intelligible, and the conduct of the police is vindicated. At all events the facts, as we have stated them, have been distinctly deposed to both by Mr. and Mrs. Kent, and by the policemen themselves; and they lead to the inevitable conclusion that Mr. and Mrs. Kent believed that on the night of the murder, and on the night following it also, the assassin slept in the house.

This one fact is an answer pregnant with meaning to the suggestion of a more remote and extended search. It appears to confine that search to the family and household, upon the authority of Mr. Kent himself. Yet even Mr. Kent's opinion may have been without foundation. He had probably already guessed at the fears of his friends, and the contagion of their suggestions may have seized upon him. Let us look again at the probabilities on the other side, even at the risk of repetition.

A nursemaid who preceded Elizabeth Gough in the nursery,

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ROAD HOUSE,—BIRD'S EYE VIEW.

and who was discharged from their service for misconduct, has been alluded to by Mr. and Mrs. Kent, and their statements refer to certain expressions of revenge uttered by her on leaving the house. She was the sweetheart of a man residing in the lane, who was undoubtedly hostile to Mr. Kent, and, amongst other reasons, because Mr. Kent had desired this servant not to associate with him. The batch of cottages near which Mr. Kent lived was an object of perpetual annoyance to his family, and even of some suspicion and anxiety. It would perhaps be scarcely possible, in any village in England, to find a hamlet bearing a more striking appearance of ruin and discredit than this presents. A beer-house obtrudes itself in the centre, flanked by a cottage kept from falling down only by the precarious support of wooden stakes stuck into the ground. The windows are crushed or thrust outwards by the tumbling walls, from the occupation of which the tenants had already fled. Several other cottages are grouped around, and some of them overlook Mr. Kent's premises. It is indeed a "rookery"—a bit of St. Giles's gone out of town to rusticate. It might be mistaken for a haunt of outcasts and a den of thieves. If Mr. Kent thought so, and acted on the supposition, its residential pretensions might excuse him. That he did think so is evident. It was unfortunate that he quarrelled with such neighbours, and that the washerwoman of the family should seem to have a sympathy with the place and its inhabitants.

At an early hour on the day of the murder it was desired by Mr. Kent that this "rookery" should be placed under instant surveillance by the police. He expressed his conviction that there the murderer would be found, or, at least, some clue to discovery. It is singular that a man who lived in the lane was one of the first strangers who entered the premises when the news got abroad that the little boy was lost; that he "predicted" that the child would be found in the closet; that he himself went there to look for him and found this "prediction" realised. His evidence was given on the second day of the inquiry upon the charge against Gough, and will bear careful perusal.

For some time the police were unremitting in their search. Their inquiries, so far as any knowledge of them has been made public, were very much confined to the range already indicated.

They seem almost to have taken a measure of the premises, and to have probed and gimleted every square inch of them, after the example of the "Prefect and his cohort" in their search for the "purloined letter." No knife, no drops of blood, no clue, however, rewarded the research, patience, and scrutiny of the policial eyes; and now, on the 14th of July, a fortnight after the murder, Inspector Whicher of the London detective force came upon a scene where his ample experience should have placed him many days earlier.

A remarkable circumstance was brought to light in the course of Mr. Whicher's inquiries. It seems that long before Elizabeth Gough came to Road, and during the time that a nursemaid named Emma Sparks had the care of the little boy, Mr. Kent was, on one occasion, absent from home on his official duties. His two eldest daughters and his son William were also absent. The little boy, being then about two years old, was put into his cot by the nursemaid. On going to bed Mrs. Kent as usual went to look at him. She observed that his feet were clothed, as she had desired they might be, in some knitted socks. The only adult persons in the house besides the servants were Mrs. Kent, and Miss Constance Kent who was then at home for the holidays. In the morning it was found that the little boy was without his socks, and the clothes were "stripped off him." It was supposed he had been disturbed in the night. One of the socks was found on the nursery table; the other was missing, but was discovered at a later hour in Mrs. Kent's bedroom. The nurse, when questioned about it, disclaimed all knowledge of this strange affair. It has since been referred to by Mr. and Mrs. Kent, and become the subject of inquiry, but never seems to have received a public explanation.

On the 16th of July Inspector Whicher first met the magistrates in private session, and informed them that his inquiries led him to suspect Miss Constance Kent of the murder. He asked for an adjournment till the 20th, when he would give them the results of his further investigation. On that day he applied for a warrant for her apprehension, after explaining to the magistrates the grounds of his suspicion against her, and she was placed in custody and taken to Devizes prison. On the 22nd Mr. Kent went to Devizes to see her, but returned without doing so. On the

27th she was brought down to Road to be finally examined on the charge. On this occasion she was defended by counsel, and was set at liberty. This inquiry, and that taken upon the apprehension of Elizabeth Gough in October following, are fully reported in the Appendix, and need not be enlarged upon, beyond the mention of a singular fact respecting her. After her discharge, Sir John Awdry, who was then absent from Wiltshire, received a communication stating that Elizabeth Gough had been living in service at Eton, in the family of Mr. Hawtrey; that she had been discharged under suspicion of fraud; that she was an artful girl, and resembled in person the description of the discharged prisoner. Mr. Hawtrey was written to and was asked to go from Eton to Isleworth to see Elizabeth Gough. He did so, and on going, accompanied by an Isleworth police officer, into the shop of Mr. Gough, he at once asked to see his daughter Elizabeth, and on looking at her he found they were utterly unknown to each other. The fabric that was being raised on this presumed identity was thus at once destroyed, though, strange to say, each Elizabeth Gough had lost a front tooth, and they were corresponding teeth.

Thus has the Great Crime of 1860 baffled the ingenuity of every one publicly engaged in the detection of its perpetrator or its motive. Is it therefore to be supposed that the murderer must have had great experience in crime, or have possessed extraordinary ability and skill?

We answer that a high order of intellect is by no means necessary to the successful perpetration and concealment of such a deed. From an intelligence degraded by morbid impulses, from a heart abandoned to vicious emotions, there often springs the genius of subtle crime; and the lowest intellects are often seen allied to a cunning and ingenuity which wisdom can neither cope with nor comprehend. Again we bow before the old Roman wisdom which has taught us "*Neminem repente turpissimum.*"

Nor can we consent to despair of the discovery. In an article in 'The Times' of December 11th, 1860, there is an expression of sentiments on this subject which deserve republication. "It is satisfactory to observe that there is no

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apathy on this subject in the public mind. If great crimes remain undetected, they are neither undiscussed nor forgotten ; and to this vigilance of spirit and tenacity of purpose we may still perhaps be indebted for the successful vindication of the law." Let those, then, upon whom rests the undiminished, the increasing duty of discovery, encourage in their own hearts, and manifest in all their proceedings, that singleness of purpose, that largeness and honesty of aim, which will preserve to them the confidence of others, and, what is yet more important, will give them faith in themselves.

Two spectators are gazing at a picture. To one it presents nothing but obscurity. It leaves no impression on his heart. His eye closes painfully over a scene of mystery and gloom. To the other, from a different angle and in another light, a revelation is disclosed. From every dim distance the struggling light comes near and nearer up along each shaded line, kindling the canvas into life, till his eye is led to rest at last upon that central figure in the foreground on which each ray is focussed, upon which each curve is seen to fall. In a moment the story of the artist has been told, and the mystery is solved.

Amongst the literary fragments of one of those great thinkers whom Death has so lately and lamentably stolen from us, there is found a beautiful allegory, thrown down in the very midst of his severer studies, like a beautiful flower, blooming on the steepest hills of science, to attract by its perfume and its beauty those who are climbing after him the heights that he has won. 'The Rhodian Genius' affords so fitting and forcible a commentary upon the narrative of this Search, that it must be transplanted here, even though it wither under the rude touch that seeks to adapt it to an uncongenial soil.

A painting hung in the Poecile at Syracuse, round which men pressed in crowded ranks. The *multitude* regarded it with simple and profound wonder, for they could not comprehend its mystery nor divine the hidden meaning of its design. Yet it did not want interpreters nor commentators, for *the youngest amateur* who looked upon it felt that he must forfeit all pretension to a knowledge of art if he did not provide some new explanation of it.

*The great critics* said little, or maintained that grave and significant silence which passes for wisdom. They wished it to be supposed that when they shook their heads they had already grasped a discovery, and had comprehended the high meaning of the artist. Still the question of the painting was unsolved. Baffled and perplexed, they were already seeking to modify or to withdraw the few explanations they had previously proposed.

And now the Tyrant of Syracuse commanded the original picture, and a pendent or companion picture, which had just arrived, to be carried to the house of Epicharmus, a philosopher who dwelt in a remote part of the country, in the hope that a man who had devoted himself unceasingly to study might be able to interpret both the pendent and the original by the helps they would reciprocate, the one supplying to his understanding those suggestions which he could not find in the other alone.

This plan was successful. The philosopher desired both the pictures to be placed before him. He remained for some time in thought, with his eyes fixed upon them, and then, in a voice which was not without emotion, he called his friends together and taught them to see clearly what they had before so often misinterpreted, or but obscurely guessed at.

Will some Tyrant of Syracuse command some Epicharmus to speak? Or shall we be content to seal the secret of this "Great Crime," and to endorse upon it the mystic metaphor inscribed upon the temple of Isis at Sais, "*No man hath lifted off my veil*"?

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NOTE.—The necessity for the appointment of "a public prosecutor" is so strongly illustrated by the occurrences related in the foregoing narrative, and the employment of such a functionary would in all probability have given such a very different complexion and so different a result to more than one of the public inquiries, that it is to be hoped this occasion for enforcing it will not be lost, but that some gentleman of the Bar or some magistrate competent to argue this matter, will do so in the name of public justice and in the interests of society.—*Author.*



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## APPENDIX.

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## APPENDIX No. I.

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### THE INQUEST.

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#### VERDICT OF WILFUL MURDER.

*Wednesday, July 4, 1860.*

ON Saturday last a murder was committed in this village which exceeds in atrocity and mystery anything which has occurred in this neighbourhood for many years. A child, named Francis Saville Kent, only son by his second wife of S. S. Kent, Esq., Inspector of Factories for this district, was taken from his nurse's room in the dead of night, conveyed to an adjacent watercloset, where his head was all but severed from his body, and was thrust into the soil,—all being done without disturbing, it is alleged, any one in the house, or leaving the slightest clue to the perpetrator. The facts of the case will be best given in the evidence taken before G. Sylvester, Esq., coroner, at the inquest held on Monday last. The inquiry was opened at the Red Lion Inn, but an adjournment was soon made to the Temperance Hall, which was speedily filled. The body having been viewed, the following evidence was given:—

*Sarah Cox*, the housemaid, said it was part of her duties to fasten the back part of the house, including the drawing-room; that she did so on Friday night last. It was so done that no one could come into the house through the drawing-room window without breaking the glass, making a hole in the shutters, and bursting open the door. Nothing occurred on Friday to give rise to any disagreement or quarrel, either in the family or among the servants. The outdoor boy was discharged on Sunday last. He gave warning to Mr. Kent because he would not raise his wages. Witness went to bed on Friday about a quarter past eleven, and rose about five minutes after six on Saturday morning; was not woken by anything during the night. Mr. Kent was the last person who went to bed on Friday evening; he was in the habit of staying up till the last. When witness came down in the morning she saw that the drawing-room door was a little way open; the bolt was back and the lock turned; the furniture was not displaced. There was no blood or footmarks in the room. Mr. and Mrs. Kent were in the dining-room when she went to bed.

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*Elizabeth Gough*, the nurse, was then examined. She said that she had been in Mr. Kent's employ for eight months. The deceased was the eldest child by Mr. Kent's second wife. He was a very good-tempered child, not troublesome. He slept in a cot in the corner of witness's room by himself—the bedstead being occupied by witness. She put the deceased to bed usually about eight o'clock, and did so on Friday evening. He was then well, and in unusually good spirits. Mrs. Kent came into witness's room after prayers, to see to the children. Witness went to bed about eleven o'clock. The deceased was then lying on his side, with his face to the wall. Witness heard nothing of him all night, but in the morning about five o'clock she awoke, and missed deceased from his bed. The impression of deceased was on the bed, as if he had been lifted softly off. He wore at night, when he went to bed, a nightdress and little flannel shirt; he had nothing else on. Witness imagined that Mrs. Kent had come and taken him away, hearing him crying. About seven o'clock witness went to Mrs. Kent's room to ask for the child, but got no answer; so went back and went again half-an-hour afterwards, when Mrs. Kent said she had not seen him. Witness then went and searched all over the house and grounds and did not find him, and then aroused those in the house. On the white druggot in front of the drawing-room window she saw two marks, as of a boot with hobnails. She was not sure if she pointed them out to any one. The housemaid had gone in before. She did not wear hob-nailed boots. Should think that the boy who worked in the garden is about seventeen or eighteen years of age. No one was under her bed or in her dressing-room when she went to bed—that she could swear. The door of her room opens very softly, without noise. The room is carpeted all over. Mr. Parsons had been in the room, and others also, before she saw the footmarks in the drawing-room. There were no footmarks in her bedroom. The deceased child was a very heavy sleeper, and had not been to bed in the daytime that day, and so slept all the sunder.

The housemaid, recalled, said she saw a grinder at the door in the morning; she answered the door, but did not see any other strangers. Any one concealed in the cellar could not come out without breaking open the door, as it was always kept locked.

*Thomas Benger*, farmer, said,—On Saturday morning, hearing that the deceased was lost or stolen, he went to Mr. Kent's house, and with a man named Nutt searched the premises and shrubs. When they got to the door of the water-closet he looked in and saw blood on the floor; there was no blood on the walls or the seat. He removed the lid of the seat, and saw something, and then put in his hand and found a blanket, which he took out. He then called for a light, and took the child out of the closet with the help of a woman. The child was lying on the splashboard. It had only its little nightdress on, and a flannel waist-coat. Its throat was cut, but it looked pleasant, and its eyes were shut. He carried it into the kitchen, and then the family came to look at it.

If it had not been for the splashboard, the body of deceased would have fallen down into the vault. Witness emptied the vault, and nothing was found there.

Mr. *Foley*, superintendent of police stationed at Trowbridge, proved finding in the water-closet a piece of flannel which was produced, and which he pulled out with a crook. He observed no blood in any part of the house, nor anywhere about. The police had been in and out the drawing-room window before the footmarks were seen.

Mr. *Nutt* assisted the witness *Benger*; was present when the child was pulled out, and confirmed his statement.

*Stephen Millet* produced a piece of paper stained with blood, which he found near the water-closet.

The housemaid was again recalled, deposed to the rooms in which the various portions of the family had slept, and also that the youngest boy and girl of the first family had been away to school till lately.

*Stephen Millet*, a butcher, gave his opinion on the quantity of blood observable about the premises: it was about three half-pints of blood.

*J. Parsons, Esq.*, surgeon, of Beckington, was next examined.—He deposed to being called on to attend the deceased on Saturday morning, and finding the child in the laundry. The night-shirt and flannel waistcoat were still on. Deceased had two small cuts on his left hand, from which no blood had flowed; the throat was cut to the bone by some sharp instrument—a single clean cut without being jagged; it severed the skin, all the blood-vessels, and the nerves. He afterwards found a stab, evidently made with a sharp, long, strong instrument, which cut through the flannel shirt, entered the body below the pericardium, and extended three-quarters of the width of the chest. It was, in his judgment, inflicted by a pointed instrument; it could not have been done by a razor. The internal parts were healthy; the child had evidently not been drugged. He believed the child had been dead at least five hours. Witness's opinion was, that so large a quantity of blood was not accounted for as was likely to be produced by cutting the throat of a child so large and so well developed as the deceased.

The Coroner asked the jury if they required more evidence.

The Foreman said it was the wish of the jury that Mr. Kent's children by his first wife should be examined; and after considerable discussion, and a scene of great excitement among the spectators, the Coroner and jury adjourned to Mr. Kent's house, where the desired evidence was given.

Miss *Constance Emily Kent* said that she retired to her bedroom, which was on the floor above that of the deceased, at her usual time, about half-past ten. She was not disturbed at all during the night, and did not know anything concerning her brother until next morning. Every one was kind to the child, and she had never heard of any one bearing him any ill-will. Her brother, *William Saville Kent*, gave evidence precisely similar.

On the re-assembling of the Court in the Temperance Hall the



Coroner addressed the jury upon the facts. Having detailed the circumstances as given in the evidence, he said that it was one of the most mysterious murders of which he had ever heard. He saw no reason to attach suspicion to any one in particular, and the total absence of motive for the horrid deed rendered the sad affair almost inexplicable. The circumstances were concealed from every eye but that of Providence, but he expressed his conviction that the day would come when the truth would be revealed, and the murderer brought to justice. But at present he thought they could do no more than return an open verdict.

The Jury immediately returned a verdict in accordance with the Coroner's charge—“*Verdict of Wilful Murder against some person or persons unknown.*”

## APPENDIX No. II.

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### THE INQUIRY UPON THE CHARGE AGAINST MISS CONSTANCE KENT.

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July 30, 1860.

THE inquiry as to the circumstances attendant on the death of Francis Saville Kent, a child under four years of age, who was murdered in his father's house on the 29th of June last, was opened on Friday morning in the Temperance Hall, at the village of Road, about four miles from Frome. The magistrates present were H. G. Ludlow, Esq., who presided; W. Stancomb, Esq.; J. P. Stancomb, Esq.; G. W. Sheppard, Esq.; J. Sinkins, Esq.; and Rev. R. Crawley. Captain Meredith, chief constable of the county of Wilts; Mr. Superintendent Foley, of the Trowbridge division; and Messrs. Wolfe and Abbott, superintendents of the Devizes and Warminster divisions, were present, as well as Mr. Inspector Whicher, of the metropolitan detectives. Miss Constance Kent, half-sister of the deceased child, having been kept in custody for some days past at Devizes gaol, was brought up in charge of the governor, Mr. Alexander. Mr. S. S. Kent, of Road-hill House, in whose family this dreadful event has occurred, was present, accompanied by two solicitors, Mr. Edlin, of Bristol, and Mr. Dunn, of Frome; Mr. Edlin being especially engaged on behalf of Miss Constance Kent, the prisoner. When this young lady entered the room she hastened to meet her father, and affectionately kissed him. She wore deep mourning, and appeared to be much afflicted, but perfectly quiet and composed. She is about sixteen years of age.

Mr. Clark, the magistrates' clerk, read over the evidence given at the last meeting on Friday by *Elizabeth Gough*, the nursemaid, which she confirmed, and then continued as follows:—I remember Friday night, the 28th of June. I had a Child's night-light in my room, which was the nursery. I awoke at five o'clock, and missed the child; but as I thought he had been taken in to his mother, I lay down again for an hour. I felt satisfied that he was gone; for if he had cried his mother would have fetched him. I felt satisfied the child was in her room, because I had heard her say a little time before that if he cried she would come in and fetch him. That was my only reason. I first saw the prisoner that morning when I came to the door of her sisters' room, to ask if they had taken the child. I suppose that was about a quarter before seven o'clock. I asked the two sisters if they had taken Saville

from the nursery. They said No—they had not seen him. Miss Constance's bedroom door is quite close to that of her two sisters, and she was standing by her own room door, nearly dressed. The two sisters then said to me, "Have you seen Mrs. Kent?" I replied, "Yes, I had, and that she hadn't seen the child." Miss Constance most likely heard what was said. It was said in her hearing. She did not make any remark that I know of. The family of Mr. Kent consisted of Mr. and Mrs. Kent, Miss Mary Ann Kent, Miss Elizabeth Kent, Miss Constance Emily Kent, and William Saville Kent, aged fifteen, children by his first wife; and of Mary Amelia Saville Kent, five years old, Francis Saville Kent (the deceased), three years and ten months old, and Eveline Fanny Kent, the youngest. There were no visitors in the house. There were three servants, including myself, the cook, and housemaid; no man-servants. They all slept in the house on the night of the murder. The prisoner came home from school, for the holidays, about a fortnight before the murder. The two elder Misses Kent slept in one room; Miss Constance slept alone, in a room by herself. The cook and housemaid slept together. Master William Kent slept alone in a separate room; but no one else, I believe, slept alone in the house. He was also at home from school for the holidays; he came home three days before his sister. His bed-room was on the same floor, but not close to hers. When I saw her that morning it was her usual time of getting up; sometimes she might be later, and sometimes earlier.

*Cross-examined by Mr. Edlin*—I am twenty-three years old. I have been out in service about four years, and in Mr. Kent's service nine months. I first went out as nursemaid, then as lady's-maid, and then, at Mr. Kent's, as nursemaid again. During the time I have been there I have never heard Miss Constance say anything unkind towards the little boy that is dead, or conduct herself otherwise than kindly towards him. I do not know whether she brought him home from school a little picture as a present, but I saw her play with him on the day before the murder. Her bedroom is on the second floor, between her sisters' room and the room in which the cook and housemaid sleep, and the partition between the rooms is a very thin one—almost of paper. You can hear everything. When I went to the door of her sisters' room, and knocked at it, Miss Constance came to her own door and opened it, and heard all I said. I did not observe anything at all unusual in her manner. Mrs. Kent never had fetched the little boy while I was sleeping. It was a quarter or twenty minutes to seven o'clock when I first went to Mrs. Kent's door to ask if she had the little boy. I looked at the clock on the mantelpiece of the nursery. There is a little room opening out of the nursery which I use as a dressing-room for myself; it looks out on the leaden roof of the dining-room, which is nearly on a level with the window-sill, and the water-shoot or gutter along the side of that roof runs along the sill. By opening the window you can very easily get out and stand on the

roof. The youngest child, Eveline, slept in a cot by my bedside. The cot in which the little boy slept was wheeled close up against the wall on the other side of the room. The door leading into my dressing-room immediately faces the boy's cot. His head would be towards the nursery window as he lay in the cot. My own bed was not, like his cot, close up against the window, because there was the door between. I last saw him in his bed at five minutes past eleven at night. It was five o'clock when I rose up in bed to cover over Eveline, and then saw that he was not in his cot. I could see that without turning my head, by looking over the baby's cot. I did not get up till a quarter past six, and then I saw that the clothes of the little boy's cot—the counterpane and upper sheet—had been turned down neatly from the head towards the foot of the bed, but at the head of the bed there was only the bottom sheet and the pillow with the impression of the head on it. The nursery door was just ajar, scarcely open and scarcely shut; I am quite sure and certain of that. After I had first gone to Mrs. Kent's room, and knocked and got no answer, I went back and dressed little Eveline, and then went to Mrs. Kent a second time. I read a chapter in the Bible and said my prayers before I went to Mrs. Kent the first time. That was a quarter or twenty minutes to seven. I am not acquainted with either of the daughters of the washerwoman, or with any one in the village; but I have seen them bring the clothes.

*Examined by the Magistrates*—I slept in the room with Miss Constance at her own request on the Monday and Tuesday after the murder, and there I could hear the cook and housemaid talking in the next room. On the night of the murder I heard no noise in the nursery where I slept. When I went to sleep the door was not shut, but Mrs. Kent came up and shut it. It was her wish that after I went to bed the door should be left open until she herself went to bed, because one of the children slept in Mrs. Kent's room, and I, with the nursery door open, could hear it if it cried. When I went to bed, the nursery window was barred, and the shutters fastened. I found it the same in the morning; the window opens from the inside. I did not miss the blanket from the little boy's cot until it was brought in with the dead body. Miss Constance slept alone on the Sunday night after the murder; on the Saturday (the night after the murder) she slept with her two sisters; on the Monday with me.

*William Nutt* was re-sworn to the evidence given on Friday last. In the depositions as taken by the clerk the witness was made to state that Mr. Kent called on him on the morning of the murder. The witness said this was not correct; it was a neighbour named Grinnell that called on him. Witness continued—I never heard Mr. Kent speak that morning. With the exception of the sentence regarding Mr. Kent, the evidence now read over to me is correct.

*By the Chairman*—After I and Bengier searched in the shrubbery, I said I would look for a dead child as well as a live one, if it was not

found in the house. After the child was found I said to Benger it was as I predicted, and as I thought.

*By Mr. Edlin*—I am a shoemaker. I was in my shop at work when I saw Grinnell on the morning of the murder. He stood at the gate, and I rose from my work and went into the garden to go and get further information. I had heard Grinnell, as I was sitting on my seat, say that Mr. Kent had lost his child; he was speaking to my father and mother in the garden, and I went out to him. In consequence of what he said I first of all went to the cross-roads, which are towards Mr. Kent's house as I go from mine. I went to see who was standing about, and to make search for the lost child. I met Benger, and went with him from the cross-roads on to Mr. Kent's premises. We went of our own accord. Benger proposed that we should go on to the lawn. He said no one could be angry with us for looking for the lost child. I had told him that I did not like to go on a gentleman's premises?

When did you predict that you should find a dead child?

When we came to the bottom of the lawn I said we would look for a dead child if we could not find a living one. I said so because I could not think that any one could have stolen a child from a gentleman's house, as I was told before. I recollect being examined here last Friday. I don't recollect my examination being read over to me. I will not swear that it was not read over to me by Mr. Clark. The signature which appears to my deposition seems like my writing, but it seems written in a rather firmer hand than mine was on that day. I could not write as firm a hand as that now. I will not swear whether that is my signature or not. I know I put my name to what Mr. Clark wrote. I did not state here last Friday that Mr. Kent came to me early in the morning and told me that he had lost his child. He did not come to me that morning. I searched the left side of the lawn first, because it was thicker set with shrubs. We went straight from the lower corner to the closet, and the first thing I saw there was the pool of blood. I did not look down the seat when I saw that. I made the observation, "It is as I predicted." Then Benger said, "Get a light, William." I went to the kitchen and met Mary Holcombe, the char-woman, and asked for a candle. She said, "For God's sake, what's the matter, William?" I went to the kitchen. The cook gave me a candle, and I went back to the closet, when I found Benger still there. I held the candle over the seat. Benger looked down and said, "Oh, William, here it is." He took up the blanket and threw it on the seat. He then said, "Look here, William;" and I looked and saw the body of the child with its head nearly cut off. I spread the blanket on the floor of the closet, and Benger put the body into it, and carried it into the house. The left side of the lawn is not the one in which the closet is. I was not examined before the coroner. I was summoned, and was in attendance, but was not examined.

Mr. Ludlow stated the reason Nutt was examined on Friday last was that Bengor was out of town, and could not attend.

*Cross-examination resumed by Mr. Edlin*—I saw the pool of blood inside the closet before I went for the candle. I saw Miss Kent and Miss Elizabeth Kent in the kitchen. Miss Elizabeth had the little baby in her arms. I also saw Master William Kent in the passage. I have been clerk of the district church of Road for seventeen years.

*By the Chairman*—The body found was the body of Francis Saville Kent.

*Miss Emma Moody*—I live with my mother at Warminster, and I know the prisoner, Miss Constance Kent. I have been at school with her at Beckington, about a mile distant from her father's house. I went home for the holidays when she did, about the 17th or 18th of June. I have heard her make such remarks about the child as this: that she disliked the child, and pinched it—but I believe more for fun than anything else, for she was laughing at the time she said it. It was not this child more than the others. She said that she liked to tease them—this one and his younger brothers and sisters. I believe it was through jealousy, and because the parents showed great partiality. I have remonstrated with her on what she said. I was walking with her one day towards Road, and I said, "Won't it be nice to go home for the holidays so soon?" She said, "It may be to your home, but mine's different." She also led me to infer, though I don't remember her precise words, that she did not dislike the child, but through the partiality shown by the parents, and that the second family were much better treated than the first. I remember her saying that several times. We were talking about dress on one occasion, and she said, "Mamma will not let me have anything I like; and if I said I should like a brown dress, she would let me have a black, just for contrary." I remember no other conversation about the deceased child; she has only very slightly referred to him.

*Mr. Edlin* objected to this mode of examination being pursued by the gentleman advising the magistrates, who had, he thought, unintentionally exceeded his duty by pressing these inquiries. Some applause followed the statement of the learned counsel.

The *Chairman* thought the objection should take a specific shape, and could not be put in so general a form.

*Mr. Clark* said his only desire was to elicit the truth, and then asked,—Have you heard any other conversation of the prisoner respecting the deceased child?

The witness replied—No; I do not remember anything more than I have stated.

*By Mr. Edlin*—I was seventeen last March. My father is dead. My mamma is a private lady, living at Warminster. I have been at this school one year and a half. The prisoner has been a boarder during the last half-year, and for the previous three months she came to take lessons. She took home the second prize for good conduct during the

last half-year. There were between thirty and forty young ladies at the school. I have had some conversation with Inspector Whicher. He called at our house and saw me and my mamma. I think it was on Wednesday week. He has called once since at our house, and once at Mr. Bailey's, and I saw him there. Mr. Bailey is a private gentleman, and is married. Mrs. Bailey sent for me, seeing me in the garden. We live exactly opposite to each other. I did not know Mr. Whicher was there; but I was not surprised to find him there. Mrs. Bailey had taken great interest in the matter. I have not seen Mr. Whicher on more than those two occasions; the first time was on the Wednesday before last Friday. I was very much surprised to see Mr. Whicher at our house when he first called. My mother has called at Mr. and Mrs. Bailey's once or twice, but she does not visit there. Mr. and Mrs. Bailey were both present when I saw Mr. Whicher at their house. I saw Mr. Abbott, the superintendent, at Warminster, who spoke to me, but did not examine me. Mr. Whicher brought a summons for me to attend here to-day, and gave it to me at Mr. Bailey's.

Inspector *Whicher* said, as his name had been mentioned, perhaps the Bench would ask whether he brought anything with him?

The witness stated that the inspector brought a piece of flannel with him, which she could not identify; the second time he brought a summons. He had several times impressed upon her the necessity of speaking the whole truth upon the matter.

Mr. *Edlin* would take that for granted, but on a charge of such magnitude he objected to the introduction of any statements made in the absence of the accused.

Inspector *Whicher* said he merely wished to put himself right with the magistrates and the public.

The *Chairman* said he thought it should be known that the inspector had properly cautioned the witness before making any inquiries of her, and then asked the witness whether she had ever remonstrated with the prisoner in any conversation she had had with her.

Mr. *Edlin* protested, in the interests of humanity, against the question being put. The witness had already said more than once that she had stated all she knew, and now it was proposed to examine her upon some conversation as to which there was no evidence that it had ever taken place.

The Bench consulted, and the question was withdrawn.

The Court then adjourned for half an hour.

Mr. *Joshua Parsons*, surgeon, of Beckington, stated that he was called to Mr. Kent's house on Saturday, the 30th of June, and saw the body of the child. It had a nightdress on and a blanket stained with blood and soil. There was a stab on the left side, cutting through the cartilage of two ribs. The mouth had a blackened appearance, and the tongue protruded between the teeth. I think this was produced by forcible pressure during life; but there was no abrasion of the tongue or lips to show that anything had been pushed into the mouth. The

throat was cut from one ear to the other, dividing it all down to the spine. By order of the coroner I opened the body; the stomach was healthy, and I saw no reason to suspect that any narcotic or poisonous drug had been administered. The stab in the chest had not penetrated to the heart, but had pushed it out of its place, and pierced the diaphragm, and slightly wounded the outer coat of the stomach, on the right side of it. There were two very slight incisions on the right hand, which appeared to have been made after death. When I saw the body, at half-past eight, the rigidity was complete, so that I suppose that it had been dead at least five hours. The injuries were inflicted, I think, with a long pointed knife. The stab was an inch or an inch and a quarter wide. I accompanied Mr. Foley in searching the house, and went into Miss Constance Kent's room. I examined the linen in her drawers, and the nightcap and nightgown which were on the bed; they were all perfectly free from any stains of blood. The nightdress was very clean, but I cannot say how long it had been worn. I did not make any remark in the presence of Miss Constance. I am not certain whether I examined Mrs. Kent's clothes, or the clothes of the other Misses Kent. I went into the rooms with Superintendent Foley. He examined some of the things, and I examined others. I made a remark to Mr. Foley.

*By Mr. Edlin*—There were no marks on the bedgown which attracted my attention. It might have been worn by a young lady sleeping alone for a week. The deceased was a very heavy child for his age. I went once down the back staircase of the premises with Mr. Kent on the day of the murder. In my judgment, the incision in the chest was made by a pointed knife, but not with the point coming obliquely, but a dagger-shaped knife like a carving knife. I came to that conclusion from the way in which the clothes are cut. It would have required very great force to inflict such a blow through the nightdress, and to the depth to which it had penetrated. The ribs of a child are very flexible, and the great amount of force necessary for such a blow would depress the ribs, and cause the heart to diverge forward from its natural position; and if the clothes had not been cut, the heart must have been penetrated. I examined the linen in the drawers in Miss Constance's room, and I believe I saw a clean nightdress there. Mr. Superintendent Foley was with me at the time I made the examination.

*Miss Louisa Hatherall*—I live with my parents in Oldbury, Gloucestershire, and am fifteen years of age. I was at school with the prisoner at Beckington till last June. I have heard her speak of her home, and say there was a partiality shown by the parents for the younger children. She spoke of her brother William being obliged to wheel the perambulator for the younger children, and that he disliked doing it. She also spoke of her father comparing the elder son to the younger, and saying what a much finer boy the younger would be. She never said anything particular about the deceased. She told me nothing else, to my recollection.



Mr. Edlin put no question to this witness whatever.

*Sarah Cox*—I have been housemaid to Mr. Kent for three months past. It was my duty to fasten up the doors and windows, and I did so on the night of the 29th of June. I locked and bolted the door of the drawing-room when I went to bed, about a quarter to eleven. Next morning I found the door a little way open, the shutters unfastened, and the window a little way up. I could not see that any force had been used, or that the window had been broken open. I did not see any footmarks on the floor, which was covered with a white drugget. I had to collect the dirty linen from the rooms on Monday mornings; that of Miss Constance was generally thrown down either in the room or on the landing; some of it on Sunday, and some on Monday. It was so on this occasion, Monday, July 2. I found a nightdress of hers on the landing on Monday morning, and took it down with the rest into the lumber-room on the first floor to sort it out. I then called Miss Kent to come and put the number on the book. I perfectly remember putting this nightdress of Miss Constance's into the basket on the Monday (July 2) after the murder. I am certain of it. I left the basket in the lumber-room when I went down to the inquest, about eleven o'clock, with the nurse. Mr. and Mrs. Kent, the three young ladies, Master Kent, the young children, and the cook remained in the house. The baskets were covered up with the kitchen tablecloth and Mrs. Kent's dress, and the lumber-room was not locked. The laundress was to come for them about twelve or one o'clock that day. I know that I put three night-dresses into one basket; and besides them Miss Elizabeth Kent made up her own bundle for herself. Miss Constance came to the door of the lumber-room after the things were in the basket, but I had not quite finished packing them. She asked me if I would look in her slip pocket and see if she had left her purse there. I looked in the basket, and told her it was not there. She then asked me to go down and get her a glass of water. I did so, and she followed me to the top of the back stairs, as I went out of the room. I found her there when I returned with the water, and I think I was not gone near a minute, for I went very quickly. The lumber-room is on the same floor as the nursery. She drank the water and went up the other back stairs, towards her own room. There was no further conversation between us. I covered down the basket and did not return to it. It was on Tuesday evening that I heard of a missing nightshirt, and I have never seen it since. The ladies of the family change their nightdresses once a week, but I cannot say on what night. I think each takes out the clean things for herself. My bedroom is adjoining Miss Constance's, with only a papered wall, or boards, or something between. I can hear everything very plainly; but I don't recollect being awakened on the night of the murder.

*By Mr. Edlin*—On Saturday, the 30th of June, I took down a clean nightdress of Miss Constance's to be aired. I have heard that she had three altogether, but I did not know till after this. I took another clean

nightdress to be aired on the following Saturday. Miss Constance's nightdresses are easily distinguishable from the other Misses Kent's, as they have plain frills, and the others have lace and work. I never look over the clothes when they come from the wash; the dirty one put into the basket on the Monday after the murder, and the two I aired, would make the three. I am clear that these were all Miss Constance's nightdresses. I did not observe any mark or stain upon the one that was put into the basket on Monday, the 2nd of July. It appeared to have been dirtied, as one would have been which had been nearly worn a week by Miss Constance.

During the time that you have been in the service of Mr. and Mrs. Kent, have you ever seen anything in the conduct of Miss Constance towards the deceased that was unkind or unsisterly?—No, sir, I have not.

Have you ever heard her say anything unkind towards her little brother, the deceased?—No, I have not.

Nor ever show any ill-feeling towards him?—No, I have not.

Were there not unoccupied rooms on this night on the first and second floor?—Yes; a lumber-room and a spare room on the first floor over the drawing-room, and a lumber-room and a bed-room on the second floor. The book in which the linen is entered is sent with the clothes to the washerwoman. The clothes were entered in the book on the Monday after the murder by Miss Kent. On the Monday next after that—viz. the 9th of July—the clothes were not sent to the wash in the usual way. Mrs. Holly is the name of the washerwoman to whom the things were sent on the Monday after the murder. The washerwoman would not have the clothes on the 9th of July, because there was some dispute about the nightdress. I first heard that the nightdress was missing on the Tuesday evening after the murder. A message was sent from Mrs. Holly's daughter, which I received from her. She said there were three nightdresses put down on Mrs. Kent's book, and only two sent; and her mother said that it was Miss Constance's that was missing, and that I must send another, as the policeman had been there that day to know if she had the same number of clothes sent that week as she always had, and that her mother had told him she had. She said that her mother said she must have another sent, as she was afraid the policeman was coming again, and that, if one was not sent, she must go to the policeman about it. I told her that I was sure she must have made a mistake, as I was certain that I put three nightdresses in the basket, and that I was quite sure one of those was Miss Constance's. I also told her that if she would wait a few minutes I would go to Miss Kent. I went and told Miss Kent what she said, and Miss Kent said she was quite sure that I put Miss Constance's nightdress in the basket, as she had seen me do it.

The *Chairman* suggested that this was hearsay to a great extent, and was not evidence.

Mr. *Eddin* submitted that it was admissible in cross-examination.

*Witness continued*—Miss Kent told me I had better see Mrs. Kent, and I called the girl into the library. Miss Kent told her, in the presence of her mother, that she was quite sure the nightdress was put into the basket, and the girl then said she would go and tell her mother. She then went away. It was in consequence of this that the clothes did not go as usual to Mrs. Holly on Monday the 9th of July; and the clothes, including the nightdress worn by Miss Constance during the week after the murder, were not sent to the wash at all. On the following Saturday, I believe, Miss Constance borrowed a nightdress of her sister, there being then the two dirty ones belonging to her in the house which had been worn by her between the 30th of June and the 7th of July, and the 7th of July and the 14th of July. Mrs. Holly, the washerwoman, came to the house, and said that she was sure the missing nightdress had never come to her house. I told her I was certain I had put it into the basket myself. Mrs. Holly came on the same day that her daughter did—about the middle of the day. I gave her the book then, and paid her the money.

Did you observe anything in Miss Constance's manner on the morning of the murder which was at all unusual?—No, sir; excepting the grief which was exhibited by all the other members of the family.

*By the Chairman*—After airing the clothes I take them to the different rooms. The clothes come home on Friday night, and are aired on Saturday. I am certain I put the nightdress of Miss Constance into the basket, but I can't swear that it went out of the house, because I was not in the house at the time.

*Esther Holly, of Road, laundress*—I have been in the habit of washing for Mr. Kent's family till within the last three weeks. I recollect going for the clothes on the Monday after the murder. When I got to the house I saw the cook; we went upstairs to the spare room, where the clothes were generally kept. The cook brought down one basket, and I the other. I then secured the clothes in the baskets, and went out and called my daughter Martha. The clothes were in the same state as I always received them. Mrs. Kent's dress was on one basket, and something else on the other. I and my daughter went straight home with the clothes. We had heard that there was a nightdress lost, and we opened the basket within five minutes after we got home, and found that one was missing. It was not our usual custom to open the clothes so soon after receiving them. We heard a rumour that a nightdress was missing.

Mr. Edlin objected that the Bench, who were, as it appeared, conducting the prosecution, ought not to put questions which would be inadmissible.

The *Chairman* said the magistrates were not acting as prosecutors; they were merely conducting the investigation, and Mr. Edlin had frequently interposed objections.

Mr. Edlin had respectfully submitted to the Bench that, in a case where a young lady was on remand, charged with wilful murder, no

questions ought to be put to witnesses which would be inadmissible on the prosecution of so serious a charge.

The examination of the witness was then resumed, and she deposed to the missing of the nightdress, and to having sent to the house immediately on discovering its loss. Mr. Kent told me he would have a special warrant for me if the dress was not returned in forty-eight hours. I told him I was certain I had not had the dress, and I went then. I have had no washing from Mr. Kent's house since. I have not seen anything of the missing nightdress. My house and my two daughters have been searched by the police for the dress.

*By Mr. Edlin*—I had the clothes home about twelve o'clock on the Monday following the murder, and in about five minutes after began to make a search for something that was missing. On the next day I went up to Mr. Kent's, and got my money, and took back the book with me. I did not say anything to the housemaid about anything being missing. I never gave it a thought—that is where I was wrong. I have three daughters—two married, and one single. The single one lives with me. All three daughters were present when I examined the clothes that I brought from Mr. Kent's. One of my daughters is married to a brother of William Nutt, who has been examined here to-day. He is a labourer, and lives in Road. My husband and son live in the house with me and my youngest daughter. All my daughters assist me in the washing, and no one else. They were all at home when I got home with my youngest daughter with the clothes. I went up to get my money the next day, between eleven and twelve o'clock, and saw Mrs. Kent about the missing dress the same evening, after my daughter came back. I was told then that they were quite sure that Miss Constance's nightdress had been sent. The police came to my house the first time on the Tuesday evening. I am quite clear about it. Four constables came together, and the parish constable as well. I was quite alarmed about it. They came to my house before I sent to Mrs. Kent's, inquiring about the piece of flannel that was found. I knew the nightdress was missing at the time, but I did not say anything to them about it. I told them the clothes were all right by the book. They came to me about the nightdress on the next day. I was expecting the nightdress to be sent to satisfy the book, the same as other clothes came sometimes. There were two things missing before; one a very ragged duster, and the other an old towel. Those are the only things I was ever accused of having before, and that I'll swear. Mrs. Kent forgave me the towel. My other daughter is married to William Riddle.

The magistrates, having consulted, announced that no more witnesses would be called.

Mr. Edlin then asked the Bench instantly to liberate the accused, and restore her to her friends. There was not a tittle of evidence against her—not one word on which the finger of infamy could be pointed against her. Although a most atrocious murder had been committed, it had been followed by a judicial murder no less atrocious. If the

murderer were never discovered, it would never be forgotten that this young lady had been dragged like a common felon to Devises gaol. The fact alone was quite sufficient to insure the sympathy of every man in the county and the kingdom. The steps which had been taken must blast her hopes and prospects for life, and those steps had been taken solely on the suspicion of an inspector of police, acting under the influence of the reward which had been offered. The fact respecting the missing bedgown had been cleared up to the satisfaction of every one who had heard the evidence that day, and no doubt could remain that this little peg, upon which this fearful charge had been grounded, had fallen to the ground. He asked the magistrates, therefore, to pause, and say whether for one moment longer this young lady should be kept in custody. Without reproaching Inspector Whicher for what he had done, he must say that the hunting up the schoolfellows of Miss Constance Kent reflected ineffable disgrace upon those who had been the means of bringing them there. Nothing that had been elicited from those young ladies showed anything like animus on the part of the prisoner towards the deceased child; nor had any motive been established which would induce the prisoner to imbrue her hands in the blood of the poor little child. He appealed to the Bench, therefore, the case for the prosecution being exhausted—and a weaker one he had never heard—to perform their duty to the country and to the prisoner by at once saying that the evidence adduced satisfied them that the charge was groundless, and that Miss Constance Kent should be at once discharged. A fearful responsibility would rest upon the magistrates if they should again remand the prisoner. No evidence to warrant a remand had been adduced upon the first occasion; but if, now the matter had been exhausted by the prosecution, this young lady should be again sent back to gaol, he hesitated not to say that great injustice would be done to the prisoner; and that the Bench would be failing in the discharge of the duties they were sworn to perform. He besought the magistrates, therefore, immediately to liberate the young lady, and to restore her to her friends and her home.

Some applause followed the address of the learned counsel, which was instantly suppressed.

The magistrates, after a brief consultation, announced that they had decided on discharging the prisoner, on her father entering into recognizances of 200*l.* for her appearance if called upon.

The prisoner was then discharged.

## APPENDIX No. III.

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### THE INQUIRY INTO THE CHARGE OF MURDER AGAINST ELIZABETH GOUGH, THE NURSEMAID.

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[From the Bristol 'Daily Post,' October 2, 1860.]

YESTERDAY morning the examination of the charge against Elizabeth Gough, of whose apprehension and detention an account appeared in Monday's 'Daily Post,' was commenced at the police court at Trowbridge. The arrest of the prisoner revived, and, if possible, increased, the popular interest which had since the discovery of the murder been felt in the mysterious and painful affair, but which in some degree had languished of late in consequence of the faint prospect there appeared to be of bringing to justice the perpetrator of the diabolical deed. Trowbridge was favoured with an unusual number of visitors yesterday, who contributed to give the little place an appearance of unwonted animation. The visitors and townsfolk lined the approaches to the court, discussing the new aspect of the affair in an excited manner, and being, apparently, very desirous of catching a sight of the prisoner, or of the Kent family, who, it was understood, were to be examined on the occasion. The prisoner was brought to the town in a fly, in the custody of Mr. Superintendent Wolfe, from the Devizes divisional police-station, where she had been detained since Friday, but, the vehicle not being recognised by the would-be sight-seers, they sustained a disappointment. Mr. and Mrs. and Miss Constance Kent came in a fly to the court, and were fortunate enough to get in almost unobserved, and therefore without any unpleasant demonstration from those congregated in the locality, who hissed and groaned at the occupants of the other cabs as they drove up to the door.

Judicious arrangements had been made in the little court for the large number of reporters who were expected, and who did really attend, not only for the newspapers for the surrounding counties, but also for those in London. Captain Meredith, the chief constable of the county, and Mr. Superintendent Foley, of Trowbridge, expressed their readiness to afford every accommodation to the "gentlemen of the press," and we need hardly state the latter tendered them their best thanks.

At eleven o'clock the following magistrates took their seats on the bench: Sir John Wither Awdry, Knight, Chairman of the Wiltshire Quarter Sessions, in the chair; H. G. S. Ludlow, Esq.; J. P. Stancomb, Esq.;

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W. Stancomb, Esq.; the Rev. R. Crawley; and R. Walmsley, Esq. There were two or three other magistrates present as spectators.

The following is a copy of the charge upon the warrant on which the prisoner was apprehended:—"Elizabeth Gough, of Isleworth, in the county of Middlesex, single woman, charged for that she, on the 29th or 30th of June last, at Road, in the parish of North Bradley, in the county of Wilts, did feloniously, wilfully, and of her malice aforethought, kill and murder one Francis Saville Kent, against the peace of our lady the Queen." Mr. T. W. Saunders, of the Western Circuit, instructed by Mr. E. F. Slack, solicitor, of Bath, appeared for the prosecution; Mr. Ribton, of London, instructed by Messrs. Farrell and Briggs, solicitors, of Isleworth, prisoner's legal advisers, attended for the defence; and Mr. Edlin, of Bristol, and of the Western Bar, instructed by Mr. Dunn (who, during the entire investigation, has acted as Mr. Kent's legal adviser), attended to watch the case on behalf of Mr. Kent.

The prisoner, who was attired in black, and wore a thick crape veil, was accommodated with a seat in the dock, Mr. Superintendent Wolfe sitting beside her. She is a young woman, aged twenty-two, tolerably good-looking, and appeared to have been crying. She was thinner and more pale and careworn than at the commencement of the investigation. During the present inquiry she appeared to feel acutely her painful position, and to watch with feverish anxiety the various questions of the learned counsel, and the answers of the witnesses thereto. She also made frequent notes, which she handed to her solicitor, who was sitting near her, and which were almost invariably passed on to the learned counsel for the defence.

The court was speedily crowded by an attentive audience.

Mr. Saunders having intimated that he appeared for the prosecution,

Mr. Ribton said he appeared on behalf of the girl, and before his friend opened his case he would be much obliged—and he supposed there would be no objection to the application—if he were allowed to see the information on which the warrant was granted.

Mr. Saunders said it was not necessary in case of felony to have a written information, and he did not know whether in that a written information had been taken.

The *Chairman* said an information was not necessary, as many parties were brought there without a warrant. It was sufficient for the Bench that they saw a party before them upon a warrant evidently tending to charge that party with crime, and they must deal with that party. At the same time there could be no objection to allow Mr. Ribton to look at the information, if one had been taken.

Mr. Ribton supposed the warrant was granted on a written information: he did not stand upon his right in making the application, because he supposed there was no objection to his seeing the warrant.

Mr. Saunders said he was not aware that there was any written information; probably there was none.

The *Magistrates' Clerk*.—Yes, there was.

Mr. Ribton said he wished to see it for two reasons; first, to see what the statements contained in the information were as regarded that most mysterious affair; and in the next, he wished to see who was nominally the prosecutor in the case.

The *Chairman* (to Mr. Saunders)—Do you object?

Mr. Saunders—Not in the least, sir.

The Magistrates' Clerk thereupon handed Mr. Ribton the information.

Mr. Saunders said he was authorised to state that Mr. Edlin was present to watch the proceedings on behalf of the family.

The *Chairman* informed Mr. Ribton that there was no charge against his client until the evidence had been tendered, but, as she was brought up under a warrant, they proposed dealing with her under that warrant, and would, therefore, give her all the information it contained.

The Magistrates' Clerk then read the warrant (a copy of which is given above), and stated that the charge was made on an information on oath of Captain Meredith, the chief constable of the county of Wilts.

Mr. Ribton applied that the witnesses might be out of court during the examination.

Mr. Saunders.—By all means.

The *Chairman* said they took it upon the good faith of the gentlemen that witnesses would be out of court during the examination; but it ought to be understood that, if in the course of the case any question not anticipated might arise, they could not exclude subsequent evidence, even though the party to be called had not been out of court.

Mr. Ribton agreed.

Mr. Saunders then proceeded to open the case. He said he appeared to prefer and to bring home, as he trusted he should, the charge against the prisoner at the bar, that had just been read from the warrant. The offence they were then about to inquire into was one of a most enormous character, and he did not think he was saying too much when he asserted that it conveyed a thrill of horror through every family in the country. He would not, however, dilate on the enormity of the offence by observations of the kind, which would be out of place there. They were met for a preliminary examination, and if they were of opinion, as he believed they would be, that he had established facts to justify them in committing the prisoner for trial, an opportunity would be afforded the prosecution to elaborate the facts he would produce before them into a shape more complete than it was possible he would have an opportunity of presenting them on the present occasion.

The *Chairman* asked if they were to understand that the case would be further matured at the time of trial or previously, and that the present examination was only for the purpose of obtaining a remand, if sufficient ground were shown?

Mr. Saunders said he was in possession of evidence, and he hoped at once to complete the case which he intended to offer to them; and he believed that, when they had heard all the evidence that he was in



possession of, they would be of opinion that the case was one calling for inquiry in another court. The offence itself was one of murder upon a little child of four years of age. It appeared that on the night of Friday, the 29th of June last, the little fellow was murdered. His murder was discovered early the next morning, and a coroner's inquisition was thereupon held. Unfortunately, that inquiry was conducted with a looseness which was much to be deplored, and no satisfactory result arose from it. The magistrates of the division thereupon themselves undertook the inquiry, and, suspicion pointing very strongly to the prisoner, she was apprehended. Some sittings of the magistrates then took place, but, unfortunately, without any satisfactory result, and the prisoner on that occasion was discharged. The public belief on the point was that, by diligence and careful inquiry, the murderer was to be discovered, and the Government signified to the magistrates of the division that the inquiry should not be permitted to stop where it then rested, but that further investigation should take place. Acting on that, they requested Mr. Slack, then present—a gentleman of great eminence in his profession, living at Bath—to make inquiry into that very mysterious occurrence, and thanks to his skill, his unremitting attention, his zeal, and his capabilities generally, they were then in a situation to present to the bench facts which he (Mr. S.) believed would, beyond all question, be found to press with such severity against the prisoner at the bar as to leave them no alternative but to commit her for trial at the assize of that county. He should, however, mention to them that, between the discharge of the prisoner at the bar and the inquiry instituted by Mr. Slack, another party was apprehended at the instance of a detective from London—a young lady, a member of the household in which house this murder was committed—Miss Constance Kent. The party at whose instance she was apprehended had in his mind reason for believing that suspicious facts existed against her. Two or three meetings took place with reference to the charge against her, and the result was that the young lady was liberated. He might say there—and he was happy to have an opportunity of saying it—that he believed from first to last there was not the slightest ground for entertaining suspicion against her, and he believed that young lady went forth to the world as clear of suspicion as any gentleman he had the honour of addressing. He felt bound to say that much for the sake of the young lady, after a most careful investigation of the case, that from first to last there was not the slightest ground for justifying suspicion against her, and he believed, at this moment, that young lady to be as clear of suspicion as any one of the gentlemen whom he had now the honour of addressing. Having stated this much, he would now draw attention to the facts of the case. The murder was committed at Road-hill House, the residence of a gentleman named Kent, who was one of Her Majesty's Inspectors of Factories for this district. His family and household on the night in question consisted of himself and wife, two young ladies, daughters by a former marriage, Miss Con-

stance Kent, and her brother, a youth of about fifteen years of age. There was also the little fellow who was murdered, who was about four years of age, a daughter five years old, and another daughter about two years old. These were all the members of his immediate family. In the house there were also Sarah Cox, the housemaid; Sarah Kerslake, the cook; and the prisoner, in the capacity of nursemaid. These were the only persons inhabiting the house at that time. Inasmuch as the transaction took place at night, it was of importance that they should understand at the outset the respective sleeping apartments of these parties. Mr. and Mrs. Kent slept in a bedroom on the first floor; in their room also slept the little girl five years of age. On the same floor the nursery-maid, the prisoner at the bar, slept, and in the same room the little murdered boy and another child two years of age. There were those two sleeping apartments on the first floor, a passage dividing the sleeping apartment of Mr. and Mrs. Kent from the sleeping apartment of the nurse and the little boy. Above, the two Misses Kent slept in one room, Miss Constance Kent slept in another, the two servants slept in another, and Master William Kent in another. He had, therefore, noted every sleeping apartment of the entire family. It appeared that on Friday, the 29th of June, the little boy was taken to his bed by the nurse at about the usual time, between eight and nine, and before he went, having been in delicate health before that time, a pill was administered to him in the presence of his mother. Something would turn upon that: inasmuch as it was an aperient pill, it, according to the doctor's evidence, would, in the ordinary course of things, have taken effect and operated at a distance of about six hours or so; and that fact was a material one, as showing the probable time at which the murder was committed, for it was quite clear the murder was committed before the pill had operated; in all probability, therefore, the murder was committed some time about twelve, one, or two o'clock in the morning, and they were aware that at that time of the year, on the 29th of June, it would be daylight or daybreak a short time after two. They came with some degree of certainty about the period at which the murder must have taken place; and, therefore, as affected the time, he would draw the attention of the Bench to the evidence of the surgeon, who saw the child at seven or eight o'clock in the morning, and gave it as his opinion that it had been dead four, or five, or six hours. He (Mr. S.) was therefore not wrong in saying that they could fix the time of the murder with tolerable certainty, for it must be somewhere about one o'clock on the morning of Saturday, the 30th of June. The little boy was taken to his rest, and the nurse went in due course to bed. Mr. Kent retired to rest at about eleven o'clock, and the house, when all the inmates retired to rest, was securely and safely locked in every particular. Mr. Kent himself, according to his custom, saw that the house was perfectly secured, that the back door was barred and chained, and the front door was secured in the same way—in a word, the house was securely locked up. It was necessary to draw

their attention to the drawing-room, as that apartment would be the subject of much discussion during the examination. The room had three windows looking out on to the lawn. The windows were in sashes, with the ordinary divisions to move up and down. They were fastened, he thought, with the ordinary hasp, and wooden shutters, in the inside of the room. At night they were closed. The shutters were in two divisions, and running across the division there was an iron bar, which fastened up one side, and so kept the upper and lower portions of the shutters perfectly secure. Now the housemaid, Sarah Cox, on the night of the 29th of June, secured the three windows, and left the drawing-room, securing the door by a bolt on the outside, in the passage; and Mr. Kent would inform them that, before he went to bed, he was careful to see every place securely fastened. He was therefore the last person who went into that room before retiring to bed. In the drawing-room he found the shutters of all the windows perfectly secure, and when he left he locked the door of the drawing-room and bolted it. He then retired to his sleeping apartment about half-past eleven. The murder was committed some time that night; and, strange to say, though Mr. and Mrs. Kent were sleeping in a room almost adjoining, being only severed by a passage from the room in which the little boy was sleeping, and though Mrs. Kent was in that condition which caused ladies to be wakeful, yet during the whole of that night she did not hear anything to awaken her attention; nevertheless the little boy was murdered close to her own door, carried downstairs, and carried out of the house. All these things took place without alarming any one of the inmates of the house. The first thing that occurred during the next morning was this: the prisoner went and tapped at the door of Mr. and Mrs. Kent's bedroom and made inquiries "If Master Saville was there." She received an answer from Mrs. Kent, who was then dressing, to the effect that he was not there, when the prisoner said he was not in his cot. That being so, the parties in the house immediately set to work to ascertain what had become of the little boy. The house was searched at the time fruitlessly; and without going unnecessarily into the evidence they would better hear from the mouths of the witnesses, he would tell them the result—the boy was found in a murdered state in a privy on the out premises, and it was discovered that the centre window of the drawing-room was open; the shutters were unfastened and put back; the window was raised about half a foot, and the drawing-room door was also open. On searching the premises it was found that no violence whatever had been effected on any part of them—not a scratch or the slightest breakage of any kind. No bolt was wrenched, nothing whatever was torn away; everything was secure, with the exception of the window. Here he might say facts necessarily drew them to the conclusion that nobody by violence entered the house. The little boy was discovered with his throat cut; he was taken into the house, and then of course an alarm was given, and proceedings were taken such as

he had indicated ; but the surgeon who saw the little boy found that the throat was cut in such a way as to almost sever the head from the body ; it was a most determined and decided gash, from one side to the other, from the left to the right ; he came to the conclusion that the wound was inflicted after death, and for these reasons :—they all knew that a wound of that sort inflicted during life must cause blood to gush out from the arteries in a sort of elastic movement, and he found nothing on the ground that would indicate that any arteries were severed while the heart was beating, and there must be a spirting of blood if that were so ; he found only one trickling of blood from the wound, which he concluded was produced by blood casually streaming out after life had ceased to exist. There were certain signs on the body leading to the belief that suffocation had been resorted to before the gash was made in the throat, and that opened this wide speculation,—Was the wound in the throat inflicted to kill the child, or was it inflicted to mislead those who probably would inquire into the cause of death ? If the child was smothered, they could understand that some one in the house did it ; but if the child's throat was cut in an obviously barbarous manner, no one would suspect any one in the house guilty of so barbarous an act. The conclusion he had arrived at was that the child's throat was cut to mislead, and for the purpose of diverting suspicion and inquiry from the proper quarter. There was a stab in the child which penetrated into it about four or five inches ; that stab was apparently inflicted after death. Of course the inquiry which suggested itself before the mind was, Who could commit the murder ? Did any one break into the house ? It was clear no one did. Did the party get in through the window ? He could not have got in at the window except through the instrumentality of some one withdrawing the window-bolt inside. The drawing-room door was bolted and locked, and some one in the house must have admitted any party who entered it by that way. The case was open to four suggestions. It might be that some one broke into the house. He had shown the impossibility of any one having done so without the concurrence or connivance of any one there before. It might be said that some one had secreted himself in the house ; but that was highly improbable, inasmuch as hardly any place in the house afforded any means of hiding for any person disposed to remain there in secret ; for had it been so, that person could hardly have got out of the house without the connivance of some one in it. No one could have got out at the window, as it was only elevated six inches ; if the window had been lifted higher, it would probably have made a loud creaking noise likely to alarm the inmates. He believed the window was merely lifted up as it was as a blind. The probabilities were, he thought, that whoever committed that murder, and whoever took the child out and deposited it where it was found, got out through the back door, was let out by a person in the house, and afterwards returned to the proper place. It may be suggested that it was done by one person only—that it

was done by the prisoner at the bar. Whether it was done by one or more, he thought it was clear, almost to demonstration, that the prisoner must have been one of the parties concerned. When the room came to be examined, it was found that the deceased had been sleeping in a cot, and was covered over in this way:—Immediately over it was a sheet, over that again was a blanket, and at the top of all was a counterpane. The sheet was folded over the blanket and a portion of the counterpane, so that the blanket was entirely obscured from view. When the child was discovered in the privy, it was found to be wrapped up in the blanket. It was impossible to suppose that one person could have committed the murder; the boy was a heavy boy four years of age; the parties who were concerned in that murder must have taken the child from his bed, must then have wrapped him in the blanket, perhaps have smothered him at that time; but whether wrapped or not, must have then taken the child downstairs, and made an exit some way or other. One person could not have done that. It was idle to suppose that one person could have taken the child from the cot, could have taken the blanket from between the sheet and counterpane, wrapped the child in it, and then gone off, leaving the sheet and counterpane smoothly re-arranged, so as to present the appearance of not being interfered with. In taking the blanket from between the sheet and counterpane, a disturbance of the clothes must have taken place, and he or she who had taken the murdered child from the cot could not have so re-arranged the clothes, and any person who had murdered the child and was going away would not have had a motive for re-arranging the clothes. There must have been a second person in the room assisting in taking out the child, withdrawing the blanket, and re-arranging the bedclothes afterwards. Was it likely two strange persons went into that room to do that? Did not the conclusion irresistibly force itself on their minds that, if there were two persons, one person at least must have been the nurse? Could they believe otherwise than that she must have been conscious throughout of what was going on? Was it within the bounds of probability that any person could have gone in the room, and opened that door, which unless opened carefully made a creaking noise, without her knowing it? The suggestion was almost absurd, though it was said that she knew nothing about it. It was said that she slept soundly that night, having been engaged in laborious employment during the preceding day, but it would be shown that she was generally a light sleeper. It was clear from her statement that she awoke that morning unusually early—five o'clock. The probability was that two were engaged in the murder; it was physically impossible that one could have done what was done, and there must have been two. If the prisoner was not the only person engaged in the murder, she was one of two who were concerned in it. It was quite clear that some one in the house committed the murder. If a stranger had done it it must have been with the concurrence and connivance of an inmate, for that

stranger must have been let out of the house, and the house arranged after that stranger had made his exit. That fact was almost conclusive against the prisoner; but there were also other facts. It would appear that at five o'clock in the morning she awoke. She said she rose up in her bed, saw that the little boy was not in his cot, but was not surprised at that, as she believed his mother had been there and taken him away. But she had no reason to believe it, because Mrs. Kent was in that condition which almost precluded the possibility of her carrying the heavy child from one room to the other, and during the whole time the prisoner was in the service Mrs. Kent had not done such a thing. The prisoner then went to sleep, as she represented, and later in the morning rose up, and, after performing some little matters, knocked at the door of the apartment of Mr. and Mrs. Kent two or three times, without receiving any answer; but Mr. and Mrs. Kent would deny that such knocking had taken place, as, if it had, they would have heard it. However, at seven o'clock, when Mrs. Kent was dressing herself, prisoner asked if Master Saville was there, and was answered in the negative; it then turned out that the boy was not in his cot, and the house was searched in vain for him. Mr. Kent drove off to Trowbridge in search of the officer of police, his (Mr. K.'s) impression, according to his statement, being that the boy had been stolen away. The body had not been discovered when Mr. Kent left, and before it had been discovered the prisoner had some conversation with Mrs. Kent, telling her that the blanket had been taken away with the child, and she, hoping that the child was merely stolen, and that no violence was done to it, said, "I am glad of that, it will keep the poor little fellow warm." No doubt the prisoner had the knowledge that the blanket was gone with the child, for she repeated the same observation to Urch and Morgan. The question was, how did she know of it? Could she know of it in any other way than by being conscious of how the blanket was taken away—that it was taken away upon the child, that she knew it and saw it done? What was there further to show that to be the case? She felt the pressure of that knowledge; and when the child was afterwards discovered, covered with the blanket, she declared that that was the first time she knew that the blanket had gone with the child. When the child was brought back, murdered, and enveloped in it, she ran upstairs, and made the discovery, as if for the first time, that the blanket had been taken with the child. The fact relative to the blanket showed to his mind that she was a guilty party concerned in the murder. It might be that hers was not the hand that committed the murder, for he believed there was a second person there. What motive prompted either party to commit the atrocious deed he could not suggest, but there must have been some drama enacted there, and it was probably the concluding scene. What the drama was he was at a loss to understand or suggest, but that the child was murdered and taken out of the room, by the connivance and tacit assent of the girl, at the conclusion of it, there could be no doubt. There

was another fact in the case of great significance; under the child in the water-closet there was discovered a triangular piece of flannel, which would be described as being a chest flannel worn by females. That flannel attracted the attention of the parties who were intrusted in maturing the evidence in the case, and it was many days after the discovery of the murdered child that it was thought advisable to see if it belonged to any inmate of the house. A female searcher went to Road Hill House to make the examination. She examined the two Misses Kent and Miss Constance Kent, and, finding that it did not belong to either, she applied it to the prisoner, who, after much hesitation, and a conversation which would not be much in her favour, at last permitted the flannel to be fitted to her chest, and it was found exactly to fit. That, no doubt, was not a very strong fact against her, because there might be other persons whom the flannel might also fit; but when they found that it was in the privy beneath the child, soiled with the blood that had come from it, they would find from that circumstance that it must have been put there about the same time the child was deposited in the privy, and they would find that, in point of fact, it did fit an inmate of the house, and also, in further confirmation of that circumstance, the prisoner's flannel petticoat was composed of flannel of the same character and texture as the chest flannel. Another little fact was this. When the prisoner was called on to give an explanation of how the child was taken away (though of course she feigned ignorance of how the child was abstracted), she said she awoke at five o'clock in the morning, and, finding the child aged two years in a naked state, she covered it up, and raised herself on her knees to look in the crib to see how the murdered boy was going on. She missed him, but she took no means of alarming the house to ascertain what had become of the little fellow; she again lay down to sleep. It had been, however, found, by actual experiment, that it seemed impossible, from the position she described, that she could have seen the boy in the crib or could have missed him from it. That was a little fact; it had no great weight in itself, but it showed that she was then telling palpable untruths—that she was telling something to establish a case of innocence, which, when examined into, showed itself to be a tissue of falsehoods. He had stated the most important facts of the case, but had not thought it necessary to go into detail. He had a great many witnesses to bring under their attention, and the outline as he had presented it to them would be told more carefully and more minutely by them. But he thought, when he should have established beyond all question the facts he had stated, and recapitulated them, they could come to no other conclusion than that the case was fraught with such grave suspicion that public justice demanded that the prisoner should be sent for trial by another tribunal. He would not further take up their time by preliminary remarks, but proceed to call the witnesses.

Mr. *Ribton* said, Before the case was gone into would the Bench allow him to make one or two remarks, and they should be short? He had listened to his learned friend with the greatest possible care, whilst

he had entered into all the circumstances of that melancholy case, and he found that all the facts he had so fully related had been, to some extent, before him (Mr. Ribton) even previously to his being professionally instructed in the matter. He had listened with the greatest possible attention to his learned friend, and he certainly must say he was filled with astonishment to find that there was not one single new fact which had not already been given in the evidence before the Bench.

Mr. *Saunders* interposed.

Mr. *Ribton*—His friend would pardon him. They should recollect that the girl had been charged with the offence before the present investigation was instituted, and conducted before the magistrates. The investigation was conducted before the magistrates, and the facts his friend had opened up were then known to everybody, and were proved, or at least substantially proved; and the magistrates after that thought it incumbent on them to dismiss the case against her. The Bench were aware that, if this was an ordinary case, quoted in the ordinary way, the prosecution would have no right whatever to put her on her trial a second time. There was no maxim of the English law more unanimously recognised than the one which said *nemo bis debet vexari*. The girl had actually been tried before the Bench, and by the Bench dismissed; and when he found there was not one single new fact in the case, notwithstanding the elaborate manner in which the inquiry had been reconducted by Mr. Slack, he felt it incumbent on himself, at the present stage of the proceedings, to put it before the Bench whether they would think it right to re-hear the case, to listen to the same evidence which had been already laid before them, and which he (Mr. Ribton) was warranted in premising the Bench on the previous occasion did not consider sufficient to justify them in sending the unfortunate girl for trial. He was sorry to interrupt, but hoped the Bench would not think it irregular in laying it before them, his object being to ask them whether they thought that inquiry ought to go on.

Mr. *Saunders* said he scarcely thought it worth while to reply to what his learned friend had adduced.

The *Chairman* said the preliminary inquiry never went to the extent that the present inquiry was intended to go. There was some evidence offered, but it was of a general effect, and not specially directed against the prisoner.

Mr. *Ribton* asked if the evidence was taken against the girl on the previous inquiry.

Mr. *Saunders*—Then there was no formal charge against her. She was not in custody on a formal charge, but was only detained that some inquiry might be made. There were no depositions taken.

Some further discussion took place, and the *Chairman* said, if there was any minute of the former inquiry taken on that occasion, possibly there would be no objection to Mr. Ribton seeing it to help him in his cross-examination.



Mr. *Ribton*—It amounts to this: the girl was detained, statements were made and heard by the magistrates, and they, having heard them, ordered her to be discharged.

The *Chairman* asked if Mr. Saunders was there on behalf of a private person.

Mr. *Saunders* said No, but on behalf of the Crown.

Mr. *Ribton*—Not directly on behalf of the Crown, but nominally so; he does not represent the Attorney-General, but no doubt he is instructed by a highly-respectable attorney.

Mr. *Saunders*—I represent Captain Meredith, the chief of the police of the county, acting under the instruction and advice of the Attorney-General.

The *Chairman*—I am no magistrate of this division, but the magistrates of this division requested my attendance. It was at their instance, and the application to the Attorney-General, that this inquiry was commenced.

Mr. *Saunders*—The Attorney-General has been consulted, and he requested that these proceedings be taken.

The *Chairman* asked if the two superintendents should be out of court?

Mr. *Ribton* said he did not wish them excluded.

Mr. *Samuel Saville Kent* was the first witness examined. He deposed—I live at Road Hill House, in this county, and am Sub-Inspector of Factories, and father of the unfortunate child; on Friday, the 29th of June, my household consisted of my wife, Mary Ann Alice Kent (29), Elizabeth (28), Constance Emily (16), William Saville Kent (15), Mary Amelia Saville Kent (5), Francis Saville Kent (3 years and 10 months), Eugenie Kent (2), Samuel Saville Kent (a baby), Sarah Cox (housemaid), Elizabeth Gough (nurse), and Sarah Kerslake (cook): the first four were children of a former marriage. He explained the sleeping apartments. There was a bed for the nurse, and two cots for the children, one for the murdered boy, and the other for the child in arms; a dressing-room separates my room from theirs; a person coming from the nurse's room to mine would cross the landing, which is about eight feet; the staircase was fourteen or fifteen feet from my room; it is about the same distance from each: my elder daughters, Mary Ann and Elizabeth, slept in a bedroom over mine, and which is approached by a staircase; Constance slept in a room next to theirs; two servants, Sarah Cox and Sarah Kerslake, slept in a room next to theirs; my son William slept in a room at the back, on the second floor. Road Hill House stands by itself, with grounds around it; it is approached through a large gate, and by a carriage drive; the privy where the child was found is 20 or 25 feet from the house, and about 200 yards from the centre window of the drawing-room, which is at the back of the house; the privy is towards the front; all my family were at home; my daughter Constance had recently returned from a boarding-school; on the night in question I was the last downstairs, the

others having retired to rest ; it is my invariable custom the last thing at night to see all the doors and windows shut ; I went round the house on that occasion, and found all the windows and doors fastened ; I went into the drawing-room to see if the windows there were fastened ; there is a bay with three windows in it in that room ; they are large, heavy sashes, with shutters, which are divided ; the shutters are fastened by the lower bar, about the width of my hand, and by catches ; the shutters were all secure when I went in there, about eleven or half-past eleven ; when I left the drawing-room I locked and bolted the door, leaving the key in it ; I then went upstairs to bed, and went to sleep soon afterwards ; I slept soundly, and did not awake during the night ; about a quarter-past seven I awoke ; I had heard no noise, for I was asleep during the whole of the night ; Mrs. Kent came into the room after me ; about twenty minutes after I entered the room I went to bed, and it was about twelve o'clock when I went to sleep ; at a quarter-past seven the nurse knocked at the door to ask for the child, and I think it was that that awoke me ; Mrs. Kent got out of bed as the girl knocked at the door ; soon afterwards I heard that the child was missing from its bed ; ultimately I went off to Trowbridge in search of the police ; as I returned home I met Mr. Peacock, who said, " I am sorry to tell you I have bad news for you—the little boy has been found murdered ;" that was the first I heard of it ; I subsequently went around the premises and made a thorough examination of them ; I returned about nine o'clock ; I was not long ; I went as fast as I could, and soon afterwards I made the examination of the premises.

Mr. *Saunders*—And your opinion was that they had not been entered from without ?

Mr. *Ribton* objected to the question.

The *Chairman* showed Mr. *Saunders* how he could modify it.

Mr. *Ribton* complained that the question was put in a leading form.

Mr. *Kent* continued—There was no appearance of violence having been used ; the house could not have been entered from without except by violence.

*By the Bench*—Frome is four miles and a half off.

*Examination continued*—On the Saturday night I had two policemen in the house ; Mr. Foley, the superintendent at Trowbridge, sent them there ; they arrived at about eleven at night ; I did not admit the police into the house until I had heard the inmates go upstairs.

Mr. *Saunders*—What was the object of their coming there ?

Mr. *Ribton* objected to the question. The rules of evidence in a case like that should be strictly adhered to. Mr. *Kent* could have no notion of the object of the police, except what they told him.

The *Chairman* said, if they came at his request, he would know what reason he assigned for their coming there.

Mr. *Ribton* said he should be satisfied with the decision of the Bench, but he had felt it to be his duty to take the objection.

The question was not pressed.

*Examination continued*—I took the policemen into the kitchen ; one of them was to leave at half-past two ; the other I let out at about five o'clock in the morning ; I provided them with refreshment ; I was in the library during a portion of the night, but left the house once or twice.

*Mr. Saunders*—For what reason ?

*Mr. Ribton* objected to the question, for he could not see what the conduct of Mr. Kent, in reference to the police, while in his house, had to do as regarded the charge against the girl at the bar for murder ; though no doubt, if the trial was to exculpate Mr. Kent himself—which he (Mr. R.) could not suppose to be the object—it would be relevant. He could not see how anything done or said by Mr. Kent could be evidence against her.

The *Chairman* remarked that anything said by Mr. Kent would be no evidence, but things done by him, under the circumstances, might be admissible as evidence ; they might be material, or they might not be.

*Mr. Saunders* said he did not mean to suggest who was the accomplice of the nurserymaid, though she might have had an accomplice. It might turn out that Mr. Kent was searching for that accomplice, and that he went out and saw some one in communication with the nurserymaid. The police were staying up, and he was staying up, to detect the murderer, and he went out for some object. If Mr. Kent's answer was immaterial, it fell to the ground lifeless ; but if it was material, it must be taken.

*Mr. Ribton* objected to the question, because it was probable Mr. Kent went out in consequence of something that was passing in his own mind.

After some further conversation, the question was allowed to be put.

*Mr. Kent* said—I went out to see if the lights were out ; I went out several times for the same object ; the officers at that time were in the kitchen ; they could have left the kitchen and the house if they had unbolted the doors. I have a dog.

The *Chairman*—They could have let themselves out, but could not go into the house ?

*Mr. Kent*—Yes, they could have done so if the passage door was not locked, and I am not quite clear whether I locked the door or not ; I locked the officers in the kitchen.

The *Chairman* was surprised they had not plans of the house.

*Mr. Kent*—One of the policemen had knocked to be let out ; I let him out at about half-past two.

*Mr. Saunders*—What reason had you for locking the door ?

*Mr. Ribton* objected to Mr. Kent giving his reason.

The *Chairman* said, if any fact had occurred to induce Mr. Kent to do so, that fact might be deposed to.

*Mr. Ribton* did not object to that, but objected to Mr. Kent stating his motive.

Mr. *Edlin*—Mr. Kent is most willing to offer any explanation ; he does not interpose any objection.

The *Chairman* (to Mr. Kent)—Had anything occurred to induce you to bolt the kitchen door ?

Mr. *Kent* said—I bolted the door that the house might appear as usual, and that no one might know there was a policeman in the house. My dog was a full-grown Newfoundland dog, which I keep for the protection of my premises, and let it loose at night ; I let it loose that Friday about ten or a little after ten ; it barks and makes a noise at the approach of strangers ; I have heard it bark frequently ; on the Friday night I did not hear it bark, for I was asleep during the whole night ; I have been awakened out of my sleep by the barking of the dog.

Mr. *Saunders*—The dog would not bark at an inmate of the house ?

Mr. *Ribton*—If Mr. Saunders is going to give evidence he should go into the box.

The *Chairman*—I think the question may be asked.

Mr. *Saunders*—Did the dog bark at the inmates ?

Mr. *Kent*—I believe it did not.

By the *Chairman*—Before going to Trowbridge I looked round the garden and into the drawing-room for the child, and ordered my men to continue the search ; there was no fact then known beyond that of the child being missing ; I thought the child was stolen, and that was why I went to Trowbridge ; the drawing-room window being open, I concluded the child was stolen ; Trowbridge is the nearest station ; my house is in Wilts, and part of my grounds are in Somerset ; Trowbridge is in Wilts ; a policeman was stationed at Road, and another at Southwick ; to go from the dressing-room into the nursery my bedroom and the landing must be crossed ; I had not been in the nursery before I went to Trowbridge ; I got off as soon as possible.

*Cross-examined by Mr. Ribton*—I first communicated the details of my evidence to the magistrates, and subsequently to Mr. Slack ; I don't recollect telling the facts I have mentioned about my seeing the house fastened all right, and about Mrs. Kent going to bed, to the police ; I stated what I knew about the matter to the magistrates—substantially the same as I have stated at present, though not so fully as to-day ; the magistrates were the first persons to whom I made the statement ; I did not tell the policemen all these particulars ; I might have said to several that no one could have got into the house from the outside ; I did not state it to the police ; they were at my house every day ; I may have mentioned it to the police ; my mind is so disturbed that there are many things I am not so clear about as I could wish ; the police asked me a variety of questions in reference to the murder ; I may have expressed an opinion to them that no one could have got into the house from the outside—I don't recollect ; I did entertain that opinion ; previous to going to Trowbridge I went round the premises into the garden to find the gardener and assistant-gardener to get them to hunt for the child ; I did not make any search myself except by the

drawing-room window, and then I went to Trowbridge; I did not search myself, for I was anxious as quickly as possible to give an alarm at the police-station that the child was stolen; I thought I could give the alarm quicker myself than if I sent; I desired the gardeners to search the premises to see if they could find any trace of the child; I mean to say traces of the child or any one having left the premises; I never thought how persons leaving the premises might go; the place is much exposed; the premises are large and very accessible; at the back of the house is a large garden, and a field in which was standing grass; that field is about seven acres in extent, and adjoining that field was the lawn; any one going from the back premises might have gone through the garden to the back-yard, or must have gone through the field of standing grass; in the front they must have gone through the gates or over the hedge; a track through the grass would have been visible, not so through the garden; the search at the back would have taken half an hour; there was a policeman at Southwick, and I called at his house and gave my message to his wife, as I came to Trowbridge; a policeman passes near the premises on duty every night; he lives at Road, but I did not try to find him out; I knew he was on duty that night; I saw constable Morgan as I went out of the gate, and asked him to give the alarm, and he said, I think, that he would tell the policeman of the loss of the child; Morgan is not here; there were sweeps in the house on the previous morning between six and seven—how many I don't know; I did not see the sweeps, and did not know how or when they left; I had had my dog two or three years; it was a good house-dog, and knew me very well; the police came on Saturday by arrangement with Mr. Foley; I did not require it; it was not arranged with me that they were to come; the policemen first went into the library, where they stood for a few minutes, and then went into the kitchen.

*Mr. Ribton*—A plan of the premises would be of great assistance. We might be favoured with a plan, I think.

*A Magistrate*—Here is a plan (handing Mr. Ribton a copy of the *Bath Chronicle*).

*Mr. Kent*—That, I think, is not correct.

*Mr. Saunders* spoke in an undertone to Mr. Ribton, who then asked Mr. Kent: Have you refused to allow a person to go over the premises to get a more correct plan?

*Mr. Kent*—They have been over the premises and taken the measurement several times. There was a request sent to me, through Mr. Dunn, to have a plan of the house.

*Mr. Ribton*—Did you refuse?

*Mr. Kent*—I did, through Mr. Dunn, my solicitor.

*Mr. Ribton*—Through him, then, you refused to have a correct plan taken?

*Mr. Dunn*—That is not correct. I have had no application made to me.

**Mr. Ribton**—If Mr. Dunn is going to contradict the evidence he must do so on oath. (To Mr. Kent): You refused to allow a correct plan to be taken?

**Mr. Kent**—Yes.

*Cross-examination continued*—I went into the kitchen with them and remained there a short time; I bolted them into the kitchen; they did not ask me to do so; I had not told them I meant to bolt them into the kitchen; they must have heard me do so, for it is a noisy bolt; when I had bolted them in I went into the library; the door was not unbolted from a little after eleven till half-past two, when I let one of them out; I remained in the library during that time; I went out several times; I did not know what the policemen were doing in the kitchen; I gave them bread and cheese and beer; I knew the time, because I had my watch; I went at half-past two to let them out, and they told me they had then knocked; all the inmates of the house I believe, except myself, were in bed; the gardener sleeps in his own house; when I went outside I did not see any one there; one of the policemen went away at half-past two, the other stayed in the kitchen till between five and six o'clock; I remained in the library; I bolted the door on the other policeman; I did not tell him I had bolted it; whether he knew I had bolted it or not I can't say.

**Mr. Ribton**—Had you made any arrangement at any time with the police that you should bolt them into the kitchen?

**Mr. Kent**—None; my reason for bolting the door was that everything should appear as on other nights, that no one should suspect the police were in the house; my family otherwise might have suspected that they were in the house; I bolted the door that if any one came downstairs they might not suspect there was a policeman in the house; I communicated the fact of the arrival of the police to my wife only; I don't think I should have attained my object by desiring the police to remain in the kitchen without bolting the door, as in such a case the house would not be in the state it usually was at night; I did not expect any one to come downstairs; on the Saturday I inquired of the matter of the other servants, not of the nurse; Mrs. Kent inquired of her, but not in my presence; I did not interrogate her, because Mrs. Kent did so on the morning of the murder, and told me; I think the nurse told me how the bed was left in the course of the day; I don't recollect questioning her; she remained a month with me after this matter; I might have asked the nurse a few questions; I believe I did.

**Mr. Ribton**—Why did you tell me you did not?

**Mr. Kent**—Mrs. Kent gave me the account she had received from the nurse, and I asked her questions; I cannot positively say whether I questioned the girl or not; I first communicated with Mr. Rodway, solicitor, on the morning of the transaction, and desired him to watch the evidence at the inquest for my satisfaction; I did not know what might transpire there, as it was reported my son William had com-

mitted the murder; I asked him to attend the inquest as my attorney in consequence of that report; Mrs. Kent came to the bedroom after I went up; she has told me she did not go downstairs; to get from my bedroom to the nursery the landing must be crossed; the doors were directly opposite; I don't think that I went into the nursery on the morning in question; everything was in confusion; the girl when she came to my room asked for the children, but Mrs. Kent said there was only one child there; Mrs. Kent went out to speak to the nurse; I did not hear what occurred outside; she was in and out continually; it was Mrs. Kent who first communicated to me the loss of the child; she communicated it to me about a couple of minutes after she went out, saying "Saville is missing;" I replied, "We had better see where he is;" I was in bed; when she told me he could not be found I dressed and went down, but did not go into the nursery at all; no one had used the word "stolen" that I recollect; when I went out while the policemen were in the house the dog did not bark.

*Re-examined*—Nothing was stolen from the house; I did not inquire whether there had been or not before I went to Trowbridge.

The *Chairman*—Can you now tell me what circumstance there was to make you suppose the child was stolen before you looked around to all the accessible parts of the house?

Mr. *Kent*—I was told the child was missed; that was the only reason I had for supposing he was stolen.

The Court adjourned at this point for a short time, and upon re-assembling

Mr. *Ridton* asked to be allowed to put one or two further questions to Mr. Kent, and, the application having been granted,

Mr. *Kent* said, On that morning, before I started for Trowbridge, I knew there was a blanket missing; when I went to wish Mrs. Kent good bye, previous to starting, she told me so, and seemed pleased with the idea, as it would keep the child warm; I told the turnpike woman of the circumstance; I never have, that I am aware of, denied knowing anything about the blanket.

Mrs. *Mary Drewe Kent*, who was attired in deep black, and wore a thick veil, was next called, and presented herself for examination.

The *Chairman* asked if the examination would be concluded on that day.

Mr. *Saunders* said he had at least twenty more witnesses to examine, and asked if the Bench would sit from day to day until the inquiry was concluded.

The Bench decided upon continuing their sittings from day to day.

Mrs. *Kent's* examination was then proceeded with. She said—I am the wife of the last witness—

Mr. *Ridton* asked the witness to lift her veil.

Mr. *Edlin* submitted that if the witness spoke audibly the Bench would not require her to lift her veil during her examination in chief,

and Mr. Ribton should wait until his turn came to examine the witness before he made his application.

Mr. Ribton objected to Mr. Edlin's interference.

The *Chairman* said Mr. Edlin had no position there.

Mr. Ribton said he considered it his duty to his client to make the application.

The *Chairman* said the Bench could not refuse to grant the application.

Mr. Ribton said he did not wish to cause any inconvenience to the witness.

The *Chairman* said the Bench would be obliged if the witness would raise her veil.

The witness did so, and continued her evidence.—I have been married to the last witness seven years ; my family consists of four children—two little girls, the little boy, and an infant ; the prisoner was in my employ as a nursemaid ; she became so on the 27th of October last. On the 29th of June I caused an aperient pill to be administered to the little boy by direction of his medical adviser (Mr. Parsons) ; I expected that pill to take effect that night or early in the morning ; the pill was given rather before eight o'clock ; the little boy slept in the nurse's room with a younger child ; the child went to bed at its usual time, about eight o'clock ; the nurse assisted in putting him to bed ; he slept in a crib by himself ; the room was a moderate size one ; the crib was but a short distance from the nurse's bed ; a sheet, blanket, and quilt were usually placed on the boy, the blanket between the sheet and quilt ; no part of the blanket was exposed ; I went into that room soon after the child was in bed ; the nurse was downstairs taking supper ; that was after eight and before nine ; about half-past ten I went to the nursery, and afterwards upstairs ; when I went into the room the last time the nurse was in the dressing-room, just inside the nursery ; the dressing-room is very small ; the nurse went upstairs with me to look out of the window in search of the comet, which was supposed to be visible at that time ; I did not afterwards go into the nursery, but I believe the nurse returned to the nursery ; I went into the dining-room, where I stayed till about eleven ; the other members of the family had gone to bed ; except my husband I was the last person up in the house ; the other inmates had gone to bed ; it was about eleven o'clock when I went to bed ; on retiring to bed the nursery door was ajar, and I shut it ; I presume the nurse was in the room at that time ; the door is easy to shut, and is not attended with noise if shut carefully ; the turning of a handle occasions a noise ; if the door is not carefully shut a creaking noise is produced ; when Mr. Kent went to bed I was not in the room ; I had been into the room and gone out again ; Mr. Kent did not leave the room again till half-past seven the next morning ; I was very restless ; I can't tell how soon I went to sleep ; I awoke frequently during the night—several times ; I slept very lightly ; from my bedroom I can hear noise from the opposite nursery ; I can hear children



cry ; I did not hear them cry that night ; early in the morning—it was bright daylight—I heard a noise as of the drawing-room shutters opening ; I did not call my husband's attention to it, for he was asleep.

Mr. *Saunders*—Why did you not do so ?

Mr. *Ribton* objected to the witness giving her reason.

Mr. *Saunders*—Did it alarm you in any way ?

Mr. *Ribton*—That is no evidence.

*Examination continued*—I was not alarmed, for I concluded it was caused by the servants ; I did not hear the dog bark in the course of the night ; it is accustomed to bark at strangers ; it does not bark in the day at any one in the house ; I first rose in the bed at a quarter past seven ; I looked at my husband's watch ; I did not hear a knocking at the door that morning ; while I was dressing the nurse came to the door ; there was a knock at the door, and I opened it ; the nurse was there ; I asked, "Are the children awake ?" she said, "Neither of them ;" I said, "What, neither of them awake ?" I was astonished ; she said, "Master Saville ! isn't he with you ?" I replied, "With me ! certainly not ;" she said, "He is not in the nursery, ma'am ;" I immediately went into the nursery to look for him, and asked her if she had left the chair against his crib, and she said she had not ; I sent her to the child's sisters to look for him ; I am not sure if I asked her any questions then, but I did afterwards ; she said she missed him at five o'clock ; I asked her why she had not told me sooner ; she said she did not come, as she thought I had heard him cry, and had fetched him ; I replied, "How dare you say so ? you know I could not do it ;" my little boy was nearly four years of age ; he was a heavy, strong boy ; the day before the nurse brought him to me, when I said, "You must put him down, for I can't carry him ;" I had never gone and taken the child from the room whilst the nurse was asleep ; I had instructed her, if any child was ill or if anything uncomfortable occurred in the nursery with regard to the children, she was to come to me immediately, which I frequently repeated ; I said I would rather be called for a trivial cause than not be called when I was wanted ; I had given her these general orders repeatedly ; after the above conversation in the nursery I went downstairs, but came back again ; I heard the nursemaid say that the housemaid had found the drawing-room window and shutters open ; my husband had not, up to that time, risen from the bed ; he got up immediately afterwards, and went downstairs as speedily as possible ; we were in a state of bewilderment ; before my husband had left I was aware the blanket had been taken with the child ; I knew it because the nurse had told me so ; I heard afterwards that my poor son was murdered ; the nurse did my hair after my husband had left ; we spoke of the missing child, and she said, "Oh, ma'am, it's revenge ;" the nurse told me she was a light sleeper.

*Cross-examined*—I had never, that I remember, taken the child, during this nurse's time, from the nursery to my room ; never when she was in bed asleep ; I may have taken the child from his crib to my

bed, but I can't be positive ; my bedroom is a tolerably large room ; when she knocked at the door my husband was in bed ; I was dressing ; I think I remarked the hour to him ; I can't say whether he made any reply ; he was just awake ; I was up about a minute or two before she knocked ; it was not the knocking that awoke him, he was awake before ; I cannot say whether I had slept for a continuous period that night ; the nurse knew I had had bad nights ; she told me she had knocked at about a quarter to seven ; I did not say I expected that at that time I did not hear her knock, in consequence of having a restless night, and therefore had slept soundly in the morning ; she said she did not like to disturb me because she knew I had had such restless nights ; I cannot tell whether I slept for an hour without being disturbed ; it was before the child was brought in that I knew the blanket had been taken ; I told Mr. Kent of it when he came to my door to say he was just going to Trowbridge ; this girl, to the best of my belief, was particularly kind to the child, and seemed very fond of him ; he was very fond of her ; I can't tell whether she was much distressed that morning ; I was too much occupied with my own and my husband's feelings ; I have been examined by the magistrates in my own house, and by Mr. Slack last week, after the girl had left ; I gave no evidence when my daughter was examined ; Mr. Kent had returned before I had heard that the child had been found ; they knew of it in the house before, but I was not informed of it by them ; Mr. Kent informed me of it ; all the servants were fond of the child ; it was after Mr. Kent left when she said, " Oh, ma'am, it's revenge ! " she knew then that the child had been found dead, but she was not allowed to tell me of it ; I don't remember what I said ; I imagined the child had been stolen, and was much afraid he would take cold ; I knew the police were in the house the next night ; Mr. Kent told me ; he was downstairs the whole night ; I saw the drawing-room window open ; I saw two feet on the white drugget that covered the carpet—two men's feet, with apparently nailed boots ; I believe all in the house had seen them ; they told me they could not say whose they were, as so many had gone in and out of the window ; I scolded the housemaid for not telling me she found the window open ; nurse never told me what she was doing during the whole time from five till seven ; she told me she missed the child when she got up to cover the little girl at five o'clock in the morning, and went to sleep again ; when she called me at last, I found the younger child had been washed and dressed by her ; it would take from a quarter of an hour to twenty minutes to do that ; I know she asked to see the poor little child, and she told me she kissed it ; I asked her to see the child screwed down, but I don't believe she could have kissed it then ; after the child was brought in she frequently spoke of him with sorrow and affection, but I did not see her cry.

*Re-examined*—The boy was a nice little, playful, good-tempered, chatty boy, and a general favourite ; I don't know of any one who entertained revengeful feelings against my family or little boy.

Mrs. Kent's evidence being concluded, she asked to be allowed to say a few words.

Mr. *Ribton* objected to her doing so.

Mr. *Edlin* hoped the magistrates would hear her.

Mr. *Ribton* said her statement would not be evidence, and it should not be heard.

The *Chairman* said there was the Act of Parliament, and they were empowered to extract what was material from the testimony.

Mr. *Ribton* said the present was a public inquiry, and any statement made would go forth to the world.

Mr. *Edlin* said what Mrs. Kent wished to say would not prejudice the defendant.

The *Chairman*—If it has no reference to the defendant it has no reference to the inquiry.

Mr. *Ribton* would not object to the statement being made to the magistrates in private, but he could not allow her to make a statement voluntarily and unasked by the prosecution, for, though she might not think so, it might be prejudicial, as far as public opinion went, to his client.

The *Chairman* said it had been decided that such examinations might be taken privately if it were the wish of counsel that it should be so. He would therefore ask his brother magistrates if they would hear Mrs. Kent's statement privately, though with counsel on both sides present.

Mr. *Saunders* said he had asked every question he thought requisite for the elucidation of the truth, and he could not consent to Mrs. Kent making any further remark. He did not say so offensively to her, but they should proceed with regularity, and he thought they could not do better than follow the course universally adopted.

The *Chairman* said Mrs. Kent had better communicate with her legal advisers.

Mr. *Edlin* said he should not have interposed, but the lady voluntarily stated she wished to make a statement.

Mr. *Ribton*—My friend is like a troubled spirit wandering about without a resting-place. (Laughter.)

The *Chairman* remarked that he had already said the magistrates thought they were not justified, under the circumstances, in hearing Mr. *Edlin*; but if Mrs. Kent made a communication to him or the gentleman who instructed him, he would, no doubt, adopt such means as truth and justice required.

Mr. *Edlin* said he had only once or twice interposed, and then in the most courteous manner.

*Sarah Cox* said—I have been for some time housemaid in the family of Mr. Kent; I entered his service last April, and am there still; Kerslake, the other servant, was there when I went, and is there still; the prisoner was nurseymaid; Kerslake and I slept in the same bed on the second floor; on the 29th of June I fastened the dining-room win-

dows, the hall window, the front door, the library window and door, the drawing-room windows and door, the staircase and other windows ; it was the cook's duty to fasten the back of the house ; the windows opened in half ; the lower part would go up and the upper part down ; the windows fastened with a catch ; a large bar secures the whole of the shutters ; about a quarter to eleven o'clock I went to bed with my fellow servant ; Miss Constance slept in a room on the same floor ; I did not wake all night ; there was a Newfoundland dog always left loose on the premises ; I did not hear it bark that night ; I got up a little before six the next morning ; my fellow-servant rose at the same time ; neither I, nor my fellow-servant to my knowledge, left the bed during the night ; on going downstairs I found all the part of the house that I had fastened up secure, except the drawing-room ; I found the door of the drawing-room a little way open, the top shutters put together, and one at the bottom was put together, and the other was open ; the window was a little way open, about six inches ; it was not high enough to enable any person to get out ; no person outside could have undone the shutters and window, because they were fastened ; I did not observe any footmarks when I came down ; I did not mention this to my fellow-servant.

*Mr. Saunders*—Why did you not do so ?

*Mr. Ribton* objected to the question.

The Court ruled that the question could not be put in that form.

*Witness*—I have a reason to give if permitted—I thought some person in the house might have opened it to air the room after I had fastened it ; Superintendent Foley and other police officers came that morning ; I told Urch and Morgan how I found the shutters.

*Cross-examined*—The drawing-room is behind the library, and looks on the side lawn ; I did not look about to see if any one was in either of the rooms ; I have heard that Mr. Kent goes around the house to see that it is secure ; I slept during the whole night ; I have been examined in this matter five times ; I was last examined by Mr. Slack, at Mr. Kent's, in the presence of Mr. Dunn (Mr. Kent's solicitor) and others ; Mr. Slack was three hours, or three hours and a half, examining me.

*Mr. Ribton*—You must have told him a good deal more than you have told us.

*Witness*—I was examined about the nightdress of Miss Constance that has been lost ; he might have been examining me more than an hour about the nightdress ; he was occupied about a week in the examination at the house.

The *Chairman*—Is it necessary to take all this down ?

*Mr. Ribton*—I want to show you how the evidence has been got up, but I dare say you are aware of it. I shall, however, have to make some observations on it, which will be not altogether agreeable, perhaps.

The *Witness continued*—There were two lumber-rooms and two unoccupied bedrooms in the house ; I went into these rooms to fasten up

the window, but did not look about to see if there was anybody in them ; I thought one of the young ladies overnight had opened the window to air the room, because it smelled very close ; I did not see that anything had been moved out of its place ; nurse asked me if I had seen the boy, as he had been lost from his room, and I told her that I had found the window a little way open.

*Re-examined*—I have not heard that anything was stolen ; I don't know that any of the rooms bore the appearance of any one being concealed there ; I was willing to be examined ; I don't know that the examination had the sanction of the highest personages in the law ; the examination was voluntary on Mr. Kent's behalf.

*Mr. Ribton*—I don't know that ; he had his solicitor there to guard him ; this poor girl had not.

It being now past five, on the suggestion of Mr. Saunders the Bench resolved to adjourn without swearing another witness.

In answer to the Chairman, Mr. *Saunders* said he could not tell how long the inquiry would continue ; he had many more witnesses, though those witnesses whose evidence was the most lengthy had been examined.

*Mr. Ribton* could only say, if his friend examined the witnesses in the same manner in which he had examined those who had been already heard, the inquiry would last a month.

*Mr. Saunders* submitted that he was not open to the imputation of occupying time with irrelevant questions.

The *Chairman* remarked that he did not say that the objections which had been taken were not proper ones, still it must be admitted that the taking of them occupied time ; nevertheless, he did not censure Mr. Ribton for taking them.

*Mr. Edlin* remarked that, if the Bench wished to see the premises, Mr. Kent would be happy to show them to their worships, and at the same time open them to Mr. Slack for the purpose of preparing any plan he might think it right to make for his purpose.

The Court then adjourned, and the solid body of spectators, who had remained speechless, almost motionless, in court during the entire day, left the building and rejoined the crowd outside, who had been waiting there some time. The whole remained on the look-out, and hooted and hissed every carriage that left, believing it to contain the Kent family. At length the whole dispersed, and, excepting perhaps that every one was discussing the latest particulars of the Road tragedy, or making anxious inquiries relative to the new facts that had come out, the town resumed its accustomed quietude.

*October 3rd, 1860.*

YESTERDAY morning the examination of witnesses on the charge against Elizabeth Gough, of having, on the 29th or 30th of June last, at Road, North Bradley, Wilts, feloniously, wilfully, and of her malice aforethought, killed and murdered Francis Saville Kent, was resumed at the Town-hall, Trowbridge. The popular interest in the sad affair was still very great, though, as compared with the previous day, there was a visible abatement. However, anxious inquirers continued to crowd around the police-court previous to and during the examination, and, as on the former day, a large number of London and provincial reporters were present at the inquiry. The accused was on Monday evening taken by Mr. Superintendent Wolfe to the Devizes gaol, and yesterday morning he again took her in a fly to the Trowbridge police-station. Some members of the Kent family arrived at the court, as on the previous day, in a fly, but their reception was not a whit more cordial by the populace than on Monday.

At eleven o'clock the following magistrates took their seats on the bench:—Sir John Wither Awdry, Knight, Chairman of the Wiltshire Quarter Session, in the chair; H. G. S. Ludlow, Esq.; J. P. Stancomb, Esq.; W. Stancomb, Esq.; the Rev. R. Crawley; and R. Walmsley, Esq. There were two or three other magistrates present as spectators, and several ladies were accommodated with seats behind the Bench.

As on the previous day, the following legal gentlemen were engaged in the case:—Mr. T. W. Saunders, of the Western Circuit, instructed by Mr. E. F. Slack, solicitor, of Bath, appeared for the prosecution; Mr. Ribton, of London, instructed by Messrs. Farrell and Briggs, solicitors, of Isleworth, prisoner's legal advisers, attended for the defence; and Mr. Edlin, of Bristol, and of the Western Bar, instructed by Mr. Dunn (who, during the entire investigation, have acted as Mr. Kent's legal advisers), attended to watch the case on behalf of Mr. Kent.

The prisoner, who was attired, as on the previous day, in mourning, was again calm and collected, and there was no sign that her restraint had had a prejudicial effect upon her. She paid most close attention to everything that affected her case, frequently communicated with her legal advisers, and ever and anon passed written memoranda to one or the other of them. During the adjournment she desired to see the plan, and in an earnest manner examined every feature of it, discussing with Superintendent Wolfe its accuracy in the minutest detail. She evinced great intelligence throughout.

The court was crowded. The small portion available for the public was taken possession of immediately upon the opening of the door, and scarcely an individual stirred during the remainder of the day, so unwilling were they to give up their advantageous positions. Every other available portion of the court was occupied by ladies and gentlemen who had been favoured with sitting or standing accommodation.

Captain Meredith, the chief constable of the county, Superintendents Wolfe and Foley, and other officers of the constabulary force, were in attendance.

Previous to the resumption of the examination of witnesses,

The *Chairman* said he found that Mr. Ribton had not been supplied with the minutes of evidence which had been referred to on the previous day, and which would have guided him in his cross-examination.

Mr. *Ribton* was much obliged to the *Chairman* for referring to the circumstance. He understood that the Bench suggested that the minutes should be furnished to him, but the attorney for the prosecution had not supplied him with them. He (Mr. Ribton) understood that Miss Constance Kent had been called as a witness at a former inquiry before the magistrates, when depositions were taken on oath, though they were not signed, and he was very anxious he should have an opportunity of seeing those statements made by the several witnesses. He asked the Bench to be kind enough to direct that they should be furnished to him then.

The *Chairman* asked if there was any objection to the granting of the application?

Mr. *Saunders* said Mr. Ribton could claim the depositions as a right and he (Mr. Saunders) had no right or wish to object to his having them.

The *Chairman* said instructions for cross-examination might lead to the object they all had in view—the elucidation of the truth, whether for the exoneration of the person charged or not.

Mr. *Saunders* said he interposed no objection.

The depositions were handed to Mr. Ribton, who referred to the minutes.

Mr. *Slack* said every minute he possessed was private property of the magistrates; they were minutes taken for the information of the magistrates.

The *Chairman* said preliminary inquiries might be kept secret, consequently Mr. Slack would not be justified in communicating what he had taken in private, without the assent of the magistrates; that any minutes, whether in his hands or the magistrates' clerk's, should be handed to Mr. Ribton, as they considered that it was for the advancement of justice that he should have an opportunity of seeing them.

Mr. *Ribton* was much obliged to the magistrates for the opportunity.

*Sarah Kerslake* said—I am the cook in Mr. Kent's house. I went into his employment a year and ten months ago. On Friday, the 29th of June, I saw the little boy at a quarter or half-past two in the day for the last time. I had to fasten up the back part of the house, the kitchen apartments, at night. It was the housemaid's (Sarah Cox's) duty to fasten up the rest of the house. On that evening I am quite sure I fastened up the whole of the back part of the house. I went to bed at a quarter before eleven. I and the housemaid slept in the same

room on the second floor. The housemaid went to bed at the same time. I don't know who we left up in the house, but believe Mr. Kent was up. It was not a great while—perhaps half an hour—after I was in bed before I was asleep. I awoke about five o'clock in the morning. I know it was five because I had my watch. During the night nothing had occurred to disturb my sleep. I heard nothing. I went to sleep after five, and next awoke at a quarter before six. My fellow-servant (Cox) was, I believe, in bed with me the whole night. When I awoke the second time I said to Cox, "It is time to get up," and we turned out and dressed ourselves. I went down a few minutes before her. When I got downstairs I found the back doors as I had left them the night before—quite safe. I undid the fastenings of the various doors I had fastened. My attention was not called to the state of the drawing-room. It might be at a quarter or half-past seven that I heard of the missing of the little boy.

*Cross-examined by Mr. Ribton*—I was not examined on the charge against Miss Constance Kent, but I was examined once at the Temperance Hall by the magistrates, but I was not sworn. I gave the same statement then as now. I was asked questions, and gave the same account. I usually fasten the back part of the house. I slept soundly that night. I should have missed my fellow-servant if she had gone out. Sarah Cox went into the dining-room before me. I came down into the kitchen part before she did. She came down the front stairs as I came down the back. I first heard the dining-room window was open after the child was missing. I can't say how long after. I can't tell what o'clock it was when I first heard the child was missing; it might be at a quarter or half-past seven. It was not long after that I heard about the dining-room window.

*Mr. Ribton*—She must have seen it about six o'clock.

*The Witness*—She was telling something about the window to some one, and I heard her. I did not go into the drawing-room that day. I had not the curiosity to go to see it. I have tried the window since to see if any one could put the shutters, &c., as they were found from the outside. No one desired us to do it. People said it could not be done from the outside, and Cox and I were determined to see whether it could or not; we found that it could be done from the outside quite easy. I stood in the dining-room, and Cox went outside and did it. She went out of the window without any difficulty. While she was outside she put the window in the state it was found without difficulty. The prisoner was not with us, and did not know that we did it. I did not tell her that we did it. I told the master we did it, this morning. I never mentioned it before to anybody. Cox asked me to come; no one else. It was Cox who suggested it to me, no one else. I don't think Cox mentioned it to anybody. We did not mention it to anybody before this morning, as we did not think it worth while to do so. She did not give any reason why we should do it, but asked me to assist in doing it, and I did. There was talk, she said, the window



could not be put as it was by any one outside. I had not tried it when I went before the magistrates. I did not hear the prisoner give her evidence before the magistrates, and I did not hear what she stated. Lately I was examined by Mr. Slack at Mr. Kent's house. I did not mention it then because we had not tried it then. We only tried it this morning. I was under examination by Mr. Slack nearly two hours. I told Mr. Slack all I knew. Mr. Dunn was present. He did not suggest any question to be asked that I am aware of. He did not interpose to prevent questions being asked. He was sitting down; I don't know if he was writing, but I know he was there on behalf of Mr. Kent. It was after the child was brought in that I saw the prisoner.

*Re-examined*—I had often observed the window. It is a sash window, fastened by a hasp, and a bar binds the shutters. When the window and shutters are fastened, no one can get in from the outside, nor pass from the drawing-room by the door when it is bolted. It was this morning I tried the experiment about the shutters. The upper portion of them could be placed as Cox found them, but it would be necessary to push the window higher than it was found. Some sweeps were in the house on Friday morning.

*Mr. Ribton*—This does not arise out of my cross-examination.

*The Chairman*—You may cross-examine, Mr. Ribton, on new matter.

*The Witness*—The sweep, a young man, was in the employ of Mr. Mitten, of Trowbridge. It was six in the morning when he came. He swept the kitchen and nursery chimneys. I saw him leave at about half-past eight in the morning. I cleaned the kitchen afterwards, but had nothing to do with the nursery.

*The Chairman*—When Cox tried to open the window from the outside were the shutters shut?

*Witness*—Not when she tried.

Was the sash hoisted when she tried it?—No, sir. From the outside she could throw the sash up, and put the shutters to.

*Mr. Ribton*—Any one from the outside could leave the window and shutters in the same state in which they were found. His friend opened that; but they could not be left in that state.

*Mr. Saunders* said no one from without could get into the window when the shutters were fastened.

*The Chairman*—That evidence has not been removed.

*Mr. Saunders* said no party could get out at so small an aperture; and, if so, he must have come back to the window, to leave it in the state in which it was found, unless some one from within placed the window in that state.

*The Chairman* said the portion of evidence to the effect that, if the window had been secured in the ordinary way, no one, without violence, could get in, had not been removed; but the other part of it was, for the person might have employed his hand to put the window in the condition in which it was found.

Mr. *Saunders* said he put it, that it was impossible that the person who had the child would do so.

*James Holcombe* said, I am a gardener and groom in the service of Mr. Kent, at Road-hill House, and was so on the 29th of June last. I did not and do not sleep on the premises. I live close over the way, on the opposite side of the turnpike-road.

The *Chairman*—Has anything been done towards making a plan of the premises?

Mr. *Slack* said he had instructed a surveyor to prepare a plan, and he had gone that morning to do so.

The *Chairman* said, that being so, they need not go into details of what might be difficult to express in words.

*Witness*—My house is thirty yards from the outside of Mr. Kent's premises. My hours for work were uncertain. I worked when I was required. On the 29th of June I left Mr. Kent's near upon seven o'clock in the evening. Allaway, the lad, left about the same time. He lives at Beckington, about a mile off. He went in the direction of his house. I went to the premises the next morning at five o'clock. The evening before I had locked the garden door. The next morning at five o'clock I went into the garden, going around the house. I found the gate and door safe—locked as usual. There is a Newfoundland dog kept in the yard. It is a noisy dog on some nights, but I don't think he is as sharp as he used to be. He makes a noise to strangers, but he can't go beyond the yard, which is fenced by a high wall. When I am awake I can hear it bark when it does. Its barking had awakened me before. I did not hear any barking that night. When I have heard the dog barking I have gone to lush it, as it "kicked up a terrible noise." I tied up the dog when I got there on Saturday morning. The boy Allaway came about six o'clock. I opened the door when I tied the dog up, and came in. The boy is a helper—cleans knives, boots, &c. I had my horse, &c., to attend to. I went about my work as usual. I heard of the boy being missed in the course of the morning, about twenty minutes to eight.

Mr. *Saunders*—Were you ordered to get the carriage ready?

Mr. *Ribton* objected to the question because it was a leading one.

Mr. *Saunders* submitted that Mr. *Ribton's* objection was nonsensical.

Mr. *Ribton* said he was anxious to discharge his duty to the prisoner, and he must object to leading questions.

The *Chairman* said it did not occur to him that the question was important.

Mr. *Ribton* said it was not a proper way of meeting his objection to tell him that it was nonsensical, and he must request his friend not to repeat that style of language to him, for he would not submit to it.

*Witness*—Master William came to me, and he said his papa sent him to order the carriage.

*Cross-examined*—I saw the master before his son ordered the carriage. He said young Master Saville was lost, stolen, and carried away.

That was all he said, and he ran round by the garden. I clearly recollect that that was all he said.

*Mr. Ribton*—Did he, or did he not, give you any direction to search for the child?

*Witness*—I can't be sure. We went out directly in search of the child. I can't say whether he said anything else.

*Witness*—That was all he said, and I searched for the child.

*Mr. Ribton*—Did he give you any direction to search for the child?

*Witness*—I can't be sure, for he went away in a great hurry.

*Mr. Ribton*—Why, did any one say he did not?

*Witness*—I said that was all he asked me. The garden-gate was shut and locked in the morning. No one could get into it, as there was a high wall around it. I was examined at Road. I went to Bath to be examined by Mr. Slack, at his office, three weeks ago. When Miss Constance Kent was charged with the murder I was not examined. This is the first time I have given evidence on oath. When I was examined by Mr. Slack, Mr. Dunn was not present. The water-closet where the child was found is at the bend of the house. I can't tell whether there is a key to the door or not. I was present when Bengier and Nutt brought the child to the yard. I went into Mr. Kent's about half-past six. I went through the back door, which was opened. I saw the cook and housemaid downstairs, but they did not say a word about the state of the drawing-room window. I don't know whether Allaway had been in the house before me. I can't be sure whether it was the nurse or the master who told me the child was missing. They came round nearly together. The dog is not so sharp as he was. I don't know whether the dog does not improve by age.

*Mr. Ribton*—You don't appear to know much.

The *Chairman* (to witness)—Besides yourself and Allaway, was there any other person about the garden?

*Witness*—The man who does the things up (Oliver) came about six o'clock, the usual time. That was some time after me.

*Mr. Saunders*—Oliver is one of the witnesses.

*Emily Doel* said—I have been for some time assistant-nurse in Mr. Kent's family, and was so on the 29th of June last. I did not sleep in the house, but it was my custom to go there about seven in the morning, and leave at about seven at night. I left on that Friday about seven. I went at ten minutes before seven on Saturday morning. I went about my ordinary employment. I don't know what time it was I went into the nursery, but it was before any alarm was given of the missing of the child. I went into the nursery more than once that morning before the child was said to be missing, and saw the nurse. She did not say anything to me about the child being gone.

*Cross-examined*—I don't know at what time I went into the nursery—of course it was long before eight. The nurse was making her own bed. I went into the nursery with the bath and out again. I said nothing to the nurse. I know she saw me, because she looked around.

I carried in the bath and was out again directly. Mrs. Kent was in her bedroom, I suppose. That was before I saw Mrs. Kent. I know now that Mrs. Kent was roused out of bed by the prisoner's knocking at the door. It was before that that I was in the nursery.

Mr. *Ribton*—Then your evidence comes to nothing.

Miss *Mary Ann Harris Kent* said—I am the eldest daughter of Mr. Kent, of Road Hill House. The poor little one who was murdered was my brother.

The Chairman here opened the plan.

Mr. *Ribton* said, of course he would require that it should be proved on oath.

The *Chairman* said he was desirous of understanding by the plan what the gardener meant by saying he had to go around the house ; we will take it technically afterwards.

Mr. *Ribton*—We will suppose it to be a covered place.

The *Chairman*—The magistrates of the locality inform me that it is correct.

Mr. *Ribton*—That is sufficient.

The *Chairman* was desirous of knowing if it was gravel or grass under the drawing-room window, and if there was a strong dew or not that morning.

Mr. *Slack*—Oliver will tell that, Sir John.

Miss *Kent continued*—I saw my brother last at about seven on Friday evening. I retired to rest at about half-past ten. My sister Elizabeth and myself slept in the same room. Elizabeth went to the room before I did. I went to bed while Elizabeth saw that the candles of Constance and William were put out. Elizabeth soon afterwards returned. I went to sleep soon after I got to bed, I believe. It was about half-past eleven when I went into bed, and soon after that I went to sleep. I awoke at about six in the morning. I did not wake up that I remember between the time I first went to sleep and six o'clock. My attention was not called to anything during the night. I got up about seven. I believe my sister Elizabeth was in bed with me all night. I fastened my bedroom door, and when I got up in the morning I found it fastened. At about half-past seven the nurse came to my door to inquire if my little brother was with us, as she could not find him.

Mr. *Ribton*—I don't think I shall trouble you, Miss Kent, with a question.

Miss *Elizabeth Kent* said—I am the second daughter of Mr. Kent, and the sister of the poor little fellow who was murdered. On Friday, the 29th of June, I retired to bed with my elder sister, Mary Ann, about a quarter before eleven. I left her room to see if Constance's candle was out ; she slept in the next room. I opened the door, and looked in ; I suppose she was there. The candle had been put out. I looked inside my brother William's door, his room being on the same floor, and, there being no appearance of light, I went to look out of a window in search for the comet. I went thence to my bedroom. My sister was in the

room, but not in bed. I got into bed soon after twelve. I fell asleep, I can't say how soon. I awoke about seven o'clock. During the night I had not heard anything, or been disturbed; I did not, in fact, wake. I got up about seven o'clock. The nurse, previous to my going downstairs, came to the door, and inquired for Master Saville.

Mr. Ribton—Really, I have nothing to trouble you with.

Miss Constance Emily Kent said—I am the daughter of Mr. Kent. The two last witnesses are my sisters. On Friday, the 29th of June, I was at home. I had been at home about a fortnight. I had been previously at school as a boarder at Beckington. The little boy who was murdered was at home also. I last saw him in the evening when he went to bed. He was a merry, good-tempered lad, fond of romping. I was accustomed to play with him often. I had played with him that day. He appeared to be fond of me, and I was fond of him. I went to bed at about half-past ten in a room of the second floor; in a room between that of my two sisters and the two maid-servants. I went to bed at once. I remember my sister Elizabeth coming to my room that night. I went to sleep soon after that. I was nearly asleep then. I next awoke at about half-past six in the morning. I did not awake in the course of the night, and heard nothing to disturb me. I got up at half-past six. I some time after that heard of my brother being missing.

Mr. Saunders—I want to put some questions to you relative to your nightdress. On Friday night you slept in a nightdress?

Witness—Yes.

How many nights had you slept in that nightdress?—I had put a clean one on on the Sunday or Monday morning before that.

How long were you accustomed to wear the same nightdress?—A week.

And on what day of the week did you usually make the change?—On the Sunday or the Monday.

Not always the same time?—No.

When you got up on the Saturday morning, what did you do with the nightdress?—I folded it up and put it on my bed.

That was the same nightdress you had worn on the previous days of the week—Monday, Tuesday, Wednesday, and Thursday?—Yes.

Who makes your bed?—(Hesitation). Both of the servants, Kerslake and Cox.

But the nightdress was there for them when they made the bed. Where did you sleep on Saturday night, the 30th of June?—With my sister Mary Ann.

Explain how that was. Why did you change beds?—My sister Elizabeth slept with my mamma; as papa stayed up.

Why did you sleep with your other sister; for company, was it not?—Yes.

Did any one sleep in your bed that night?

Mr. Ribton—Speak from your own knowledge.

Not that I know of.

Mr. *Saunders*—In what nightdress did you sleep on that Saturday night?—The same I wore on the night before.

When you got up in the morning, what did you do with it? Where did you leave it?—I believe I put it in my own room, on the bed.

That would be on the Sunday morning?—Yes.

Where did you sleep on the Sunday night?—In my own room.

The parties had resumed their own beds on the Sunday?—Yes.

What nightdress did you wear that night, the Sunday?—I am not certain whether I put a clean one on that night, or the Monday night.

As you put on a clean nightdress every week, one would go to the wash every week?—Yes.

Who would put out the clean nightdress?—I should.

You can't tell us whether it was on Sunday or Monday?—I had a clean nightdress out to wear on Saturday, as I always do.

When would the dirty linen be collected in the week?—On Monday morning.

Whose duty was it to collect it?—Cox's.

In the usual course, would she have to collect your nightdress?—Yes.

It has been said that one of your nightdresses has been missing, Miss Constance; do you know what has become of it?—No, I do not.

I believe you have told us that you had three nightdresses?—Yes.

Mr. *Ribton*—Would you allow me two or three minutes to consider whether really there is anything to ask this lady?

The application being conceded, Mr. *Ribton* took the time accordingly. Ultimately he asked—I believe, Miss Constance Kent, you had only been home about a fortnight?—Yes.

How long had you been away at school?—During the half-year.

You are the only one of the sisters that slept alone?—Yes.

Really now, don't understand me as wishing to put a question that would at all annoy you, but the prisoner was examined as a witness when you were charged with this matter?—Yes.

And you heard her give her evidence?—Yes.

Mr. *Ribton* said, if the magistrates would look at the prisoner's depositions, it would save him the trouble of asking the witness if she heard the prisoner say so and so.

Mr. *Saunders*—I propose putting them in evidence.

Mr. *Ribton*—Very well. (To witness) Did you hear that morning anything of the missing blanket till the child was found?—I did from nurse.

When did she tell you?—I don't know the time, whether it was before or after the child was found.

Just recollect, was it not after?—I don't remember at all.

Endeavour to recollect. Was it not after the child was found that you heard there was a blanket missing?—I am not certain which it was.

*Witness continued*—I heard her go to my sisters' door that morning to ask if they had the child with them, or had taken it away.

Mr. Ribton—How came you to hear it ?

*Witness*—I was dressing : I heard her knock at the door, and went to my door to listen to hear what it was.

*Re-examined*—My door is quite close to my sisters'. I don't know what I was doing at the door, I was nearly dressed.

Mr. Saunders said he should have called the brother of the young ladies, Master William, but he did not appear to be present ; he would call him to-morrow.

Mr. Ribton would be glad if the case was finished that day.

The *Chairman* thought that permission was given only to Mr. and Mrs. Kent to be absent. The other witnesses ought to be in attendance.

Mr. Saunders—The witness is at school, and had not been sent for ; he could not be there that day.

*James Morgan*, a baker, of Road, and the parish constable—I know Road-hill House tolerably well. On the Saturday morning the 30th of June young Master Kent called me to know where the policeman resided. I directed him to the Somersetshire policeman Urch, who was the nearest, and he inquired for the nearest. The policeman called on me, and wished me to go with him, as he was afraid he could not act. I went with him.

The *Chairman*—By the law he might have acted, because he was an officer of the county constabulary, and every such officer is an officer for the surrounding counties.

*Witness continued*—On the way we met Mr. Kent. I was forty yards off when I saw him. I said to Mr. Urch, "Let us make haste ;" and I ran off, asking what he had applied to me and the policeman for. He said, "I have had my little boy stolen." I said, "You need not go further than Southwick, as the policeman there will forward the news to the station, and you may return back here as soon as possible." He said, "I shall go on," and he proceeded. He was in his carriage ; he went towards Trowbridge.

Mr. Saunders—You went to the house ?

*Witness* was continuing, but

Mr. Ribton objected that the conversation could not be evidence against the prisoner, as she was not present.

The *Chairman*—He went to the house, it is clear, and by whose desire is also evident.

Mr. Ribton—I only object to the conversation.

*Witness*—By Mr. Kent's desire I went to the house ; I asked how the child had been taken away. I was shown into the drawing-room by Cox, who pointed out to me the window. I saw the shutters were a little open.

Mr. Ribton—There is no doubt about this part of the case.

*Witness*—I looked at the window, which was lifted about four inches.

I asked liberty to go to the nursery, where the child was considered to be taken from. The nursemaid went up to see if it was convenient. She returned and said it was convenient, and I and my companion went to the nursery. I saw the nurse at the top of the stairs, by the nursery door. I should suppose this was about half-past seven. I asked the nurse to show the cot from which the child was taken, and she pointed to a cot in the nursery. She turned the clothes back (they were smoother than I expected to find them, considering that a child had been said to be taken from the bed). I said, "Do you mean to say this was where it was?" and she said "Yes;" and the clothes were turned back, and there was the mark of where the little boy had lain on the bed, and on the pillow. The clothes turned down included the quilt and the usual clothes in such cases. I said, "Have you lost anything from the nursery besides the child?" and she hesitated, and said there was a blanket taken from the cot, or drawn from the cot, and that there was nothing else missing. Urch and I went downstairs and searched, leaving the nurse in the room. We searched outside the drawing-room window for foot-tracks, and to see if there had been any violent measures used to get into the house. We could not see any marks of violence there. We wished to go to the cellar, to see if the child was taken there. The cellar door was locked, and we could not go down immediately. I went to search the premises, and met Bengier with the child coming across the court, in the direction from the privy.

*Cross-examined*—Mr. Kent could not have got a constable nearer than myself and Urch, but he might have found one nearer than Trowbridge. I did not see Mr. Kent return. I saw some members of the family in the hall as we were going to the nursery. I gave evidence at the inquest and before the magistrates, but I was not examined when Miss Constance Kent was charged with the crime. I was under examination an hour and a half by Mr. Slack, or it might be more.

Mr. Ribton—Very likely it was, I think.

The Court here adjourned.

The *Chairman*—Can you form a guess as to how much longer the case will take?

Mr. *Saunders*—I should think it might be finished in one more sitting.

On the Court resuming,

P.C. *Urch* deposed—I am one of the Somerset Constabulary at Road, which is partly in Wilts and partly in Somerset. On Saturday morning, the 30th of June, Master William Kent asked me to go to his father's premises. I had been on duty there the previous night, leaving duty at one o'clock. At ten minutes before one I passed the premises. I got up on being applied to, and went to Morgan's house. On our way we met Mr. Kent going towards Trowbridge. I was in my uniform. Mr. Morgan and I went to the drawing-room, and saw the window and shutters. We then applied to go to see where the little boy had been



taken from. We were shown upstairs, and saw the nurse on the top of the landing. I asked her to show us the cot from which the child had been taken, and she showed it to us, and showed us how the bed-clothes were. They were close to the pillow, turned back, almost as if the bed had been fresh made. She turned back the bed-clothes, and showed us where the child had been lying. There was an impression on the bed and on the pillow. I asked her at what time she missed the child. She replied at five o'clock, and did not make any inquiries for him till seven. I asked her why she had not done so, and she said she thought Mrs. Kent had heard the child cry, and had come and taken it away.

*Mr. Ribton*—She has said that over and over again.

*Witness*—I asked her whether Mrs. Kent had come to take the child away before, and the nurse replied, not in her time; but she had heard Mrs. Kent had done so when the other nurse was there. I asked the nurse if there was anything missing besides the child. She said, nothing but a small blanket that was between the sheet and the quilt.

*Mr. Ribton*—I did not cross-examine the last witness as to these matters, and in those cases it is understood the facts were admitted. Was it necessary to go over the ground again?

*The Chairman* said they might come on a discrepancy or an addition.

*Witness* added—The blanket might have been drawn out without moving the quilt or sheet. I went downstairs with Morgan and searched the premises for marks of violence, but found none. After coming from the nursery we went across the lawn.

*The Chairman* said they had no evidence as to the state of the ground.

*Witness* said the ground was dry and hard, and he could not make any impression with his foot. There was no dew on the grass. I met Benger in the passage with the child. He was coming from the closet through the yard.

*The Chairman*—I suppose you only guessed where he came from.

*Mr. Saunders*—He was coming in that direction.

*Witness*—The child was wrapped in a blanket. On the following day, although a Somersetshire officer, I placed myself under Mr. Foley's direction, and was sent by him with P. C. Heritage to Mr. Kent's on Saturday night. We went about eleven o'clock. We were placed in the kitchen, and found ourselves locked in.

*Cross-examined*—We were locked in. It was two o'clock when Heritage wanted to go out, and he found the door locked. We were to go there to do as Mr. Kent ordered us, and he told us to remain in the kitchen. We did not go to sleep there. We had some ale. Heritage was knocking about twenty minutes before he was let out. I don't think it was longer Heritage was knocking. I was in the chair.

*Mr. Ribton*—You were in the chair! The Chairman of the company, then (laughter).

*Witness continued*—Heritage said it was time for him to leave, and

knocked at the door. I said he was making noise enough to wake all in the house. He said he was in there, and he must get out (laughter). When Mr. Kent came to the door, Heritage said he was not aware we were locked in in that kind of way. Mr. Kent made answer, "I have been walking about," that was all.

Mr. *Ribton*—Neither you nor Heritage was of much use in the house that night, except as far as the bread and cheese were concerned.

*Witness*—I did as I was ordered. After Heritage left I remained. Mr. Kent looked in two or three times. We did not drink all our ale. I did not know that I was locked in afterwards. I don't know Mr. Kent said I was locked in. He might have locked me in.

Mr. *Ribton*—You felt very comfortable, and you remained in the chair (laughter)?—Yes.

Mr. *Ribton*—You would have no objection to spend two or three evenings in the week in the same way you were spending that with Mr. Kent. Have you not told anybody you went to sleep that night?—No.

*William Nutt*, a shoemaker of Road, and district clerk for Christ Church—I have been district clerk for seventeen years. On Saturday I was made acquainted with the fact of the little boy being missed about eight o'clock. I went down to the road to make inquiries. I met Benger, and had a few words with him on the matter, and we went to the premises to make a search. We searched the out-premises, the lawn, the shrubbery, by the drive, went to the bottom, and then came back direct as we could to the closet where the body was deposited. We saw blood on the floor, that was the first thing that attracted our attention. Benger raised the ledge, said there was something there, and desired me to get a candle. I got a candle, and returned to the privy. Benger said, "It is here." He reached down through the hole of the seat and pulled a blanket on to the seat. Then he put his hand in again and brought out the body of a child, which I believe to be that of Francis Saville Kent. I had known the child in its life-time. I observed that it had a cut on its neck, its head being cut nearly off. The head fell sideways as the body was raised through the hole. I spread the blanket, and he laid the body out. We covered it up with a blanket, and Benger took it to the kitchen, where Benger laid it on the table. I saw the nurse there, and made a remark that she must have slept very soundly to have admitted of any one taking the child from her room. She answered me, I thought rather harshly, by telling me I knew nothing of the matter.

Mr. *Ribton*—Who proposed that you should go to the water-closet?—I proposed it. We went straight to it. We were searching there for two or three minutes; not more.

Mr. *Ribton*—You proposed to go to the water-closet, predicting that you would find the dead body there?—No; I did not predict that we should find the body there; but that, if the child was taken from the nurse, it was taken for some improper purpose.

Are you sure that is all?—Yes, sir. When Benger proposed that I should assist in the search, I refused to go, saying that I did not like to go. I did not, because I do not like to trespass on any person's premises if I know it.

Do you mean to say you were not willing to search for the child because you did not like to be a trespasser?—Yes, sir; that is my reason.

When you were on the lawn with Benger, did you not predict that you would find a dead child?—I said, if there was not a living child in the house I should find a dead one, as it was stolen for some foul purpose if it was not alive in the house.

You denied your signature to a previous inquiry?—I did not exactly know whether it was my handwriting then.

Did you say the signature which was yours was not yours?—I don't remember whether I said it was not mine or not. I said I believed it was mine.

Will you swear that you did not actually say it was not?—I have.

Hear what you have sworn to.—I said I believed it was my signature when I was asked.

Mr. Ribton—I will read over to you what was taken down, and signed by yourself.

Witness—That is my signature.

Mr. Ribton was reading from the deposition, when

Mr. Saunders said, if Mr. Ribton wished to contradict the witness, the deposition should be put in. Whether that would give him right of reply was another matter.

Mr. Ribton—There is no right of reply on a preliminary inquiry.

Mr. Slack—You have no right here.

Mr. Ribton said he was there by Act of Parliament, and cited Jervis's Act.

Mr. Saunders read a portion of an act in support of his assertion, and added that, after he had published, in a legal work, a complaint of such grievance, the Legislature, in an Act for Ireland, provided that prisoners should have a right to be represented by counsel in such cases.

Mr. Ribton asked if the discussion on the collateral issue had been raised to show that his friend had published a legal work?

The Chairman deprecated personalities, and said, whether Mr. Ribton was there by right or not, he had received the same fair treatment as if he were there by right.

Mr. Ribton could not admit that he was there on sufferance. He asked the Bench to look at the deposition.

Cross-examined—I did say on a former occasion I doubted my signature. It was through Mr. Edlin's "bantering" in the case. I "predicted" the child was taken out of the house for foul play. When we found the child I said it was as I predicted. When on the lawn I believe I used the words "dead child" to Benger. When we saw the pool of blood on the floor I said, "It is as I predicted." Was not desired

by any one but Bengier to search. I never told about the nursemaid speaking "harsh" to me, and her saying "I knew nothing of it." The first time I spoke of it was at Mr. Slack's, three weeks ago, when I was examined. My examination then lasted three-quarters of an hour. Had mentioned it to my friends by way of conversation. Met Bengier on the cross-roads; he was driving some cows.

*Re-examined*—I went to bed at ten o'clock on Friday night, and got up about six o'clock the next morning. Did not leave my bed for anything during the night.

*Thomas Bengier* deposed—I am a small farmer living at Road. On the Saturday morning I was in Road when I heard of Mr. Kent's child being missing. I saw Mr. Kent's boy running very fast, but I could not understand what he said. About half an hour afterwards I met with Nutt, and I learnt of him, and we went in search of the child. We searched the shrubs in front, and we came across the lawn, and Nutt struck across to the closet, and I went round the house and met him. Mr. Kent said he wouldn't begrudge ten pounds if the child could be found. When I and Nutt went into the closet we saw blood.

*Mr. Saunders*—What was it like?

*Witness*—Why, like blood, sir (laughter).

*Examination continued*—It was dark, apparently congealed blood. He looked down the closet, and could see something, but could not make out what it was. I sent Nutt for a light, but I went for him before he came back. I put my arm down and got the blanket out, and spread it upon the floor. Could not see the child before I took up the blanket. I saw that his throat was cut from right to left, or from left to right, but I can't say where it was begun. I saw that he was a little dark about the mouth and eyes, but he looked quite pleasant. I and Nutt took the child in. There was blood on the blanket.

*Cross-examined by Mr. Ribton*—As near as I can say both of us went into the closet together. Nutt made one or two observations about going to the closet. He preferred going there after searching the shrubbery. Nutt did not say he should find a dead child in the closet. I do not know what a "prediction" is, for I have been at work ever since I was seven years old (laughter).

*Re-examined*—The privy was emptied about an hour and a half after they found the child. I saw some waste paper. There was a little blood on some of the paper.

*Superintendent Foley* was next called and examined—I am Superintendent of the Wiltshire Constabulary stationed at Trowbridge. I know Mr. Kent's house well. On the Saturday morning I was applied to by Mr. Kent about the loss of his little boy. I went to the house that morning. When I got there the child had been found. I inquired for the nurse, and saw her. The drawing-room window was shown to me by Cox the housemaid. I cannot say where I saw the nurse first. I had a conversation with her in the nursery. I made inquiries respecting the loss of the child.

*By the Chairman*—It was between nine and ten o'clock in the morning.

*Examination continued*—The principal conversation was about the loss of the child. She pointed out the cot where the child was taken from. She showed me how the bed-clothes were left after the child was taken. The quilt and the sheet were turned back from where the child was lying, and the blanket was removed. The prisoner told me that the child was covered with a quilt, blanket, and sheet. She said that, when the child was in bed the night before, she tucked the quilt and sheet under the bed on both sides. She showed me in what way she had left the child, and said that in the morning she found the quilt and sheet turned back, and the child and blanket taken up. She said she never missed the blanket till the child was brought in wrapped in it. The blanket was smaller than the sheet or quilt, and could not be tucked under the bed. Then she showed me where the other child slept, and where she herself slept, in a small bed; the other child slept in a cot close to her bedstead. She did not say anything about waking, except that she awoke about five and missed the child, but fancied it had been taken to his mother's room, and at seven o'clock she went in search of it. I went and examined the knives, but they had been all cleaned. I went to the privy, and looked down. I thought I saw some linen substance lying on the surface of the soil; I could not tell what it was. I sent for a crook, which I attached to a stick, and pulled up a piece of flannel.

Mr. *Ribton* submitted to the Bench whether, under the circumstances of the finding of that piece of flannel, they would attach any importance to it as connected with the case.

The *Chairman*—I cannot doubt but that the evidence can be given, because it is part of the facts.

Mr. *Ribton* observed that there was no proof that it was, nor was there any evidence of what time it was thrown down. It might have been there a month.

The *Chairman* was of opinion that whatever was found there might be given in evidence. The weight of it might be great or small, as it was connected with the other facts of the case. They could receive in evidence the contents of the privy.

Mr. *Ribton*—What, the whole contents (laughter)? The blanket undoubtedly was evidence because the child was found wrapped in it, but there was no such connexion with the piece of flannel, and it was not evidence unless that was proved. It might have been in the water weeks before the melancholy affair.

The *Chairman* observed it was found lying upon the surface, was taken out next after the body, and was visible from above. It was quite impossible to exclude the evidence, but if carried to the fullest extent a great deal might be said about the weight of it. If proved to be an article of her own, it went very little way to show that the crime was committed in her bedroom. A good deal of observation might be made, but he felt quite clear as to the admissibility of the evidence.

*Examination continued*—It was a bosom or breast flannel. There was blood upon it, which appeared to be recently there. It was still fluid. The blood was principally in the centre, as though it had dropped upon it.

The *Chairman* said he had not the fact that the body was raised above the soil, but a brother magistrate informed him that it was some six or seven feet above the soil.

Benger was recalled as to this fact, but it was stated that he had left the court.

*Examination continued*—Below the seat there was a splash-board, and I think the child could not have passed on either side of that. I had room to put the crook down without removing the board. The piece of flannel appeared to have been very recently there. There was no soil upon it. The blood had penetrated the flannel, but it appeared to have dropped so gently that it had congealed drop by drop as it fell. I have that piece of flannel. It has been washed since, as it became so offensive I could not keep it in its original state. I heard prisoner say, the same day, that she did not miss the blanket till it was brought in wrapped around the child. By my directions, Mrs. Dallimore, the wife of one of the policemen, went and made a search amongst the female inmates. I gave her the piece of flannel.

*Cross-examined*—This is the first time I have been examined, but I have been before Mr. Slack. Did not put down what she stated. I was not examined before the magistrates or the coroner. I think I have heard one of the constables state that she had said that the blanket was taken away, before the child was found. I can't say whether she said the blanket was taken or drawn out of the bed. The blanket was smaller and narrower than the other clothes, and might possibly be drawn out without disturbing the other clothes. I believe her words were, that she did not miss the blanket till it was brought in around the child. Mr. Kent told me that he did not know there was a blanket taken away until he returned from Trowbridge. He said so in the presence of Mr. Wolfe. I asked him twice if he was aware that any blanket was taken away with the child before he went to Trowbridge, and his reply was, "Certainly not." First he said, "He did not," and secondly, "Certainly not." I did not hear Mr. Kent's evidence, but have heard since that he had said that he knew before he left Road that a blanket was taken away, but that does not alter my evidence. The splash-board of the closet was about the level of the floor, about two or three feet above where the flannel was found. I know when the prisoner left Mr. Kent's. She was taken away by her father. She remained two months in Mr. Kent's service after the occurrence. She was never backward in telling me anything, and I never found any inconsistency in what she said. She went home with her father, and I received a letter from her stating that she had arrived home safe, and, if at any future time she should be wanted, she would be ready by my dropping her a line, and also that she would not leave home without letting me know. Captain Meredith is the chief con-

stable of the county of Wilts, at whose instance the warrant was taken out for the prisoner's apprehension. It was handed to me and Mr. Wolfe, and was served by him. Captain Meredith had been frequently to the house, but I do not know whether it was at his instance that Miss Constance Kent was apprehended. I sent the police to Mr. Kent's house. I did not desire him to lock them up. I was very much surprised when I heard of it. I did not order them to be locked up, for what good would that be? (Laughter). The constable told me they had been locked up, and they almost got their discharge from Captain Meredith for it. They were, I understood, to have the whole range of the house; but they only had the "kitchen range." (A laugh.)

*Re-examined*—I never received any information from the prisoner that was of any service. I and my wife had a conversation with the prisoner. She said she was sure it was not Miss Constance, and I said, "Was it you?" She said "No." I said it must have been somebody in the house, and she said it must have been some person concealed in the house, and I said "That story won't do."

*Henry Noble* deposed—I live here in Trowbridge, and am a sweep, and occasionally a labourer. I work for James Mitten. I have been in the habit of sweeping the chimneys at Road-hill House for the last three years. I remember going there on the 29th June to sweep the kitchen chimney, one in the nursery, and a hot-plate flue. The nursery was not the room where the prisoner slept. I came away about half-past seven o'clock. I was there by myself. I saw the servants, and the nurse paid me. I have never been inside the house since.

*Cross-examined*—I did not go up the chimney. I did it with a machine.

*Mr. Ribton*—Did you bring your machine away with you?

*Witness*—Yes, I did.

*Mr. Ribton*—That is all I want to ask you (laughter).

*Mr. Saunders*—I should not have called him if he had not been introduced by my learned friend.

*Mr. Ribton*—I am sure I have said nothing disrespectful of the sweep's character.

Some discussion having taken place as to an adjournment,

*Mr. Ribton* wished to know from his learned friend whether there was any additional evidence respecting the prisoner to be brought forward.

*Mr. Saunders* deprecated those interlocutory remarks, as being very irregular.

The *Chairman*—We might go patiently on.

*William Nutt* recalled—I was in the water-closet when the child was found. Benger said it was on the splash-board. The body could not have passed it.

*Cross-examined*—I have never worn a breast flannel, but I have worn a hare-skin (laughter). I wear a body flannel all round me.

*Thomas Benger* recalled, said—I will tell 'ee as near as I can, there ben't no harm about it (laughter). I am never ashamed to speak about

such a case as that. As a father of children, it brings it home to my heart. He then described the position in which he had found the body of the child. It was lying upon its right side on the splash-board.\*

*Henry Heritige* (P.C. 29) deposed—I went with Superintendent Foley, and was with him when the chest flannel was found. On the Saturday I went, in company with Urch, to Mr. Kent's house. I was put in the kitchen, and we found ourselves locked in.

*Cross-examined*—I tried the door, and found it locked. I knocked as loud as I could. It was from ten minutes to a quarter of an hour before Mr. Kent unlocked the door. I said to him I did not know we were going to be locked up. He said, "I have been walking about."

Mr. *Ribton*—And he looked you up to prevent your walking about.

Mr. *Wolfe*, of the Wiltshire Constabulary, stationed at Devizes, deposed—I was at Road-hill House on Monday, the 2nd of July. I went over the house with Mr. Kent. We went first to the first floor. I asked him if there were any rooms where any person might be secreted, and he said, "Yes," and went to one on the first floor, and, pointing to it, said, "Here is one not often occupied." I looked in, and saw that it was ordinarily furnished. I said no one would certainly hide here, because they would not know but that you might be coming in at any time. The next room he showed me was a lumber-room, in which were a quantity of things and children's toys. I said, "No one would surely hide here, because they would not know but that the servants might come to fetch a child's toy." The only place I saw at all likely for any person to be concealed was underneath the roof, and over the rooms. The access to this was difficult to find from the house, but there was another way from the leads of the house through a small window. I saw nothing to indicate that any person had been there. It was no room, but rafters which spread over the rooms, and was underneath the actual roof. I went with Mr. Foley to the house on the 1st of August. There was a conversation, the questions being put by Captain Meredith to the nurse. I wrote the answers in my memorandum-book at the time. The nurse said, "It was about half-past ten or twenty-five minutes to eleven on Friday evening when I last saw Mrs. Kent; she was speaking about the comet, and remarked at the same time how sweet Saville was sleeping." She said, "The first time I missed the blanket was after the child was found; I went and looked at the crib when I went to do Mrs. Kent's hair."

By Mr. *Ribton*—I did not caution her. We were making inquiries of all the servants.

*Cross-examination continued*—She had frequently repeated that the

\* On July 13th Benger stated to the magistrates that the child was found "lying on his *left* side on the splash-board." It is so recorded on their clerk's notes. Has the reporter made a mistake, or has Benger contradicted himself? *It is certain* from the post-mortem appearances that, after death, the child was lying on his *left* side. Benger first stated; and it is important to bear this in mind, because it is a proof that the wound in the left side was *not* inflicted by using the knife to thrust the body down into the vault.—*Author*.



first time she missed the blanket was when it was brought in around the child. She said she did not think that he was sleeping very comfortable. She turned him round, tucked him in, put him in nicely, and I think she said she kissed him, and that she then went to her own bed. Some few days afterwards she took me to the cot, which was then in the same place, and first of all showed me how she had tucked him in on both sides, making him, as she said, comfortable. Then she went on to describe how she had found the clothes on the morning of the murder—that they were folded back towards the foot of the bed about three parts of the way.

*By the Chairman*—There was a considerable quantity of dust under the roof, and I think that if a person had been there I must have seen traces.

A model of the cot was here brought into Court, and the Superintendent explained to the Bench how the clothes had been said to be found in the morning by the nursemaid.

*Cross-examination resumed*—She did not say anything more about the bed-clothes on that occasion. She said that she awoke about five o'clock in the morning, and, seeing that the baby was lying by her side naked, she raised herself to cover it over, and in doing so she looked across to the little boy's cot, and missed him. She said she raised herself on her knees. She said that she went to sleep again. I asked her why she had taken no notice of it, and she said she imagined Mrs. Kent had taken the child away. I have tried the experiment of kneeling on the nursemaid's bed. Mr. Dunn was present, and put a dark-coloured garment on the boy's cot, which I could not see. [Mr. Wolfe is a very tall man.]

*By the Chairman*—The sides of the cot are thick cane-work. In looking over the cot you could only see about four inches into it. I could not look through the cane, because it was at an angle of about four feet.

*Cross-examined*.—I do not say that she could not see the child if she stood on the bed. After all the examinations made by me and Captain Meredith she left Road. Foley told me where she was, and I went after her. The 7th of August she left, and on the 27th of September the warrant was issued. I cannot say when Mr. Slack came into the case. All the other members of the house were examined by him, but not the prisoner, as she was away. She never showed the least disinclination to answer any question put to her. The last conversation I had with the nurse was on the 7th of August. On the 4th of August she said, "I only wish I knew about the murder; I would soon tell you; do you suppose I could have kept it for seven weeks?" She said that repeatedly. She said, "I know nothing about who came into my room that night, or who went out I can't say; I did believe, and do now, that somebody must have been secreted in the house that night, or that they got in; how is it we hear very often of people secreting themselves in houses, sometimes for robbery?" She also said, "The night-

light was quite burnt out in the ordinary way. It did not burn quite six hours. It was lighted rather before eleven, and it was out when I awoke at five. If I had known anything I should have told Mr. Foley on the Saturday morning. What advantage would it be to me to keep anything?" Mr. Kent pointed out several rooms where he said somebody might have been concealed. The room on the first floor was furnished. I should think a person underneath the sofa must have been seen. I cannot swear that there was no cupboard there. I do not think that he showed me a spare bedroom. I did not see a press in the lumber-room. I will not swear there was not one there. The bedclothes, when I first saw them some few days afterwards, were turned down towards the foot. This is the first time I have been examined on oath. I apprehended the prisoner. She was not at her father's house, but was sent for, and brought to me. I have memoranda of the examination I made of the other domestics, but I did not examine any of the ladies.

*Re-examined*—The clothes were folded down, and the nurse said she thought it must have been done by a female, as a man's hand could not have done it. The clothes being so folded, it would be impossible, I think, to see if there was a blanket folded up with them. In reply to a question I put to her on the 7th of August, she said, "Mr. Kent has never alluded to the matter to me since it occurred from first to last. The young ladies have, and so has Miss Constance, and Master William has often cried over it."

*By the Chairman*—These questions were to obtain general information, and not with a view to their being used against her.

*By Mr. Ribton*—I was present when Mr. Kent denied having known the blanket was missing till his return from Trowbridge. Superintendent Foley put it to him twice. I heard Superintendent Foley give his evidence, and it was correct, so far as I could say.

This was the last witness to be examined this day, and

The *Chairman* inquired if Mr. Saunders could give an idea as to the amount of work, in point of time, remaining?

Mr. *Saunders* said he had disposed of thirteen witnesses that day. He had eight or nine more witnesses to call on small matters.

Mr. *Ribton*—The case all through has been very small indeed.

The court then adjourned, at half-past five o'clock, till eleven o'clock this morning.

A large mob was assembled outside, anxious no doubt to catch a glimpse of the accused, but in this they were disappointed, as she remained upon the premises.

### THIRD DAY.

The prisoner, Elizabeth Gough, was brought in a cab, in custody of Superintendent Wolfe, from the county gaol at Devizes, a distance of about ten miles. Her appearance is more wan and careworn than

yesterday, and she is dressed in deep mourning, but has her veil up. She does not often look at the witnesses, being seated in a position sideways from where their box is, and she has her back to the public, who crowd the small space allotted to them.

At eleven o'clock the magistrates took their seats, Sir John Wither Awdry, Knt., Chairman of the Wilts Quarter Sessions, presiding; the other justices were H. G. S. Ludlow, Esq., J. P. Stancomb, Esq., W. Stancomb, Esq., and the Rev. R. Crawley.

Mr. Saunders, of the Western Circuit, instructed by Mr. Slack, of Bath, conducted the prosecution; Mr. Ribton, of the Home Circuit, instructed by Messrs. Farrell and Briggs, of Isleworth, defended the prisoner; and Mr. Edlin, of the Western Circuit, instructed by Mr. Dunn, of Frome, watched the case on behalf of Mr. Kent and his family.

A number of ladies occupied seats near the magistrates. The corps of reporters from all parts of the kingdom was even more numerous than on preceding days.

Before commencing the proceedings the Chairman handed to the learned counsel several letters from persons dwelling in various parts of the country, suggesting questions to be addressed to the witnesses; none of the communications, however, it was said, conveyed any information.

The *Chairman*, prior to the examination of witnesses being resumed, said—We have heard, Mr. Saunders, that Mr. Kent was up and about the whole of the night after the murder, that the police were locked up, that the second daughter slept with Mrs. Kent, that Miss Constance slept with her other sister; but where the little children were, and where the nurse was that night, has not been distinctly told.

Mr. *Saunders*—Possibly the witness I am about to call will clear up that. I am about to call William Saville Kent. It can be ascertained from several of the other witnesses.

The *Chairman*—I don't want to press it now, but some time or other in the course of the case I should like to hear it, if you please.

Mr. *Saunders*—Certainly, sir.

Mr. *Edlin*—Miss Elizabeth is here, and will give that information.

*William Saville Kent* was then sworn. He was examined by Mr. Saunders. The witness was not a strong-looking youth. Mr. *Saunders*, addressing him, said—Now, Master Kent, I have a few questions to ask you. How old are you? *Witness*—Fifteen years.

Fifteen in last July?—Yes, sir.

Where have you now come from?—From school.

Where?—Near Gloucester.

Your father is Mr. Samuel Saville Kent, who lives at Road-hill House?—Yes, sir.

On the 29th of June last were you home from school for the holidays?—Yes, sir.

The little boy who was murdered was your younger brother?—Yes, sir.

At what time on that day did you see him last—just about as near as you can recollect?—About seven o'clock.

At what time did you go to bed?—At half-past ten.

Did you retire upstairs with any one?—No, sir.

You went alone?—Yes, sir.

Who left the room with you to go to bed?—My sister Constance went out of one door.

Where did you sleep? In what part of the house? It was on the second floor, we are told—is that so?—Yes, sir.

Upon the same floor with your elder sisters?—Yes, sir.

I will now ask you—you slept in that room on the Friday night—did you sleep in that room the next night, the Saturday night?—Yes, sir.

Well, after you got to your bedroom, how long was it before you went to sleep, do you remember?—It was very soon after, sir.

I suppose you went there with a candle?—Yes, sir.

Did you put out your candle before you got into bed?—Yes, sir.

You didn't hear either of your sisters come to your bedroom door after you got to bed, did you?—No, sir.

Well, now, when did you wake up?—About seven o'clock, sir.

Did you wake at all in the course of the night?—No, sir.

Then you heard nothing in the course of the night?—No, sir.

Nothing to attract your attention?—No, sir.

I suppose, soon after you got up you heard that your little brother had been missing?—Yes, sir.

I suppose you searched about for him?—Yes, sir.

You were sent, I believe, for Urch, the police-officer?—Yes, sir.

And after that you were sent for Mr. Parsons, your medical adviser?—Yes, sir.

Where does Mr. Parsons live?—At Beckington.

How far is that from Road?—About two miles.

I believe you saw him there, and came back with him?—Yes, sir.

Mr. Ribton, in cross-examination, said—I have only one question. When you say your brother, you mean your half-brother? Your mother is dead, is not that so?—Yes, sir.

*Daniel Oliver* was next called, and deposed—I live at Beckington, and am a jobbing gardener. I occasionally worked in that capacity at Mr. Kent's premises, Road-hill House. I worked there on Friday, 29th June. I left at a quarter past seven o'clock in the evening, with Holcomb. Mr. Kent locked the gate.

The *Chairman*—What gate are you speaking of?—The garden gate.

*Examination resumed*—I went to the Road-hill House the next morning about fifteen minutes past six. I saw the boy Alloway as I entered the garden, and afterwards I saw the boy Holcomb. I did not hear at that time about the little boy being missing, but I heard of it about half-past seven. I did not see Mr. Kent ride off. I assisted in searching the premises. I saw two men at the gates with something in a blanket. I found out afterwards that it was the body of the little

boy. The child was taken into the house, and I followed in. I saw the nurse in the kitchen. I asked her what time she saw the child last, and she replied, "About eleven o'clock last night." I then asked her when she missed him, and she replied, "About five o'clock this morning." I asked her what she did then, and she told me she went to sleep afterwards. She said the reason she went to sleep again was, that she supposed the child had been crying, and Mrs. Kent had taken him away. I then asked her if Mrs. Kent was in the habit of taking the child away in that manner, and she answered, "No."

*Cross-examined by Mr. Ribton*—The dog is chained up in the stable-yard. I don't know how he is left at night. He can't get over the wall unless he jumps eight or ten feet. Supposing any one to be in the drawing-room, they could have the range of the premises and go to the water-closet without the dog hearing them. When I went in the morning I saw the boy Holcomb. I cannot tell whether the back part of the house was open. The kitchen door was open. I cannot say whether those in the house had been about.

*By the Chairman*.—A man going from the drawing-room window would have to pass near to the gate. Whether he passed from the window or the door, he would have to pass equally near to the gate. I saw the nurse at first in the kitchen garden, talking to the boys Holcomb and Alloway. I saw her during the time I was making the search. After I searched the shrubberies I was looking to see if I could see any footmarks upon the grass, and I came upon the nurse. I pointed out the footmarks, and I said I would not go in till I saw one to show them the footmarks. She said there was a policeman in the house. I don't think there was any one with her—at least not to be talking to her. I am now speaking of what occurred after Mr. Kent had gone away. The only persons that I saw her talk to were the boys Alloway and Holcomb and the policeman. Mr. Kent came into the garden after Elizabeth Gough was there. I don't know where Mr. Kent was when she was in the garden.

Do you mean to say you never saw the nursemaid and Mr. Kent in the garden together that morning?—I never saw Mr. Kent and Elizabeth Gough in the garden together that morning.

*John Alloway* next deposed as follows:—I am a day labourer, and reside at Beckington. In June last I was engaged as an assistant to Mr. Kent's gardener to clean knives and do other odd jobs. I did not sleep there, being only there during the day. I used to take my meals with me. I used to go at six o'clock in the morning, and go away as best I could at night, according to my work. I was there at work on Friday, the 29th June. I left somewhere about seven o'clock. James Holcomb and I left together. I saw Holcomb lock the garden door, and I then went home. On the following morning I went at six o'clock.

*The Chairman*—Is this garden door different to the gate which the last witness spoke about?

*Mr. Saunders*—I think it is the same.

*Examination continued*—I did not see Mr. Kent there. There are two gates—one leading from the lawn, and that is the one I am referring to. I slept at home, at Beckington, on the Friday night. When I got to the premises on the Saturday morning I saw Holcomb, the gardener there. I stayed with the gardener and asked him what I had to do, and he said I had better go into the greenhouse. After I did my work in the greenhouse I got the knife-basket. The cook, Sarah Kerslake, was up at that time.

*The Chairman*—What time do you say it was when you went?—About half-past six.

*Examination resumed*—I got the knife-basket in its usual place, near the scales, and took it into the shoe-house. I turned the knives out on the bench and began cleaning the boots. I did not miss one of the knives, and there was nothing which attracted my attention—such as there being any blood on any of them. I did not count them, and if there were any missing I could not tell. I did not clean the knives, because when Holcomb came and asked me if I had done with the boots I told him I had not. He then said if I would go on with my work he would clean the knives, which he did in my presence.

*Cross-examined*—I have been examined by Mr. Slack, at Beckington, but I have never been sworn before.

*Re-examined by Mr. Saunders*—I had used the wheelbarrow the night before, and I left some footmarks in the standing grass upon the lawn. Oliver pointed out the footmarks to Police Constable Urch. Oliver said, "There's been some one here," and I then explained that those were the footmarks I had made myself.

*By Mr. Ribton*—Those footmarks were not leading from the water-closet to the drawing-room window.

*The Chairman*—What are the two keys you spoke of? Were they two keys belonging to one gate?—Yes, both to one gate.

So that either of them could get out at the same gate, without each other knowing?—Yes, sir.

*Mr. Joshua Parsons* was next sworn. He said—I am a surgeon in practice at Beckington, in the county of Somersetshire. I am a member of the College of Surgeons. I have frequently attended Mr. Kent's family during the last four years. On Saturday, the 30th of June, I was called upon by Master Kent to accompany him to his father's house, at Road. He informed me of the nature of the case. It would be nearly nine o'clock when I got to the house. I was taken round the back way by Master William, because he was not aware whether his mother knew of what had occurred, so I went into the library. I was afterwards shown into the laundry. Mr. Kent opened the door, and I went in by myself. I found the body of the child wrapped in a blanket. The blanket was covered with stains of blood and with old soil from the place it had been taken from. It was soil from the splash-board, and not from the child. There were considerable stains, but not a

large quantity of blood, on the blanket itself. The child had a nightgown and flannel shirt on. They were both much soiled with blood and soil from the privy—not from the child. I found some wounds upon the child. The first I observed was upon the throat. It was a clean incision, which severed the whole of the structures down to the bone—the skin, muscles, &c., all being severed. The wound was from the left to the right. It must have been a very sharp knife with a long blade to produce such a cut. It appeared to be one cut. I am unable to say from that wound that it was caused by a pointed instrument. A considerable quantity of blood had flown from the left angle of the wound down the arm to the elbow. I observed black marks near the mouth. The tongue protruded between the teeth, so as to be visible between the lips, and it appeared to be of a dark colour and livid. It was just visible between the lips. I afterwards observed two incisions on the back of the right hand. I made a second examination in the course of the day, and found the smaller wounds. One of the small wounds was upon the back of the first joint of the forefinger on his right\* hand, and the other was in a line with it. I afterwards found a stab in the left side of the body. The stab had penetrated the nightgown and the shirt. It had severed the sixth and seventh cartilages of two of the ribs, and it had penetrated more than half through the chest. It passed behind the pericardium, and wounded the diaphragm and the stomach. The wound was about an inch and a half broad. Those were all the wounds I found. I subsequently received instructions from the coroner, and in company with Mr. Stapleton, surgeon, of Trowbridge, made a *post-mortem* examination upon the body. We opened the stomach to see the depth and nature of the wound. We found very slight remains of his last night's supper, which had consisted of farinaceous articles of food, such as rice. I examined by smelling to see if there had been any laudanum or other narcotic in the stomach. I did not detect anything of the kind. I did not examine the lower part of the bowels.

We have heard that the evening before the murder a pill had been administered. Did you detect any evidence of its remains in the stomach?—I did not.

What sort of pill was it?—It was an aperient, and I made it up myself. It was of a compound character.

We have heard that such a pill was given to the child about six or seven o'clock at night; by what time would it have operated?—It might have operated in six or seven hours, but more probably in eight, ten, or twelve hours.

What did the dark appearance upon the mouth indicate to you?—It indicated strong pressure upon the mouth. It had been pressed for a considerable time—say from five to ten minutes, and by a soft sub-

\* Mr. Parsons had before repeatedly declared these wounds were "on the left hand." They were really on the left hand. The coroner, Mr. Rodway, and Mr. Stapleton saw wounds on the left hand. They were evidently inflicted during life and during consciousness, for reasons discussed elsewhere. The right hand was uncut.

stance. The cut on the throat might have divided two large arteries. At the time my impression was the throat had not been cut where the body was found, because I found no jets of blood such as would have proceeded from arteries being cut. If it had been cut then, while the heart was beating, the pulsations would have thrown out jets of blood.\* I should have expected to find marks of jets of blood upon the child if the throat had been cut whilst alive, but I did not find any such appearances. It has since occurred to me that the circulation of the blood had been stopped by pressure upon the mouth before the throat had been cut. In that case life would almost have been extinct before the throat had been cut.

As regards the stab in the side, do you think it was done during life, or after death?—I think it had occurred after death, because there was no retraction of the parts, and no blood was flowing.

You have told us that that stab had gone a great way into the body; would it have required great force to have effected it?—Yes, it would.

With regard to the wounds on the hands—when do you think they had been done?—My opinion is that they were done after death. I saw the body about nine o'clock, and from its appearance I think it must have been dead five or six hours at the least. When I entered the house on the morning in question I was shown up into the nursery by one of the ladies in the house, but I don't know whether it was Mrs. Kent or no. That would be between nine and ten o'clock. I saw the little cot which the little boy was said to have slept in, and I observed the condition of the bedclothes. The pillow had the marks of the depression of the head of the child upon the pillow, and also the depression where he had slept, but the sheet and counterpane were perfectly smooth, and the sheet was turned down over the counterpane as in the ordinary way of making a bed tidy. I could not have folded it down so without considerable trouble. It was very neatly folded, as if by a practised hand. If there had been a blanket taken out, it must have been done before they were folded down, and could not have been done without a subsequent arrangement of the clothes. I don't recollect whether Mrs. Kent came into the room, but the nurse did. I believe the nurse showed me how she found the clothes of the cot. The condition which I have now described is the condition in which she said she had found them.

*Cross-examined*—I am the medical man that has attended Mr. Kent for four years. I have been examined upon former occasions as well as the present, but I am not quite sure whether I stated all then that I have now.

*Mr. Ribton*—From the appearances of the body, and from the careful examination you have made of it, have you formed any opinion with regard to the cause of death?—Certainly.

What was that?—That it had died by suffocation, then the wounds in the throat, and then the stab in the chest. I cannot say that the

\* See note at p. 65.



wounds have nothing to do with the child's death. It might not have been quite dead when the cut in the throat was made. I formed that opinion at the time. It may have been suffocated to the extent of stopping the action of the heart. My opinion is that there had been heavy pressure upon the mouth, but whether to the extent of causing death I cannot say. I have not always been of opinion that the child had been first suffocated. That was my impression afterwards.

At first you stated you saw no indication of the child having been suffocated: have you come to that determination by a more minute investigation or upon more mature reflection?—I have formed that opinion from more mature reflection. I myself mixed up the pill, and sent it by a messenger. I really cannot remember whether I sent any other medicine by the same messenger. I don't recollect sending any pills to any other person upon that day. Certainly I say I found no traces of a narcotic, and I found no traces of my own pill. If a narcotic had been administered by mistake, it would, perhaps, not have been traceable. Most probably it would have been absorbed into the system. If the aperient pill had been administered and passed into the lower bowels, I would not have thought it must therefore have operated. The black appearances of the mouth could not have been caused by anything except pressure, according to my opinion. If a narcotic of a sufficient quantity for a grown-up person had been administered to the child I don't think that would be sufficient to cause the dark appearances about the mouth. The lady who went upstairs with me as well as the nurse examined the cot. I saw the constables there, but I don't know whether they had been there before me or no; I don't know. I cannot tell whether others had examined it before me. The bed itself was covered up by the sheet and counterpane.

But the nurse did not say that that was the way in which she found the bedclothes?—I cannot say. I was told so, but I cannot tell whether it was the nurse that told me or no. To see the impression on the bed it was necessary to turn the clothes down. I have not heard Mr. Wolfe's evidence. It was stated in the hearing of the nurse that the clothes were as I have described them, but I cannot say whether she told me. I have been examined three or four times.

The *Chairman*—Supposing the cut had been made after death, would there have been such a flow of blood as though it had been made while the child was alive?—There would not have been such a flow of blood.

Do you speak positively that there was pressure upon the mouth?—Yes; I speak positively as to pressure; but I speak doubtfully as to whether the pressure was the cause of death. The pressure must have been greater than simply the clothes being over the child. I should say the pressure had been made by considerable violence.

A question has been suggested to me: would not the severance of the muscles of the throat account for the protrusion of the tongue?—It might do so. That would not vary my view with regard to the cause of death.

Mr. *Parsons*, at the conclusion of his examination, said—May I be allowed to make a statement respecting Mr. Kent?

Mr. *Saunders* said he knew not of any statement being made by any of the witnesses besides what they had been examined upon.

The *Chairman*—We are not here trying the issue of this young person's guilt, but at the same time we are hearing evidence that may lead to her commitment. However, we have a duty to inquire generally as to matters that are material in regard to this destruction of life.

Mr. *Ribton*—Would you allow me to make a remark?

The *Chairman*—I think it would be better, perhaps, that the communication should be made to the gentlemen who instruct you, and then they may express their opinion upon it professionally, and adopt the course they think best.

Mr. *Ribton*—On the part of my client I should say, of course, from the notoriety which this case has obtained, and the extraordinary interest which, no doubt, it has excited in the public mind, I am unwilling that anything should go forth which is not admissible as evidence tending to prejudice her case. But as regards the statement of which he has spoken, I have not the slightest objection that the medical gentleman should write it down and communicate it to you. Whilst I express gratification at the impartiality with which this case has been conducted, I am perfectly certain it would have no influence on the minds of the magistrates, unless they see it directly bears upon and is relevant to the present inquiry.

Mr. *Saunders*—I think the suggestion of my friend very excellent, and I heartily concur in it.

The *Chairman*—Yes; and then we shall be able to see whether it affects this case, or whether it may be material for any further inquiry which it may be necessary to make.

Mr. *Ribton*—No doubt, sir, you will be the best judge of that.

Mr. *Parsons* then wrote a brief statement and handed it to the *Chairman*, who, after reading it, said—I do not see anything in it that would lead to a further examination. Is it considered necessary that Mr. *Parsons* should be detained here? We generally allow professional witnesses to get away as soon as they can.

The document was then handed down to the learned counsel.

Mr. *Edlin* said—I do not know what is in it, but, on the part of Mr. *Kent*, I shall ask for it to be read.

The learned counsel then read the document and handed it to Mr. *Edlin*.

Mr. *Ribton*—Oh, no; I have nothing to ask him.

Mr. *Saunders*—He is entirely out of my hands.

The *Chairman* inquired if it was necessary to examine the other medical gentleman who assisted at the *post-mortem* examination.

Mr. *Ribton* and Mr. *Saunders* replied that they did not think it needful to examine him.

Captain *Samuel Meredith*, Chief Constable of Wiltshire, was next examined by Mr. Saunders, and deposed—I went on one occasion to Mr. Kent's house, at Road-hill, with Superintendent Wolfe, and saw the nurse in his presence.

*By the Chairman*—At this time I was collecting evidence generally for our instruction.

*By Mr. Saunders*—The nurse described the bedclothes as having been tucked in by her when she put the child into his cot. She described the manner in which she found the clothes when she missed the boy in the morning. They were in the same state when I saw them as the manner in which she said she had found them. It was quite impossible to perceive whether there was a blanket or not between the counterpane and the bed. The sheet and counterpane were turned twice down. If the blanket had been abstracted the clothes must have been adjusted afterwards.

*Cross-examined by Mr. Ribton*—I swore the information upon which the warrant was issued. It was not at the suggestion of any one, but merely upon my own supposition. I was at nearly all the inquiries conducted by Mr. Slack. Mr. Kent was represented by a professional man, but I don't think the nursemaid had any one to watch the case for her. Mr. Kent's attorney objected to several questions that were put to witnesses, and they were not answered. It was between two and three o'clock when I saw the cot. It was probable that the clothes had been folded down many times before I saw them. I did not take any part in the inquiry against Miss Constance Kent. There were none of the county constables engaged in it. I know that the nursemaid was examined with respect to her antecedents, and she gave every information; and from inquiries which have since been made, her statement has been found to be quite correct.

*The Chairman*—I may only say publicly that one of the magistrates in this division knows more of the antecedents of this young girl than any one else, and he says they are highly respectable.

*Mr. Ribton*—I am glad to hear that.

At this stage of the inquiry a little girl—Mary Amelia Saville Kent—was brought into court by Miss Elisabeth Kent, and was stated to be five years of age.

*Mr. Saunders*—Here is a little girl to be examined, but I don't know anything as to what she is going to depose.

*The Chairman*—Don't be alarmed, my dear—no one is going to hurt you. Do you know your catechism?

The little girl was understood to answer in the negative.

*The Chairman* (to Miss Elisabeth)—Do you think she knows the nature of an oath?

*Miss Elisabeth*—I don't believe she does.

The Chairman said, notwithstanding the age of the little girl, if it was thought that she could throw any light upon the subject which they had in hand, or if she was known to have made any statement

which might give a clue to further inquiries, most certainly he should not object to take her evidence.

Mr. *Saunders*—I may state that this little girl is stated to have slept in the same room in which Mr. Kent and his wife slept.

The *Chairman*—It is not exactly whether she was present or what she saw, unless there is some material fact to be deposed to.

Mr. *Saunders*—Her evidence was never taken, owing to parties interested having objected to it being given. I don't know what she has to say.

Mr. *Eddie*—I must say I am grieved to hear that. I am positively told that Mr. Slack took this little child upon his lap in order that he might question her. He (Mr. Slack) asked her if she knew where she would go to if she didn't speak the truth, and I think Mr. Slack withdrew, seeing that she was too young and too much agitated to give an answer to the inquiry put to her. Therefore, when anything is said about her being objected to with regard to her giving evidence, I must give it a positive denial.

The *Chairman*—I see no reason why she would be able to make a statement bearing upon this particular question, inasmuch as by evidence before us she was not in the room when the essential facts took place, and I see no reason why we should stretch a point in order to allow it. If this should come out I should not shrink from the responsibility if I found I could do it legally. I, however, see no grounds for the girl's evidence.

Mr. *Slack*—I may say the reason why the little girl was not interrogated by me was for quite a different reason to that given by Mr. Edlin. The fact was, Mr. Dunn, Mr. Kent's solicitor, evinced a desire that I should not interrogate her, and I wished to see whether she was capable of answering or not. I asked her if she knew where she would go to if she died after telling a falsehood, and she replied that she would go to hell if she did that.

The *Chairman*—That in ordinary cases would cause her evidence to be admissible.

Mr. *Slack*—I then began to interrogate her, but Mr. Dunn peremptorily refused to allow her to be examined. (Sensation.)

Mr. *Eddie*—I am sorry Mr. Dunn is not present, or we would get his explanation.

The little girl was then taken out of court, and it was understood if her evidence was considered to be necessary she should be examined.

Mr. *Saunders*—Now that Miss Elizabeth is here, I would just like to ask her a question or two, in order to clear up a slight mystery.

Mr. *Ribton*—I also have a question to put to her, with the permission of the Bench.

Mr. *Saunders*—I want to ask where the different parties slept on the night after the murder.

Mr. *Ribton*—That is the very question I was intending to ask her.

In reply to Mr. Saunders, Miss *Elizabeth* said—On the Saturday night I slept with Mrs. Kent in her bedroom. Mary Ann and Constance slept in one room, above Mrs. Kent's room. The nurse slept in the room with the two servants,—at least so I believe.

*Sarah Kerlake*, cook, was recalled and said—On the Saturday night I slept in my own room, the same as on the previous night. The housemaid and the prisoner slept in the same room with me.

Mr. *Saunders*—That supplies the omission, I think.

By Mr. *Saunders*—I don't know what time the nurse came to bed. We had not gone to bed. It was nearly eleven when I went to bed. Cox and I went up together, but the nurse did not go upstairs with us.

Cross-examined by Mr. *Ribton*—I don't know where Mrs. Kent was when we went to bed. I cannot tell whether she was assisting Mrs. Kent to undress or not.

By the *Chairman*—The nurse usually assists Mrs. Kent to undress.

Miss *Elizabeth Kent* was again called and examined by Mr. *Ribton*. She said—Mrs. Kent and I went to bed together, and I believe the nurse assisted Mrs. Kent to undress. I don't know whether the other servants had gone to their bedroom. I cannot say whether the servants generally go to bed before the nurse assists to undress Mrs. Kent.

At this part of the proceedings the Court adjourned for twenty minutes.

When the Court resumed the first witness called was

P. C. *Alfred Urch*, of the Somersetshire constabulary. Examined by Mr. *Saunders*, he said—I arrived near about eight o'clock at Road-hill House on the morning of the murder, and saw Mr. Kent drive off. I was shown into the drawing-room. I went to make inquiries. I looked for footmarks, or marks of nails, or footprints, in the drawing-room, but saw none.

By Mr. *Ribton*—I suppose many persons had been in the room before.

*Sarah Cox*, the housemaid, was recalled. In answer to Mr. *Saunders*, she said—I have tried this morning to bring the shutters of the drawing-room windows to the position they were in when seen by me on the morning of the murder, but I could not do so owing to the wind blowing through, the doors and windows of the house being all open. I did it yesterday morning, however, from the outside.

By the *Chairman*—I can't tell whether it was usual to leave the nursery door a little open.

The *Chairman*—I am told it was the custom to do so.

Superintendent *Wolfe* was recalled, and said, in reply to Mr. *Saunders*—The wind this morning was not a preventive to placing the shutters as described to have been on the morning of the murder. Cox tried it over and over again, and could not do it, though the wind was still.

*Cox*—Yes, Mr. *Wolfe*, I told you it was the wind that was so great that I could not do it.

Superintendent *Wolfe*, in reply to Mr. Saunders, said—I was present when Mrs. Dallimore tried to place the shutters this morning from the outside.

The *Chairman* observed that he understood from his brother magistrates that it was the custom to have the nursery door left open, that Mrs. Kent might hear if the children cried.

Mrs. *Kent* was then called, and, in reply to the *Chairman*, said—I ordered the door to be left open, in order that if the little girl in my room cried before I went to bed the nurse might hear it, and go in to her, and I shut the door when I retired.

The *Chairman*—Consequently there was nothing improper in not having the door closed.

Mr. *Ribton*—Did she assist in undressing you that night, either before you went upstairs or after you got to your bedroom?

*Witness*—I think it is very likely she did, but I cannot be positive—she did usually.

Mr. *Ribton*—That would be after the other servants had gone to their bedrooms?

*Witness*—That I can't say exactly; but I think they must have gone up.

*Eliza Dallimore* was then called. In reply to Mr. Saunders, she deposed—I am wife of a police constable stationed at Trowbridge. On Saturday, June 30, I went to Road-hill House about four o'clock to search the servants. I went with the nurse to her room, and on passing through the door I noticed it made a noise. Perhaps any one accustomed to the door might with care have opened it without causing the noise, but a stranger could not. It was a creaking noise. She said "What do you want with me?" I replied, "You must undress yourself." She said, "I cannot." I went into the closet with her and said, "Well, nurse, this is a very shocking thing about the murder." She answered, "Yes, it is." I said, "Can you give any account of it, do you think?" She said, "I got up about five o'clock and missed the child from the cot, and I then laid down again." I asked, "Why did you lay down again after you missed the little boy?" She replied, "I thought he was with his mamma, because he generally goes in there of a morning. This is done through jealousy. The little boy goes into his mamma's room and tells everything." I said, "No one would murder the child for doing such a thing as that."

The prisoner closely regarded the witness whilst she was repeating her lengthy statement.

*Witness* continued—I said, "Who do you think would do it?" She answered, "I cannot tell." She then undressed herself while I went out of the room. She made several observations respecting the child, but I do not recollect them particularly. I examined the other ladies. I looked at the nightdresses of the household carefully, and I examined that of Miss Constance, but found nothing upon it. I then went into the kitchen, and the nurse came in there several times. The night-

dress of Miss Constance was like that of the other young ladies, in that it appeared to have been worn some nights, perhaps for a week. I spoke to the other servants as well as to the nurse respecting the murder, and said, "This is a shocking thing, and I think the whole house is responsible for the child." The nurse told me upon that that the child had not been very well during the day, and she had given it a little medicine. Mr. Fricker came into the kitchen, and the nurse turned round to him from the table and asked, "What have you been doing, Fricker?" He replied, "I've been opening the water-closet."

*By the Chairman*—Those are the very words he used.

*Witness* continued—The nurse then said, "And have you found anything?" He answered, "No." "Then you won't," said she. I did not hear anything said at that time about the finding of a knife. I was there a long time that day. On the 9th of August I saw the prisoner again. She was brought to my house in the policeman's trap, and she remained with me a little time. Several times I spoke to her about the child. I said, "Who do you think, nurse, could have taken the child?" She replied, "I don't know; I think some one must have concealed themselves in the house." I said, "I don't think it, nurse; how could they get in?" She replied, "I don't know anything about it; I can't say." I had heard then of the missing blanket, and during the week she was with me I observed to her, "The cot being folded down like that, I don't think any one could have taken out the blanket." She said, "It was a small blanket, and it could have been slid out underneath." I had not seen the blanket then, and knew not whether it was large or small. I told her I thought it was impossible for any one to have taken the blanket out and have left the bed in that position. I also told her it was quite impossible for one person to have done the murder. I said, "You can see from the size of the child whether they could have tucked in the clothes with that boy in their arms." She replied, "I don't know; I did not touch the cot; it is as I found it." I had other conversations with her. Once I asked her what she thought of Miss Constance Kent's doing it. She answered, "I don't think Miss Constance Kent would do it." Then I asked her what she thought of Master William doing it with Miss Constance. She replied, "Oh, Master William is more fit for a girl than a boy." I told her I did not think she slept soundly. She said she slept more soundly that night because she had had more work to do, because she had the scrubbing and something in the nursery to do. I asked her how it was she came to sleep more soundly that night, and she answered, they may have come and put something to her nose to have caused her to sleep more soundly. I told her there was great responsibility on her part with regard to the child, and she answered, "I know it." I asked her if she thought Mr. Kent did the murder. She replied, "No; I could not think for a moment that he committed the murder. He's too fond of his children." I asked her where she found

the child's clothes in the morning. She replied, "Oh! where do you think I found them but where I put them?" I observed to her, "You said you thought it was done by some one secreted in the house, and the door creaks; how could it have been opened without making a noise by a stranger?" She replied, "A person accustomed to open it could do it without making a noise."

Superintendent Foley here produced the flannel and gave it to the witness.

Mrs. *Dallimore* continued—I saw this piece of flannel at Road-hill House on the Saturday of the murder. Superintendent Foley then had it. It has since been washed.

The prisoner was communicating with her attorney, and the Chairman said they had better afford her an opportunity of communicating for the purpose of cross-examination on such long conversations.

*Witness* continued—I call it a chest flannel, worn next to the skin. It appears to me to be made from the back of some other garment.

Mr. *Ribton*, looking at it through an eye-glass—The back of a man's shirt? (Laughter.)

Mr. *Saunders*—Why do you think it was worn by a female?

*Witness*—It's just the thing, sir.

Mr. *Ribton*—Just fits you. (Laughter.)

*Witness*—It is worn on the chest, and reaches up towards the arms under the stays. On the 9th of July I went to Road-hill House and saw some of the servants. The nurse came and asked, "Mrs. *Dallimore*, what are you come for?" I replied, "The gentleman will tell me what I am to do before I leave." Mr. Foley then came into the kitchen and said, "Mrs. *Dallimore*, you must try this piece of flannel on them girls, and on the nurse." I took the cook and housemaid upstairs into their bedrooms, and I told them to take off their things, and I would put on this piece of flannel, which I did. The flannel did not fit either of them; it was not wide enough. I came downstairs and took the nurse to her bedroom, which is the nursery, and tried it on her in the same way. I told her to pull off her things that I might put on the piece of flannel. She said, "It's of no use. If the flannel fits me, that's no reason that I should have done the murder." She pulled off her stays, and I fitted it on at once. She did not hesitate further than saying it was of no use taking off her clothes. I said, "You see, nurse, the flannel exactly fits you, which it did not the other servants." "If it fits me," she said, "that's no reason I done the murder." "Well," I said, "it might fit a great many; it fits me, but there's no one in the house I have fitted it on to but you." It fitted her exactly, and was a good fit. I went again this morning to Road-hill House in company with Mr. Wolfe. I went into the nurse's bedroom. Mrs. Kent was with me.

Did Mr. Wolfe point out to you—

Mr. *Ribton*—I must object. Conversation, which is not evidence,



must have taken place. Did Mr. Wolfe have any conversation with you in the bedroom?

*Witness*—No, sir.

Did he point out to you by words?—No, sir.

Mr. *Saunders*, at the suggestion of the Chairman, altered the question, and asked—Did you see a cot and a bed in the room?

*Witness*—Yes. Mrs. Kent had previously brought a little child into the room, and it was placed in the cot and covered exactly like a child when put to bed. I have been a nurse for many years myself. I looked across from the bedstead to the cot to see if I could see the child, but I could discern nothing but a little portion of the end of the pillow. I could see nothing of the child. There is a partition along the side of the cot which prevents the seeing of the child. The partition supports the canework. I was kneeling on the bed when I looked across. The child was afterwards taken out.

Mr. *Ribton*—Of course the child was not left there, was it? (Laughter.)

*Witness*—No, sir.

You seem to have a marvellously good memory.—As perhaps you have, too. (Laughter.) I think it's a very serious thing, and it gives one the horrors to think about it.

I hope you will not give us the horrors. I repeat you seem to have a marvellously good memory.—A very good one.

Am I to understand that you have an extraordinary good memory?—Well, it's given me, and perhaps it's better than some folks's.

Then it is a good one.—I am not to be baffled out of the truth. It's a very serious thing, and there ought not to be any fun made of it.

*By Mr. Saunders*—I have measured the blanket. It is a yard and a half in length, and a yard in width. It is not a small blanket. It would not have admitted much tucking in at the sides, but it's quite enough to tuck in at the bottom and turn over a little at the top.

*By Mr. Ribton*—I have not been examined before. Last week at Mr. Slack's was the first time I ever mentioned these conversations. I was then speaking of conversations taking place in June and July, and have made no memoranda of them in any way. It was on August 9th that I tried the flannel on the servants. I have not told all about the flannel before, but I told the magistrates that I tried it on, and it fitted. I was not on oath. I never told them about the conversations.

*By the Chairman*—I think Mr. Stancomb heard me when I told Captain Meredith that the flannel had fitted.

*By Mr. Ribton*—I did not think it important to tell them what was said between us.

The witness held up the piece of flannel.

The *Chairman* observed it would be very strong evidence against anybody else, but could it be very strong as belonging to the person from whose room the child was taken? Might it not have been taken up with it?

Mr. *Ribton* said he would not pursue the inquiry respecting it further.

The *Chairman* said it struck him that nothing that came from her room could add to the undoubted fact that the child itself came from her room.

Mr. *Ribton*—I am told she never wore a flannel in her life. (To the witness) It is usually old ladies who wear flannels, is it not?

*Witness*—And many young persons wear them—I wear one myself. (Loud laughter.) The witness was not of the age generally called “young.”

I certainly am not going to ask you your age. (Continued laughter.) Do young healthy women wear them—young healthy women, remember?—Yes, sir; why, I wear one myself. (Great laughter.) I don't think so serious a matter should be turned to ridicule. It gives me the horrors to think about it. I'm the mother of a large family myself, sir, and know it.

You are very irritable, are you not?—Yes, sir. Perhaps you are, too.

Then don't give us the horrors. How about the chest flannel? It fits you nicely?—Yes, sir.

Very nicely indeed?—Yes, sir.

Perhaps you have been wearing it? (Laughter.)—It's a very serious thing, sir, whoever done the murder.

Did she say she had been up early on the Friday morning with the sweeps?—Yes, sir.

Had she a flannel on at the time?—Yes, she wore a flannel petticoat on.

Will you say on oath that you understood I referred to her under clothing when I asked if she wore a flannel?—Well, but she wore a petticoat.

But did she wear a chest flannel?—No, sir.

Did you search among her other clothes—in her boxes?—No, I didn't.

By the *Chairman*—I don't know that she knew I had the piece of flannel, but I think she knew Mr. Foley had it. She had no reason to suspect before my going there that I had the flannel, and I don't know whether she had left any flannel off.

By Mr. *Ribton*—It was Mr. Kent's youngest child that was put into the cot this morning.

Mr. Superintendent *Wolfe*, recalled, said, in reply to Mr. Saunders—On August 1st the nurse showed me the situation of her bed and the cot; when I went there to-day I found the cot and bed in the same position.

Mrs. *Dallimore* was recalled, and in reply to the Chairman deposed—I did not find either of the other servants wearing flannel. The only lady of the family who wore one was the eldest Miss Kent, who wore a flannel jacket.

Mr. Clarke, clerk to the magistrates of this division, was then sworn, and produced certain depositions taken by him of statements made before the justices. It was determined that he should read the portions put in. They were dated July 9th. The portion which the prosecution deemed of great importance was as follows:—"I (Elizabeth Gough) ran downstairs and out on the lawn. This was near about eight o'clock. When I returned to the house Mr. Peacock and a policeman and others were there. Soon after this the body of the deceased was brought in. The blanket was on the child. I then ran upstairs and looked at his cot and saw the blanket was gone."

After reading thus far, the witness was

*Cross-examined by Mr. Ribton*—I took this down at a general inquiry made by the magistrates. The writing was not signed.

*By the Chairman*—It was taken as I should take evidence—with the view to prepare a brief. It was an inquiry for the general instruction of the magistrates.

It was then determined to read the whole of the statements handed in, consisting principally of what has already appeared in the evidence published as adduced by the accused, Elizabeth Gough.

After reading the first statement the witness said, in cross-examination by Mr. Ribton—There was no one charged when the evidence was taken.

Mr. Ribton (to the witness Mr. Clarke)—Did Mr. Kent say, "I believe some one well acquainted with the child or some discharged servant committed the murder?"

Mr. Saunders objected to the question.

Mr. Ribton contended that his friend must know Mr. Kent used the expression, as it was on the magistrates' clerk's notes.

After a few other observations,

Mr. Kent was called, and, in reply to Mr. Ribton, said—With regard to the expression in my statement—"I believe some one well acquainted with the child in the house or some discharged servant must have murdered the child"—I think I said something to that effect. There was a housemaid left in the fall, some months before Cox came.

Mr. Ribton—Do you know if that discharged servant or any other had used expressions of revenge towards the child?

Witness—Yes, I do.

Mr. Ribton—I quite leave it in your worships' hands as to whether I should ask the name. I do not wish to.

The Chairman said probably Mr. Saunders, if he thought it necessary, would get it in cross-examination. He had been informed by his brother magistrates that the matter had been inquired into by the police.

Mr. Ribton—Do you remember any expression of revenge so used?

Witness—Yes; "They were horrid children, my children, particularly the little boy."

Was there any expression as conveying a threat against them?—I think not.

Do you remember saying—"Left a few days vowing vengeance against the children?"—Yes; she did.

Can you recollect the expression?—Threatening expressions against me and the children. I can't recollect the words; that was the import of them.

That person was with you a month?—Not quite a month; a month all but a few days.

I see the expression was used that she left in a dreadful rage?—Yes. *Cross-examined by Mr. Saunders*—Have you had more than one servant leaving you who used any threat?—No.

Were there any expressions of threats?—There were threatening expressions.

She was very warm at the time, then?—Yes, sir. She was in a great passion; and I was warm, too, but not so warm as she was.

Were you in a passion?—No, sir; but she was, and very insolent.

*By Mr. Ribton*—There was mutual warmth. She left just as Cox came. That is about nine months ago.

*Mr. Clarke* then went on, and concluded by reading the statements put in by the prosecution under date July 27.

*Mr. Saunders* then said—That is the case for the prosecution.

*Mr. Ribton*—I suppose you won't think of concluding to-night?

It was then considerably after five o'clock.

*The Chairman*—It was supposed that we should conclude to-night.

*Mr. Ribton*—I have to address you, and should like a little time to arrange my ideas on this matter, and I feel it necessary to go over the evidence at some length.

*The Magistrates* here consulted for a short time, after which

*The Chairman* said—If you think you cannot do justice to the case to-night, we feel that we ought to adjourn till to-morrow.

*Mr. Ribton*—I feel that, and probably it would be necessary to detain you longer than perhaps would be convenient. I am much obliged to you.

The Court was then adjourned till this morning at eleven o'clock.

We believe no witnesses will be called for the defence, and that *Mr. Ribton* will address the Bench on behalf of the prisoner as soon as the Court assembles.

## DISCHARGE OF THE NURSEMAID.—FOURTH DAY.

THE prisoner, Elizabeth Gough, arrived in Trowbridge about ten o'clock, from the county gaol at Devizes, travelling in a cab, in custody of Superintendent Wolfe. She was far more anxious in her appearance than before. The court was crowded, and many ladies were present, being seated near the magistrates.

The magistrates present were Sir John W. Awdry, Knt., Chairman of the Wilts Quarter Sessions; H. G. S. Ludlow, Esq.; J. P. Stancomb, Esq.; W. Stancomb, Esq.; and the Rev. R. Crawley.

The learned counsel we have already named were present—Mr. Saunders for the prosecution, Mr. Ribton for the defence, and Mr. Edlin watching the case on behalf of Mr. Kent.

The *Chairman* handed a memorandum to the learned counsel, saying it was a suggestion that they might see on the supposition that it was intended to support one side or other. He presumed that in regular course the depositions must be signed, so that the evidence might be in a complete form before the prosecution could ask them to act upon it. That would be a preliminary step.

Mr. *Saunders* did not know that that was the usual course. For future use, of course, the depositions must be signed.

Mr. *Ribton* said it was not the practice in such inquiries.

The *Chairman* remarked that they could not come to a conclusion before they had heard the learned counsel for the defence; and he for one should not determine without hearing that gentleman.

Mr. *Ribton* said he would not undertake to discuss the other question; it was not necessary.

Mr. *Saunders* then asked leave to recall Mrs. Dallimore.

The *Chairman* observed that, as no step had been taken with regard to entering upon the defence, he thought they ought not to refuse the request.

Mrs. *Dallimore* was then recalled, and, in reply to Mr. Saunders, deposed—On the 9th of July the prisoner was at my house. I had some conversation with her. We were sitting near the fire, and she said, "Mrs. Dallimore, do you know there's a nightdress missing?"

The *Chairman* desired to know the position the prisoner occupied.

The *Chairman*—Was she considered in any sense a prisoner?—Yes, sir, she was staying with me under my superintendence.

Was she at liberty to go out and come in when she liked?—Yes, I believe so.

Mr. *Ribton*—Are you sure?—Well, she did not wish to go anywhere.

By the *Chairman*—She was staying with me for once, and during the time she went to Road one day to Miss Constance.

By Mr. *Saunders*—When she asked me if I had heard of the missing nightdress, I said, "No—whose was it?" She said, "Miss Constance

Kent's. You may depend upon it that nightdress will lead to the discovery of the murder." I asked, "What do you think of Miss Constance doing the murder?" She replied, "I can't say anything about that, but I saw the nightgown put into the basket."

*Cross-examined by Mr. Ribton*—I did remember this conversation last night, but I was not asked about it. I did not know of the missing nightdress at the time; it was on the Tuesday after the murder. My husband heard her say she knew it was put into the basket. It was in the evening, when we were sitting before going to bed. He had not been in many minutes, and arrived from Road. We were talking of the nightdress when he came in, and he heard it, and he spoke of it also. The first I heard of it was when the nurse spoke of it. I cannot say what my husband said when he came in first. He did speak about the nightgown the moment he came in. The nurse was talking about the nightgown missing, and he said, "Then you saw the nightgown put into the basket, nurse, as well as Cox?" That was the first thing he said immediately he came. She said, "No; I have nothing to say about that. I have enough of my own to contend with;" and went to bed. That was all she said. But my husband said, "You saw the nightgown put into the basket?" We had no further conversation. She made no remark in answer to my husband, and went to bed. I swear that is all that was said. I was standing and she was standing just as she was going to bed.

*Mr. Ribton*—I want, in consequence of the communications going about the country, to ask a question suggested to me.

*The Chairman*—I shall be happy for you to have the fullest opportunity of investigation.

*By Mr. Ribton*—In the kitchen, when there was a conversation in which she said nothing could be found, I heard Fricker make the remark spoken of.

*Mr. Ribton*—Be cautious what you say upon your oath. Did you see him?

*Witness*—No, I did not.

Were they not asked this question by some one in the kitchen—? No, sir; I never heard it. (Laughter.)

You never heard it?—It might have been asked; I did not hear it.

Did they say this—that they had got out all but six or eight inches of water?—No, sir; they never said about water in my hearing.

Were they asked again if they had found anything?—No, sir; I never heard it.

Did they say, "No; they had felt with their hands carefully all over the bottom, but had found nothing yet?"—No, sir; I never heard it.

Wasn't it just as they said that, or a little before, that Gough came into the kitchen?—No, sir, she was in the kitchen.

Didn't she say then, "Then you won't"?—No, sir; I never heard it.

You didn't hear her?—No, sir. I never heard the words as you say,

only the answer, "Nor you won't." They were not said in my hearing. I pledge myself to that.

Do you happen to know much about the family of Mr. Kent or Miss Constance?—Never before the day I went to Road. I did not see the men's faces; my back was to the door, and they came in, and I heard Fricker speak.

Did you hear what I have just asked for? I will have an answer from you; you won't get out of my clutches so easily. Do you say two men might have come into the kitchen without your hearing them?—Well, they might, but I didn't see them.

Why did you swear positively there was only one?—I didn't swear it; I said I heard nurse ask, "Fricker, what have you done?"

Be careful; these answers may go forth in four-and-twenty hours to all parts of the kingdom. Did you see any part of the man?—Yes, sir: I saw his head. He opened the door when nurse spoke to him.

You saw his head?—I saw part of his body.

Be careful, Mrs. Dallimore; you may hear of this in a way you won't like perhaps.

Mr. *Saunders* protested against such threats being used.

The *Chairman* ruled that it was irregular.

Mr. *Ribton*—Sir John, if you say I am going too far, I will retract at once. (To the witness) What part of the man did you see?—I saw his coat.

Do you mean to say you didn't see his face?—I saw his face, of course I did. I was sitting with my back to the door, and I could not discern much of the man as he came in.

Why, didn't you tell me before that you didn't see his face?

The *Chairman*—There is no doubt she did. She said, "I saw but one who came to the door, but I didn't see the face of either."

Mr. *Ribton*—Now, ma'am, which is true?—Of course I saw the man.

Then it was a positive untruth when you said you didn't see his face?

[*A Voice*—Certainly.]

*Witness*—No, sir; it was not.

Did he come into the kitchen?—No, sir, he did not; he stood in the doorway.

Here's what you said yesterday: "While in the kitchen a man named Fricker came there, and the nurse asked him what he had been doing opening the water-closet."—I did not know before there was another man there.

You have just told me there was another man there. You have said there were several there.

The witness denied that a reporter of Frome, named Groser, who was placed before her, was in the kitchen at the time in question.

By Mr. *Saunders*—I was sitting with my back to the door, and I heard nurse speak to Fricker as he came in; and hearing only his name mentioned, I concluded there was only one.

*William Dallimore*, a constable of the Wilts constabulary, was then called, and, in reply to Mr. Saunders, said—On the 9th of July the prisoner was at my house.

Was she in any degree under restraint before or after she went to Road? Was she detained by you as a police officer?—She was detained for convenience, I believe.

Captain *Meredith* explained to his Worship that on the second week she chose to remain at the station.

*William Dallimore continued*—I had been on duty on July 9th. When I came home I saw my wife and Elizabeth Gough there.

*By Mr. Ribton*—I have not heard a word of my wife's evidence.

*Witness continued*—They were talking about Miss Constance Kent's nightdress being missing.

*By the Chairman*—I heard them talking of it myself.

*By Mr. Saunders*—I heard the nurse speak of it. She said, "The nightgown was missing—it was lost;" she thought it must be lost from the wash. My wife said, "Did you see the nightdress put into the basket?" She said, "Yes." I stopped for a few moments, and then I said, "Then, nurse, you saw the nightdress put in as well as Cox?" She answered, "Oh, no; I didn't." I said, "But you just said so." She replied, "Oh, no; I didn't." I repeated, "But you just said so." She said, "No, sir; but I didn't." There was no more said about it then. I left them; I had occasion to go out, and did not stay with them. I am quite certain she said she saw it put into the basket.

*Cross-examined by Mr. Ribton*—This occurred in the kitchen. I remained there about three-quarters of an hour; it might be half an hour. I don't recollect there was further conversation about the nightdress. There was some talking. We had not a Quakers' meeting. I don't recollect whether it was in reference to the murder or not; I can't tell. I went out and left them sitting in the kitchen. I went to the stable for a few minutes—ten minutes perhaps. I returned into the kitchen, and they were just preparing to go to bed. They had two candles there, of course. I can't say whether the nurse had the candle. There was a candle left for me, and they had one. They slept together. That was the only preparation they made. They went almost immediately. I did not go to bed just then. I went out again on duty. There was a candle left for me.

*Witness*—I came in at one and opened the door.

*Mr. Ribton*—You have come to corroborate your wife, and we will see how far you do so. You will no doubt have a curtain-lecture to-night; I fancy it won't be the first. (Laughter.)

*Witness*—Perhaps I ain't the only one.

Did you hear them say in the kitchen on the Saturday morning that they searched the bottom with their hands and found nothing?—I will swear I did not on any occasion.

What was the meaning of your wife's sleeping with the prisoner?



You say the girl was not under the care of the police; was it to prevent her going away?—She was allowed to stay there.

Do you think that an answer? Was she not under “the care” of your wife?—She was under her care.

She slept with her to prevent her escaping; was that the reason?—Yes, sir.

Be good enough to say why, when Sir John Awdry asked you if she was under restraint, you said she was not?—Well, I always understood she was to be there for safe keeping, but not to be treated as a prisoner.

That is, that you were to take care she did not go away?

The *Chairman*—The object of my question was to see in what light we were to look upon those statements. Of course you look very differently upon conversations with a prisoner and those held with a person who is a free agent and merely staying at a place for convenience.

Mr. *Ribton*—I won't pursue that.

The *Chairman*—I am told by my brother magistrates that the second time it was an arrangement made with her father that she should remain there without being a prisoner. She was nevertheless kept in safe custody. The first time she was in actual custody.

Mr. *Ribton*—She was in safe keeping—under restraint.

The *Chairman*—She was under *surveillance*. It is stated here that it was her own proposal.

Mr. *Saunders* said that concluded the case for the prosecution.

The *Chairman* inquired what commitment the prosecution asked for.

Mr. *Saunders* replied that they could commit either as a principal or as an accessory.

The *Chairman* said, he did not know that it was necessary, though in some respects desirable; but he for himself was prepared to say, if a commitment were decided on, supposing it were a proper commitment, they should have a natural regard for a young woman against whose character they knew nothing; and take care that the nature of the commitment should be as little defamatory as might be.

Mr. *Saunders* was understood to contend that, if aiding and abetting, she might be a principal.

The *Chairman* observed, that, as a person who had made assurance doubly sure by cutting the throat, it would clearly be a case of wilful murder. If it was acting merely for the purpose of stopping the child's mouth—which, as far as she could, might have been of as gentle a character as possible—that might be regarded as aiding and abetting, possibly, only as far as her guilt might have gone. Looking at the whole matter, he thought there was no difficulty in its being held that the same transaction might be murder in one party and only manslaughter in another. If the aiding and abetting were an act of one, the obvious consequences of which were that death ensued, though it did ensue it would be aiding and abetting manslaughter only; yet the other party

might, when she was no longer present, have committed a further act which was either murder itself or conclusive evidence that from the first beginning wilful murder was intended.

Mr. *Saunders* would draw no nice distinction. She might be considered as a principal in the first degree, or an accessory after the fact or before the fact.

The *Chairman* said that was an answer for him. He was so much out of practice that he was glad of the opportunity of stating his view of the distinction between murder and manslaughter, and as regarded aiders and abettors, that he might be corrected if originally wrong. The commitment of the Bench must be such an one as, having regard to character and circumstance, the Bench reconciled to their own consciences.

Mr. *Saunders* said that was of course entirely in the discretion of the Bench.

The *Chairman* added that that discretion was a legal discretion, and not an arbitrary one.

Mr. *Ribton* then addressed the Court on behalf of the prisoner. He said:—Sir John Awdry and Gentlemen,—I feel that it would not be proper in me, before directing my mind to the discussion of the facts more immediately connected with this melancholy case, not to return my sincere thanks for the great kindness and courtesy I have experienced in the course of this investigation—for the untiring patience with which your minds have been directed to the various facts laid before you in evidence—and for the spirit of fairness and impartiality which seems throughout to have actuated your conduct and your minds at every stage of this inquiry; and it is the more pleasing to myself to be able to make to you this respectful acknowledgment of my thanks in that respect, because, although it does not diminish the anxiety that I must necessarily feel in the face of a very onerous duty that has been cast upon me, yet it does to some extent—I may almost say to a very great extent—show me this, that my task will not be so difficult as under other circumstances it might have been; because it inspires me with the fullest and highest confidence that, as this case has been conducted by the Bench, so it will be concluded, with the same spirit of justice; the same love of justice which seems to have actuated them throughout will prevail with them to the end; that when they come to consider what their decision as regards this painful inquiry ought to be, sitting as they are in the face of the country, they will take care that it is such a decision as will be conformable with truth and in strict accordance with the rigid principles of inflexible justice. Well might my friend Mr. *Saunders*, in the course of a very full opening speech, have said that this tragedy effected at Road Hill House had thrilled with horror the mind of the nation; that this dreadful crime (if wilful crime it be) stands out beyond all cases—stands out alone in the annals of atrocity. To murder a poor, innocent, unoffending, unprotected child under such circumstances, I think it altogether impos-

sible to find language fitting to describe it. It is a crime that may be said

“To blur the eye of day,  
And cast a deeper shade upon the eye of night.”

But through the whole of this long and protracted inquiry I am afraid there is one fact, at all events, that is painfully prominent, viz., we are not now nearer to the truth than we were after the first few days that immediately succeeded the perpetration of this dreadful and terrible act. I am afraid, as far as we can see, that the exertions of the prosecution—conducted in a manner that I shall have to say something about presently—have, unfortunately for them, unfortunately for the public, and unfortunately for the interests of truth, been thrown into a wrong channel—that, whatever is now the question that the Bench have to consider, we have not to consider or to find out who is the fiend in human shape that perpetrated this dreadful deed. The question that they have to consider is—whether any evidence has been laid before them which would warrant them in sending this poor girl for trial. I have heard my friend Mr. Saunders with great ability, with an amount of laboured ingenuity of reasoning which I have sometimes seen applied to criminal cases, lay this case before the Bench. I will take the liberty, in the first instance, to direct the attention of the Bench to one or two matters or points which were amply discussed and amplified by him, but which have no important bearing upon this case. As, for instance, as respects the time when this murder was committed. Whether it was early in the night, or whether it was perpetrated at the approach of morning, has nothing to do with the prisoner at the bar. And so also as regards the wounds inflicted after death. Whether they were inflicted after death, or whether they were inflicted whilst the child was still living and breathing, has nothing to do with the prisoner at the bar. It is a speculation foreign to the inquiry, which does not approach even to the essence of the question upon which the Bench have the responsible duty of deciding. So again with reference to the dog, about which allusion was made in my friend's opening speech. The question of the dog not barking fails to apply not only to the prisoner, but even to anybody else, whether inmates of the house or strangers, because it is proved beyond all question that the dog was enclosed in the yard; and if this deed was perpetrated by a stranger, he might have got from the drawing-room window to the water-closet without having been seen by the dog.

The *Chairman*—He might even go to the first door without having been seen, if it should be considered that the drawing-room window was a mere blind.

Mr. *Ribton* continued—Yes, sir. Now, then, having alluded to those matters which most certainly were touched upon at much greater length by my friend, I shall just take the liberty of directing my attention to the various speculations which my friend has ventured upon with reference to this case. In the first place, he says nobody could

have broken into the house. Let that be so. And I venture to say it is the only part of this case in regard to which there is anything approximating to anything like satisfactory proof. Let it be established, then, that there was no breaking into the house from without. The second point which I shall look at as I go along is the improbability—I think he used the words “almost approaching to impossibility”—for anybody having been secreted in the house. In respect to proving that I think they have utterly failed. It was clear there were unoccupied rooms and unoccupied bedrooms in that house, and that in the unoccupied bedrooms anybody might have been secreted during the whole of that Friday or during a portion of that day. The superintendent who was called in reference to that was not shown into any bedroom, and was shown into a lumber-room and into another room, and he tells us he does not think anybody could have been concealed in either, and yet so careless was the manner in which he took observations of those rooms that he is unable to say positively whether in one or either of them there was a cupboard or no. I pass over his evidence as utterly valueless, even if this were the only room in the house, but it is proved beyond all doubt there were bedrooms, unoccupied bedrooms, and that anybody might have been concealed in any of those bedrooms, without having been seen by the inmates of the house. That being so, let me for one moment—and I am sure the Bench will allow me to do so—venture upon a supposition. I don't know why I should not be allowed to do so as well as my friend. Is it not possible—is it not within the bounds of probability—that this dreadful offence might have been perpetrated by a stranger—it being no doubt consistent with the evidence in this case that somebody might have concealed themselves? Then let us ask ourselves—who might it have been? We have it from Mr. Kent in a statement made yesterday that a servant left the house vowing vengeance against the children. They knew that one of the magistrates was kind enough to intimate to the Chairman that as regards that particular servant the matter had been to some extent cleared up. But does not that open a very wide field of speculation? That there might have been others, that Mr. Kent might not have been popular—and I believe he fills an office entailing upon him many duties in this county and neighbourhood which might have had the effect of rendering him unpopular to many parties? This poor girl used the expression “Oh, ma'am, it's revenge!” and upon another occasion, “It was done through feelings of jealousy.” Undoubtedly the expression which Mr. Kent attributes to the discharged servant may have been open to common conversation in the house, may have reached the ears of this girl, and thus been the occasion of her making use of that very remarkable expression on the morning when the murder was discovered. But it may be said, “Is it within the reach of reasonable possibility or supposition that anybody would have concealed themselves in the house, and have taken means to revenge themselves upon Mr. Kent by the murder of his child?” I answer that

it does not necessarily follow that murder was contemplated at first or throughout this dreadful tragedy. Even the remote possibility of such being the case is the only one solitary reflection that for the sake of our common humanity can enter the mind of anybody who directs his mind to this subject. It is perfectly clear that this probability is not excluded: first, that a stranger may have secreted himself; second, that murder may not have been contemplated at all. If not murder, then what? To steal the child from Mr. Kent's house? Is there nothing in the way in which it is undoubtedly clear the child was removed that would warrant them to say or support them in saying that this is not a good and a proper hypothesis? Why was the blanket taken off, if murder was contemplated from the first? Why wrap the child up in the blanket? Anything would have stifled the crying of the child, so as to enable the party, whether he or she, to remove the child without killing it. The piece of flannel which was found would have served that purpose admirably well, for when put into the child's mouth it would have prevented the crying or screaming being heard. But if the intention was to murder from the first, why wrap the child up in the blanket? Does not that fact warrant the presumption that it is not unlikely for a stranger to have been concealed in the house—and that probability is not excluded by the evidence—that they may have intended to steal the child, and that it was to wreak their vengeance upon Mr. Kent for some cause or other, he having made himself unpopular with them for some reason or other? But the child having been taken out of bed, and it having been found that the stifling had been carried too far, and the child was dead, let us see what follows. If a stranger, do the other facts of the case accord with that? We find this to be extremely probable. The child was taken to the water-closet, his throat is cut, and he is stabbed and thrown down the vault. Let me ask if that had been done—as the theory of the prosecution is—would they not have known the nature of that water-closet, and if the child was put down there, nobody can doubt for the purpose of secrecy, it would have been put upon the splash-board? And that is precisely what a stranger would have done. He would put it there for temporary concealment, and put it there upon the splash-board, probably unconscious whether it was there or not. Let us see whether the other facts of the case warrant such an hypothesis. If it had been done by any inmate of the house, I ask the Bench is it at all within the range of probability that there would not have been some traces of blood amongst the inmates of the house—although the evidence of the surgeon goes to show that the blood did not spurt out—that it would have been on their clothes, or their garments would have in some way been stained with blood? There is no evidence of the sort. Again, it may have been perpetrated by some instrument. We have it in evidence on the part of the prosecution—I must say not very satisfactorily, from what reason I do not know—we have an attempt to prove something about the knives, and yet we have no one to tell us that all

the knives were safe. I cannot help making this remark in passing, but at all events, as far as regards the theory I am now putting before the Bench, there is an absence of evidence as far as regards stains of blood or any instrument being found. There is an absence of anything to convict any one in the house of the murder. How did they get away? Were there any footmarks? It was a very remarkable fact—when or how it appeared is not in my recollection—but I believe it was stated by the prisoner in one of those many conversations which she had with the inmates of the house, with police-officers, and other parties, that she saw the marks of two feet upon the carpet in the drawing-room.

Mr. *Saunders*—It was Mrs. Kent.

Mr. *Ribton*—Stay a moment. If the Bench will look at the evidence given before the coroner, it is so.

The *Chairman*—Is the evidence before the coroner now in evidence before us?

Mr. *Saunders*—No.

Mr. *Ribton*—It has not been given in the regular form.

The *Chairman*—I cannot think that those who are concerned for public justice will abstain from furnishing it.

Mr. *Slack*—Not at all.

The *Chairman*—Before that observation goes further I should like to read the statements which she has made. Perhaps it will be as well to have them read.

Mr. *Saunders*—I have not read them. I have thought it was Mrs. Kent who stated that.

Mr. *Ribton*—It is in substance what I say.

The *Chairman* then read the statement. One portion of it was to the effect “that the impression of the body still remained, and the bed-clothes were placed neatly, as if I or his mother had done it. The piece of flannel produced does not belong to the house or myself. I went to his mother’s room, expecting she had taken him. I searched over the house and grounds; and in the drawing-room I noticed the impression of footmarks, like a man’s boot with hobnails.”

The *Chairman*—We have had that also before from somebody else.

Mr. *Ribton*—Yes, Sir John; I am much obliged to you. All I wish to draw attention to is whether the footmarks were in the drawing-room, and if that statement had been made by the prisoner. If by the prisoner only, it would have been open to this remark on the other side—“No other person saw them.” It is not so. Mrs. Kent, for whom everybody must feel the deepest sympathy, and who gave her evidence in a manner highly creditable to herself, has stated that she saw the footmarks in the drawing-room. She had not seen some impression which was not followed up by any other witness. We have it proved by a witness for the prosecution that that statement made by the prisoner was true, and that on the carpet there did appear an impres-

sion of men's boots. There were two footmarks leading directly to the window.

The *Chairman*—I don't think it is stated "leading directly."

Mr. *Ribton*—Well, close to the window. I will not put it in any improper way.

The *Chairman*—We have in evidence that there were footmarks in the drawing-room.

Mr. *Ribton*—Now, then, sir, my supposition is that the murder was perpetrated by a stranger. How came these footmarks there? Have the prosecution directed their attention to it? Are there any boots or shoes belonging to any inmate of the house having those sort of nails in them? Have they made any inquiries upon that matter? It is idle to suppose that such boots were worn by the prisoner. If they have not made inquiries, may I say that they have not been actuated by a general desire to arrive at the truth, but that their attention has been directed to one single object, viz. to prove the guilt of one particular party? At all events, there is this fact consistent with the view I have placed before the Bench, that there was a person secreted in the house to take an opportunity of removing the child in the way I have described. Were there no footmarks outside? Why, we had one of the boys yesterday before us; he says there were marks on the high grass, and he goes on to tell us that he made them the night before. If anybody had made an attempt to murder this child and take it to the water-closet they might have followed out the track he made—might have walked in exactly the same tracks made by the boy. Did any of the inmates of the house go out? By one of the witnesses it is said that there was no dew on the grass. There was very likely no dew upon the grass when examined by him, which may have been long after the sun had been up. But it is perfectly ridiculous to say that on any June morning the grass was not wet with dew. If any of the inmates of the house had gone out, were their shoes examined? I take it they were not. I must take it, then, that there were not traced the marks of dew or wet on any boots or shoes of any of the inmates of the house. If, again, this murder was not perpetrated by a stranger, which is perfectly consistent—if done by any of the inmates of the house—their shoes must have been wet. If not done by them, and done by a stranger who made his escape, it would be utterly impossible to examine the boots or shoes that he might wear. I will not trouble the Bench with any further remarks on this part of the question, except that, as with respect to the drawing-room, my friend asserted that the window could not have been left as it was described, except by some one returning into the house. He has utterly failed to prove that. Anything more ludicrous than that which has been called one of the points which my friend produced on that point of the case I have never heard. Without any proof at all of the matter on one side or the other, it must be obvious to anybody who has ever seen a drawing-room window, and knows what such

a thing is, that if the upper part is lifted up there is nothing so easy as for any one to put his hand in and adjust the bar and shutters, and, having adjusted them, put the window down. Just see how the prosecution have acted with reference to this point of the case. My friend was instructed that this window could not have been left in such a state except by some one in the house. Did they think it worth while to make the experiment? It was left to the two girls—the cook and the housemaid—for themselves, which they did on the second morning of this inquiry, and found that it was perfectly practicable. What did the prosecution then do? Having had their attention directed to it by these servants, they have them intrusted to the care of Mr. Superintendent Wolfe, who takes them to do it in his presence. They then say they are unable to do it in consequence of the wind. The witness is called before the Bench next day, and yet the prosecution never ask Mr. Wolfe whether he made the experiment himself. It is trifling with the interests of justice—I cannot tell whether the Attorney-General be the adviser or not—it is cruel to the accused party to have instructed and put evidence of this description before the Bench, and to ask them upon such reasoning and evidence as was advanced to come to a conclusion that the party accused ought to be committed for this crime. The Bench will quite understand that I do not mean to say that this crime was perpetrated by a stranger. I am not here for the purpose of pointing out who was the perpetrator—that is not the nature of the inquiry in which you are now engaged—but I have thought it my duty to direct attention to this portion of the case—to show that the hypothesis of this being an accidental murder, the original intention of the murderer being the stealing of the child, and this having been done by some stranger—that is, by none of the domestics or inmates of the house—by some persons who may have been actuated by revengeful feelings towards Mr. Kent—in doing it my only object is to show to the Bench that that hypothesis is one not in any one way, or from any point of view in which it can be examined, inconsistent with every fact that has been proved in this case from beginning to end. The third speculation which my friend indulged in in the course of his speech is, that the murder must have been done by more than one person. Is there any reasonable proof of that? How must it have been done by more than one person? Would it have been impossible for a strong and active man or woman to take a child of four years old in their arms, having taken some means in the first instance to prevent a cry, or stifle a scream? Would it be impossible for them to take the child out of its cot or crib, and out of the house? Where is the necessity for any assistance? The nurse, tired, as has been proved over and over again, by the labours of the previous day, up early with the sweeps, as proved by her paying them 4s. 6d. on the Friday morning—then scrubbing the nursery, not getting to bed till eleven o'clock, sleeping, as she said throughout, fully more soundly than usual—what is to prevent anybody to whom the house was known, or who had been in it before, to secrete



himself there in the evening, or some part of the day, and in the night alone, without any one to help him, steal into this chamber, and without disturbing the deep sleep of this wearied girl, taking the child from its crib, going down, opening the door, and then opening the window, and putting down the window in the way described, for the express purpose of creating an inference that it was not done by a stranger, but by somebody inside, and then carrying out this terrible crime to its final consummation? My friend's reasoning on this point is unsound in every particular. There is not one, who directs his attention for one moment to the subject, who must not see that it is perfectly possible, perfectly practicable, for this murder to have been done by one person without anybody on earth to assist him. But having, my friend thinks, to the satisfaction of himself, but, I apprehend very little to that of anybody else, laid down and proposed to prove that it could not have been done by one person, he then very illogically jumps to the conclusion that, if two persons, the prisoner must have known it. The hypothetical conjunction "if" contains within it the whole fallacy of my friend's argument. He must first prove that it could not have been done by one person. In that he has utterly failed, but without any reasoning to support it he comes to the conclusion of this hypothetic syllogism, viz. that the prisoner must have been the second person who assisted the other, whoever that other was. I need not remind the Bench, who are familiar with trials, that in the history of this country, in the darkest parts—when judges were corrupt, when witnesses were perjured, when persecution in every shape and form found its way into the criminal courts—I need not remind you that even then, at all events, the lives and characters of innocent parties were not in danger of being reasoned away in this fashion. Lord Coke, in his reasoning on this, says—and let it be remembered we are now considering a capital felony—"The guilt of a person is not to be proved by reasons, or by inferences, or by straining of wit, but by plain, and clear, and satisfactory testimony;" and yet my friend, having the whole weight of this most important prosecution upon his shoulders—having, as he says, the authority of the Attorney-General for what he is doing (although I take the liberty to doubt whether the Attorney-General knows the details of this evidence)—having all this before him, he ventures, upon the first day of this inquiry, with great ability no doubt, with great ingenuity unquestionably, but, and he will excuse me for saying so, he has the hardihood to ask the Bench, upon those reasonings, which, even if they are sound, are too fine-drawn to be applied in a criminal case—on those reasonings, which are plainly and palpably unsound, he has the hardihood to ask the Bench to take those explanations of his into account when they come to consider whether there is anything to warrant them in committing this poor girl for trial. I venture to say of this, as of his many other speculations, that they are utterly fallacious, and have fallen like an inverted cone, wanting the proper base to stand upon. These being, then, as well as I have

been able to see from analysing my friend's opening speech, all the points, as well as the speculative conjectures, which are contained in it, I will now take the liberty of directing the attention of the Bench to the facts which have been proved in evidence in this case. Now, let us see for one moment the course which these inquiries have taken. On the day immediately succeeding this terrible tragedy the police, of course, were alive; every inmate of the house, as my friend has truly characterised them, "that afflicted family," was of course in a state of the greatest dismay, alarm, excitement, and confusion. Inquiries were set on foot; everybody was examined, in the house and out of it; and the result of all was, not that any suspicion attached to that poor girl whose case I have now to plead. Her statements were heard, statements which have been proved to be consistent throughout. Her account of the transaction was heard, given as it was to many and to various parties. All she knew of it was told by her in an artless manner. Mr. Kent, the daughters, and Mrs. Kent were there; they were all there to contradict her if she had been guilty of anything that was untrue, and yet never for one moment was suspicion turned towards her. The result of all this was that one of Mr. Kent's daughters was sent before the magistrates. The magistrates heard that case, and most justly—I say so, if I may be permitted to offer my humble opinion—most righteously, in the strict and independent discharge of their judicial duties, the magistrates thought that there was not enough of evidence—nay, I dare say they may have supposed it was cruel upon such evidence even to have attached to that poor young lady the stigma, which never could have left her, that even in their minds there was a *prima facie* case to warrant a committal—they dismissed the case against Miss Constance Kent; and I repeat it, in the face of the country, in the face of the people, who are watching these proceedings from all parts of the empire, as I have a right to do, that without regarding the comments that might be made upon their conduct—being satisfied that they were discharging their duties conscientiously, they cared not what comments were made upon their acts—in the conscientious discharge of their duty they dismissed the case against the young lady. I say this, and I say it from my soul, they did it most righteously, because I shall have occasion presently to point out to the Bench that the evidence against Miss Constance Kent is considerably stronger than that against the poor girl now before you. (Sensation.) However, the prosecution having failed, and rightfully failed, properly failed, in bringing home anything like a knowledge of that transaction to the young lady, then it is that directions come down from the Home Office, then it is that the Attorney-General is consulted, then it is that Mr. Slack is imported into the case, then it is that these inquiries go on at Mr. Kent's house, inquiries of a kind, of a description, conducted in such a manner, and after such a fashion, that I am very much mistaken if they will not be denounced, reprobated, censured, stigmatised, by everybody who is capable of forming an opinion upon the subject, as utterly alien to the

spirit of the English law, yea, I will add, as subversive of every principle—of every known principle—of English justice. How is this inquiry, this inquisitorial investigation, conducted? There was a time in the history of this country when criminals or accused parties were placed on the rack. There was a time when they were subjected to torture—there have been cases of accused parties tortured to death—in order that some confession might be extracted from them. I ask, what's the difference between the inquiry conducted by Mr. Slack and the inquiry of a Grand Inquisitor surrounded by all his familiars, with the rack in the next room: what's the difference, except that instead of physical torture it was a species of mental torture that was employed by him to every witness who was called before him? How fares this poor girl—how fares Mr. Kent and all his family? Mr. Kent from the first, until these inquiries, was represented by a professional gentleman, for what purpose I am not here to say or speculate. Why was there an attorney at the inquiries to represent Mr. Kent—why was there an attorney at those inquiries at Mr. Kent's house? Did that attorney, representing Mr. Kent, truly facilitate the examination into facts that might have led to the truth? He acted as Mr. Kent's attorney, Mr. Kent's representative. We have it in evidence, and it is important it should be remembered, because I doubt very much—I mean to say nothing that can offend Mr. Slack personally in the discharge of his duty, as he believed conscientiously, and to the best of his belief, but I very much mistake if Mr. Slack's conduct in this transaction is not likely to come before another tribunal. Was Mr. Slack's inquiry of use to him? We have it in evidence that he has put questions, and for what purpose? We may be sure that it was not to damage his client. We have it in evidence that the questions were put, and Mr. Dunn interposed to prevent questions being put. Mr. Slack said it was an inquiry, not for the purpose of criminating any particular person, but for the purpose of arriving at the truth. What was the purpose? No reference to preventing that poor little child yesterday from being examined—that child slept in Mr. Kent's bedroom; and I say now, don't let the Bench suppose that I am attributing anything like criminality or anything of the sort to Mr. Kent. I have entirely a different object. That child slept in Mr. Kent's room. Mr. Slack made an attempt to examine her, and it was objected to.

*Mr. Dunn*—Mr. Ribton must forgive me interrupting him. Three questions were put to the child, and she returned answers utterly unfitting. She was asked if she went to church, and she said she did every morning. We know that could not be so, for the church is not open so many times in the week. She was then asked, "How old are you?" She answered that she was four years old, though she was then older. Then I asked her to spell Saville, and she replied, "Please, sir, I have not been taught that." Then it was I said I considered her incapable of giving voluntary testimony.

*Mr. Ribton*—I am glad that Mr. Dunn should have an opportunity of

explaining anything he may think proper, because it is in evidence that Mr. Kent interposed to prevent questions, and so that it may not be said that this inquiry was for the purpose of arriving at the general principle as far as possible in this transaction. That being so, the inmates of the house being examined by Mr. Slack—some of them stretched on the rack three hours, whose testimony here did not occupy half an hour—having heard their account of the transaction—having heard, collated, and compared them, and sought to draw inferences from them singly and in combination—this poor girl was not examined at any one of those inquiries. She was away. They knew where she was. She had left her address; she had not only told all in reference to her antecedent history, which was subsequently inquired into and found to be correct, but she had told them where to find her if they thought it necessary to do so. They do not do so. In her absence, by means of statements obtained from other parties by Mr. Slack, they unfortunately came to the conclusion of having a warrant issued for her apprehension upon a charge of either actually perpetrating this murder, or the assisting in its perpetration. They ask this, when it is known to the Bench that the main evidence, the only evidence against her now on which they request you to commit, when the only evidence of any importance consists of mere contradictory statements made up by the poor girl herself. I ask, would not it have been fair, would not it have been in accordance with every rule of law, as well as principle of justice, to have examined her in the same way as they examined the other servants, and have given her an opportunity of explaining what they now say is contradictory? I ask, are we going back again to the dark ages? Are we in Spain under the Inquisition? Do we live in Russia, where an autocrat—not now, but formerly—used to send people away to Siberia on the slightest evidence? Are we in Turkey, where a man's head may be struck off because he may look awry at the Sultan? Or are we breathing the atmosphere of this free, happy country? I say it looks very like a preconceived determination by which somebody who was not there when those inquiries were going on—who could not be there, and was not examined—as if there was a preconceived determination to get hold of a victim somehow or other. The police had been baffled in one inquiry; Mr. Slack was called in; public indignation, I may say, was roused and stirred to its very depths, at the thought that a crime of this dreadful atrocity could have been perpetrated, and that no clue could have been discovered as to the perpetrator. Does not it look very like as if this inquiry was conducted, not for the purpose of investigating or finding out the truth, not for the purpose, as I think I have heard from the learned Chairman, not as a general inquiry that might affect anybody and everybody, but with the object of finding evidence to affect somebody in particular? However, this girl is apprehended, and here she now is, and the Bench are asked, after an inquiry conducted in this fashion and manner, to do what? To send her for trial! I very much mistake the tribunal I have the

honour to address if they won't answer that appeal on the part of the prosecution—they'll not consent to allow themselves to be made the instruments of this terrible injustice—I very much misunderstand the spirit which actuates them. I have had the honour of appearing before more than one bench of magistrates—I very much misunderstand the spirit of justice which actuates the minds of that honourable and high-minded body of men who constitute the magistracy of this country, unless they will say, "If you come here to ask us to commit, show us two things—1st, that you have conducted the inquiry fairly; 2nd, that there is really any substantial evidence upon which we can take any such fearful step." I say fearful step, for this is not an ordinary case. It is not one of those cases where the magistracy may say, "Well, we have some doubt about the matter," or "There's some little suspicion about the matter; we may as well send the case for trial and let it go before a grand jury. It is very probable no jury would convict, but still we think we may as well send it, as there is a *primá facie* case for trial." It is not one of those cases; it is a case where committal must doom this girl to a term of imprisonment, whether long or short. The Judges will not admit to bail in a capital felony. It is a case not only that entails upon the prisoner an unjust punishment—for who is the enthusiast who is mad enough to believe that any jury would convict this girl of murder, or of participating in the murder? One of the consequences of your committal must be to doom her to an unjust imprisonment, longer or shorter; next, that you must stamp her with ignominy for the remainder of her life. There is no getting out of it—there is no use in disguising it—if once committed by the magistrates for trial, even though she may be afterwards acquitted, the stigma is left upon her that there was even a *primá facie* case, which warranted gentlemen of honour and independence in sending her before another tribunal. I have said something about the nature of the inquiry; now let me ask the Bench to see what is the evidence against her—the facts proved in evidence, upon which they ask you to commit. I certainly shall not trouble the Bench by going in detail through the twenty-four witnesses that, for the last three days, have been paraded here in court. I have searched through it and attended to it as it went on, and I think, unless I am very much mistaken, there are three points, and three points only, which can be said to press against her. They are not new points; every one of them was known, or might have been known, the very week after the murder. How are they pressed against her now? Is it because there is anything in the points themselves? Or is it because, having been put into the crucible of some ingenious reasoner, they have come out, after being subjected to this process of ratiocination as it were, in a different shape, stamped after a new fashion, and bearing a different value from what they did in the first instance? I venture to say, and I fully anticipate, that the Bench won't receive them in that fashion, but look at them as they were, well known to everybody long before this girl left the house of Mr. Kent. Well, these three points

are—the point as regards the blanket; the finding of the flannel; and that marvellous discovery in reference to the cot or crib. I must say I am unable to find any other point than these. The fact of her being in the room is nothing. Now let us see what they are worth. It is said the prisoner has made different statements about the blanket. Has she? Is that clear? Let us suppose for a moment that it is clearly proved. She said to one or two of the constables that she had missed the blanket, and she was asked, was anything else stolen? Her answer was, “Nothing but the blanket.” That is her answer before the body was found. Let us suppose it proved beyond all question. And she says she did not know the blanket was missing until the body was found. She has sworn that on oath. Why, these contradictions have long been known before she left Road-hill House at all—what’s the value of them? If I were to speculate upon them I should say, “It is very likely; she must have missed the blanket before the body was found. Grasping at the crib or grasping at the bedclothes, she must have found that the blanket was gone.” That is my own speculation—that she says so afterwards to the constable, who asked if anything was taken; she says nothing was taken but the blanket. The body, undoubtedly, is found afterwards with the blanket; and she says she did not know the blanket was missing until the body was found. There are various ways of reconciling it. In the first place, would the Bench like to attach any very great importance to any apparent contradiction which might be made in the statements of the inmates of that house on that morning, recollecting the state of anxiety, apprehension, tumult, in the minds of everybody? And who had more reason to be alarmed than this poor girl, under whose care the child was? And is it because in the hurry and distraction of that terrible day she may have had a doubt whether she missed the blanket before the body was found, or only had her attention directed to the fact that the body was wrapped up in the blanket, when it may have occurred to her that that was the first time she knew anything of the blanket? Surely, surely the Bench will look upon this case, and to some extent they are bound to do so, as a jury sitting here to sentence her to life or death; and will they attach so much importance to this trifling contradiction as to say that because, before the body was found, in her hurry and excitement she said that which very likely was true, though afterwards she thought she first missed it when she saw it wrapped round the body? I very much mistake if these gentlemen, hearing these facts, think there is anything new (seeing that it is one of the fallacious reasons by which my learned friend asks the Bench to send this girl for trial), when they consider the nature of the inquiry, and that Mr. Slack has never given her any opportunity of explaining the contradiction. If she had been called up and asked, like the other inmates of the house, “You said that on one occasion you knew that the blanket was missed before the body was found, and then that you did not know it till afterwards,” would not her statement have been among those papers wrapped up in that mysterious portfolio,

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and which are probably intended, should this prosecution fail, of accusing some other party? The learned gentleman then asked if it were not susceptible also of the explanation, that in regard to the exact words the constables might be mistaken, for it would be awful, in criminal cases, if persons' lives depended upon the *ipsissima verba* used by persons, whether police-constables or not. He then adverted to the next point of importance in his estimation, viz. the flannel. He had seldom seen anything so disgraceful in a witness as the evidence of the woman Dallimore, or more calculated to send a "thrill of horror" through everybody, and make them fear for their lives, their liberties, their characters. Then, to find that, at the close of this prosecution, the whole case was sought to be supported—that parts of it that were weak were to be made strong—by the evidence of such a woman! Her conduct had rendered her testimony in other respects utterly and entirely valueless. It was clear, if this unfortunate girl's petticoat had been taken out, and the child wrapped in it, it would not, as far as she was concerned, have carried the case an inch further. Could it be believed that the piece of flannel—which would fit any woman—would not fit the cook or housemaid, but only the nurse, although they were of the same size? Had the accused worn a flannel, or been subject to disease of the lungs, it must have been known to some of the inmates of the house. After alluding to the conduct of the witness Dallimore in the court that day, in somewhat strong language, he proceeded to consider the point in reference to the expression that the prisoner had not seen the child when looking from her bed to the cot. He asked the Bench if, upon the evidence before them, they would commit her? He knew they would not, from principles of honour, and independence, and conscientiousness, and not be moved by the opinions of persons out of doors. He next adverted to what he deemed the considerably stronger case against Miss Constance Kent, whom their worships had discharged. He alluded to the possibility of an experiment being made on the part of the prosecution to have the prisoner committed for trial, in the hope that something else would turn up which would warrant a grand jury in finding a bill. He then considered if there was any other person who, if there arraigned upon trial and the same line of conduct had been adopted as in the present instance, evidence of a considerably stronger character might not have been adduced in support of the case against them, subsequently directing attention, though not intending to cast the slightest suspicion upon him, to Mr. Kent. He then drew attention to the statement made by the nurse in reference to the supposition that Mrs. Kent had taken up the child, suggesting that she might have thought probably one of the young ladies from upstairs had, hearing the child restless, and knowing that medicine had been administered to it, have taken it to her own room, thus enabling her to sleep again. After touching upon the little value of the evidence given by Mrs. Dallimore in reference to the accused's conversations with her whilst under surveillance, he remarked upon the suddenness

of the manner in which the prisoner had at last been apprehended, observing that by committing her the ends of the prosecution might be directed to a great extent for further inquiry. He concluded by an appeal to their worship for the immediate discharge of the prisoner.

#### THE DECISION.

On the reassembling of the Court the *Chairman*, before the whole of the members of the Bar engaged had taken their seats, said,—The magistrates want an opportunity of reviewing the evidence, in order to state the grounds upon which they give their decision, which they at present cannot do.

Whilst waiting for the arrival of the learned counsel, as well as for that of some of the Justices, the *Chairman* inquired if there were any relative of the prisoner in the town.

*Mr. Ribton* replied that there were two—her uncles had come down.

The question was put for the purpose of ascertaining if the accused could obtain bail readily, if necessary. After waiting some minutes longer, and observing the anxious looks of the prisoner,

The *Chairman* said—I cannot keep you in such suspense longer. I will tell you that the upshot of the magistrates' decision is, that we do not propose to commit her. (The announcement was received with ready marks of approbation on the part of the crowded spectators.)

*Mr. Ribton*—I thank you, Sir John.

The *Chairman*—At the same time I cannot close the inquiry without making one remark. It is clear observations have been made—I don't say in your case at all improperly made—reflecting strongly upon the mode in which these examinations have been carried on, and I think it is our duty to express our opinion that we do not see anything like misconduct in the persons who have conducted those examinations. You are perfectly aware of what has been instanced of an examination taken here being very short and elsewhere very long; but there is no knowing through what amount of discursive evidence he had to grope his way. With regard to her Majesty's Attorney-General, I think he is strong enough to vindicate himself.

*Mr. Ribton*—You think he is strong enough to defend himself. I must say that, with regard to Mr. Slack, I have not the slightest word to say against him personally, and, if I have made any remarks painful to him personally, I am very sorry for it.

The *Chairman*—With regard to the prisoner—In circumstantial evidence it is perfectly true there may be a circumstance, and yet not sufficiently strong to uphold an inference, and it would be our opinion that it would not be just, really upon a naked *prima facie* case, to commit for six months to prison, and with that certain stigma upon her character, a young woman of previously unblemished character, as far as we are able to hear anything of it—that I do feel myself bound to



say—and who has exhibited such conduct as she has as far as it has come before us, as far as the facts and the natural evidence show. Considering how much curiosity she has been exposed to—the anxious inquiries of all the family, the officious inquiries of so many others, and the official inquiries of the police—it is very remarkable that we should see no appearance either of sullen reserve, or, on the other hand, of over-activity. As to the motive, or the class of persons by whom it may have been done, while we have seen Mrs. Dallimore was framing every hypothesis, she was continually called upon to frame hers. Though I have felt it necessary to say this, yet I do not say there is no material evidence before us which may hereafter, perhaps, with additions, be in some way or other acted upon, and therefore the decision the magistrates have come to is this—that, though they will not commit her for trial, they will bind her to appear if she may be required to appear again. As she has friends here, they have thought that sureties in a moderate amount may be required for her. What the circumstances of her father are I do not know. The amount we thought of was 100*l*. It may be either taken in a single sum, or two of 50*l*. each.

*Mr. Ribton*—There are two here.

*Mr. Dunn*, solicitor, of Frome, who attended on behalf of Mr. Kent, said it had been stated incidentally by Mr. Ribton that he (*Mr. Dunn*) had put questions to the witnesses examined by Mr. Slack. He said he put no questions; but as the inquiry was proceeding in his presence he said once or twice, "If you are searching for the truth, I consider that such and such a thing can be obtained from this witness."

*The Chairman*—But questions were objected to.

*Mr. Dunn*—Questions were objected to because I thought they did not tend to the interest of one person in the house.

*The Chairman*—As it has been publicly brought forward, I think he has been very ill-advised; painful and harassing as it was to a family whose obvious inclination, I think, would be that the very fullest and most searching inquiry should be instituted. We must all remember that there is the broadest possible distinction between those investigations which are to put us on the track and those judicial examinations which are to be conducted according to the rules of law, and to see if on this track we have found reliable evidence.

*Mr. Dunn*—I am sure you will allow me to say, after that remark, everything I have done and everything I have advised Mr. Kent to do has been to the best of his interests; and I must say that the questions I have objected to were such as never should have been put in Mr. Kent's house. I remembered that they were voluntary statements, and I requested the witnesses to refrain from such until they were asked in a public court. I have been acting under the advice of a most able member of the Western Circuit. With regard to this inquiry of Mr. Slack's, Mr. Kent consented to it, though they were not bound to submit to it, in order for the elucidation of the truth.

*The Chairman*—We have seen nothing in it but the elucidation of the most important truths.

Mr. Ribton—Perhaps you will allow me to say that I do not wish to say anything disrespectful to Mr. Dunn, but I must say that Mr. Kent might have been better advised.

Mr. Edlin—That having been said in my presence, I must be allowed to say one word. Witnesses are present to the unremitting anxiety evinced by Mr. Kent to afford every facility, by the magistrates, by the police, by every mode of investigation ; and it would be most detrimental to his interests if it were to go forth that he has in any way, or at any time, withheld information. It would convey what is not the truth, and therefore I trust you, Sir John—whom I have to thank for all that has been done in this inquiry—will allow me, and I beg it to go forth, to say that Mr. Kent has not offered any obstacle to the most full and searching inquiry.

The *Chairman*—I don't wish to say anything unkind ; but it having come under our notice that in the first instance the policemen were locked up in the kitchen, and until lately he refused a plan of the premises to be taken, it is impossible to say that he has been well advised on that point.

Mr. Edlin—One other word upon that. It is in reference to Mr. Kent and the plan spoken of. We did not know against whom it was proposed to take proceedings ; and had information been given us as to the parties it was required for, no obstacle would have been offered.

The *Chairman*—It would have been wiser, without knowing what use was to be made of it, to have allowed every publicity.

Elizabeth Gough was then discharged, and the recognizances were entered into. Mr. Arthur John Spackman, of Blackheath, uncle of Elizabeth Gough, became bail for her for the whole sum of 100*l.*, and he remarked that he was ready to take up a recognizance for 500*l.* for her appearance if it were necessary. Her other relative who was present was a brother of her father, a respectable tradesman at Oxford, named Gough. She did not leave the station immediately, but was to return home by the night train to London.

Considerable time was occupied, after the Chairman had retired, in reading over the depositions to the many witnesses, who afterwards signed their lengthy statements. All the witnesses from Road were fetched for the purpose.

The announcement of the decision was received with much approbation, and the result was telegraphed forthwith to all parts of the kingdom.

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The 'Law Times,' in an article on this subject, has the following remarks on Mr. Slack's investigation :—" At present the examination is only that which a solicitor makes when getting up his brief ; it is merely the preparation of the case for a public examination before the magistrates, and therefore the attendance of any witness is wholly

voluntary. The only ultimate result of refusal to give information to Mr. Slack will be that his brief must be *pro tanto* imperfect, and the examination of objecting witnesses will take place in public without preparation. Mr. Slack's office is not to judge or report, but simply as a solicitor, to collect evidence for a hearing of the case by the magistrates. But it would be desirable in such a difficult matter, and not disrespectful to them, if, on the occasion of the hearing, they were to be assisted by a counsel experienced in the criminal courts. The justices would be much aided by a practised criminal lawyer advising them in the character of an assessor. Of course nothing is known of the results of the inquiry so far as it has proceeded, save this, *that it is established beyond doubt that the murder must have been committed by an inmate of the house.* The guilt attaches, therefore, to one of eleven persons, but on which of them suspicion is to alight remains to be seen. The ground is cleared by this first step. The next step is, by the process of exhaustion, to ascertain against which of the eleven persons the probabilities most weigh; and lastly will come the most difficult task of all—to find *proofs* of guilt. We can, however, vouch for it that the investigation is confided to good hands."

The 'Observer' states that, besides the investigation carried on by Mr. Slack, another investigation of the Road murder is also on foot about which the public know nothing, but which is not the less likely to be successful because the utmost secrecy is observed. The Government, says our contemporary, is determined that no efforts shall be wanting, and no expense spared, to discover the perpetrator of this atrocious crime. The 'Observer' believes that the murderer will now shortly be discovered.

## APPENDIX No. IV.

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MR. SAUNDERS'S INQUIRY. — MR. STAPLETON'S LETTER TO 'THE TIMES.' — THE BRADFORD MAGISTRATES. — MR. SAUNDERS'S EXPLANATION. — THE TROWBRIDGE MAGISTRATES' INQUIRY RESPECTING "THE MISSING NIGHT-DRESS." — LETTER OF MR. WHICHER, THE DETECTIVE OFFICER.

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[From the Bristol 'Daily Post,' Monday, November 5, 1860.]

THE Road murder assumed a fresh and very extraordinary phase on Saturday, Mr. Saunders, the Wiltshire magistrate, having opened at Road a new examination, which is to be continued to-day. We prefer referring our readers for particulars to the report in another column, only imagining that they will be disposed to exclaim "What next?"

### EXTRAORDINARY INVESTIGATION.

THIS dreadfully mysterious crime, which has attracted so great a share of public attention, has entered upon a new and extraordinary phase. It was rumoured yesterday morning that a re-investigation of the case was to be commenced at noon that day, and, on proceeding to Road, we found that an investigation was in truth contemplated. The business, however, was managed so secretly that very few persons were present at the appointed hour. About half-past twelve the proceedings were commenced by Mr. T. B. Saunders, a magistrate of the Bradford division, who occupied a chair on the platform, where also Captain Meredith, the chief constable, was seated. Superintendents Foley and Wolfe were present, together with a strong body of the Wilts police.

Mr. Saunders rose and said that the proceedings he intended to take were adopted with the full sanction of the Bradford Bench of magistrates, who were not satisfied that nothing remained to be done towards discovering the crime or accident—he would not say murder—which had proved the subject of such great public interest for so long a time past. It was not his wish to refer to what had been stated by him at the Marlborough Session; for his propositions not having been sanctioned by the Bench, there was no occasion to say anything more about them. But this extraordinary mystery having in a way

become the duty of every one to assist in investigating it, and the many examinations and inquiries having failed to fix the crime upon any one, he certainly thought that he was justified in doing what he could to bring the affair to a proper issue. In this opinion his brother magistrates fully agreed. The Bradford Bench consisted of six magistrates, three of whom were also in the commission of the peace for Somerset—the remaining three, of whom he was one, being for Wilts only. At a meeting of the Bench, held on Saturday, it had been unanimously decided to sanction his proceedings, so that all responsibility was shared in by the Bradford Bench of magistrates. He might also add that his acts were taken with the full knowledge of the Home Secretary, who had communicated to him in a correspondence he had written him that it was his duty to afford every information and assistance in his power in discovering the crime. Under those circumstances he was there now for the purpose of inviting most publicly all and every information that could be adduced in elucidation of this mysterious case; and in that object he thought it was the duty of every one to assist him to the utmost extent of his power and ability. If any blame were found with his proceedings, he was quite ready to assume it all; for, as he had said, he was sanctioned in his proceedings by the magistrates of the county of Wilts. He had no connection with any authority in London or elsewhere, and his proceedings were simply as he had stated them to be. He was on this occasion supported by Captain Meredith, who had most handsomely placed himself and his whole force under the orders of the Bradford magistrates, as soon as he had been communicated with on the matter. He might further say that he (Mr. Saunders) was most sanguine in his hopes that something would be gained during this investigation which might possibly facilitate the ends of justice. He might also refer to the several charges and examinations which had taken place in connexion with the case; but there was no occasion to do so further than to say that, at the conclusion of the recent prosecution at Trowbridge, it had been stated that all the evidence had been brought forward.

Captain Meredith stated that what had been said was, that that was all that could be then adduced.

Mr. Saunders, after thanking the chief constable, proceeded to remark that, up to the present time, then, there was nothing more to be given in evidence than had already been given. Now, he candidly told them that he thought otherwise. As some of them were aware, he had been many a day, and many a night too, travelling their neighbourhood, trying all he could to discover something more; and he thought he should be able to show that there yet remained a great deal to be made public, with which the public, and perhaps the police too, were not acquainted. It was on the 1st of September that he first wrote to the Secretary of State regarding this case. On the 3rd of September, he believed, Sir George Lewis received the Bath memorial, but of that he knew nothing. On the 5th he had a reply from the Home Secre-

tary, in which the latter intimated that he should communicate any information of which he was possessed to his brother magistrates. He did communicate this information to his brother magistrates, and afterwards to the justices for the Trowbridge division. After some further remarks Mr. Saunders said that what he first purposed to do was to take up the matter previous to the 29th of June, and endeavour to clear up what certain persons had been doing the day immediately preceding the 29th of June. He then called upon Mr. Arthur Langley to step forward.

Mr. Langley, however, not being present, a policeman was despatched to request his presence.

Mr. P. Fricker, a plumber, was then called. He made a statement to the following effect:—I have not been examined before. On the Wednesday before the 30th of June a lamp was brought to me from Mr. Kent's for repairs. It required a pane of glass to be put in. The boy Alloway came for it on the same day, and said that his master wanted it very particularly. As I was rather busy, and thinking Mr. Kent could not want a lamp very much in the summer time, I did not do it. On Thursday Alloway came three times for it. I let him have it on Friday. It did not strike me at first that there was anything singular in this particular hurry for the lamp in the summer time, but it has since.

In reply to Captain Meredith, Fricker said that he did not know whether Mr. Kent was at home or not at that time. The boy said that his master wanted the lantern very particularly.

Some conversation here ensued as to the best means of learning whether Mr. Kent was at home or not.

Mr. Saunders inquired who fed the dog.

There was no reply.

In reply to Superintendent Wolfe, the witness said that he remembered that officer and Mr. Foley coming to him, and that he told them what he now stated. He was quite sure that the boy had used the words, "Master wanted it (the lantern) particularly."

Mr. Saunders inquired whether any one present could tell whether Mr. Kent had slept at home during the nights in question.

No reply was given.

Mr. Saunders said there might be other means of clearing up this point. Did any one know if Mr. Kent was at church on the Sunday previous to the 29th of June?

Several persons replied in the affirmative.

After much talk on this point,

Mr. Wolfe said that Fricker had not before made any reference to the words that Mr. Kent particularly wanted the lantern.

Mr. Saunders thought that was essential to his proceedings. They had now a fact which had not before been stated.

Captain Meredith suggested that the statement originated with the boy.

Mr. *Saunders* said he made no inferences from questions of fact. He then read a written statement, which *Frieker* said was the substance of his evidence. In addition to what was previously given there was a statement to the following effect:—On the Saturday after the day of the murder I was sent for to examine the pipe of the water-closet, and in going into the kitchen for a candle to do so I saw the nursemaid, who asked me what I required a candle for. I said to look under the roof over the cistern to see if I could find anything there. She said she was sure I should find nothing there.

It was submitted that this was the first time mention had been made of this latter circumstance.

In reply to Mr. *Saunders* the witness said that what had been read was correct, and he would be prepared to swear to it in any court in the kingdom.

Mr. *Happerfield*, grocer, and postmaster of Road, was next called. The substance of his statement was that he had received a certain letter from a certain person, in which a party confessed to a participation in the murder. He (Mr. *Happerfield*) was only the second person in the matter, and, of his own knowledge, he would not be able to prove what was required. The person who was able to do so could not attend to-day, but would do so on Monday.

On this matter a very lengthy discussion took place; but as Mr. *Happerfield*, Mr. *Saunders*, and the police only were in the secret of the letter, the purport of the conversation did not appear. Ultimately the matter was adjourned till Monday.

*James Holcomb*, coachman to Mr. *Kent* (who had been sent for to speak as to Mr. *Kent's* whereabouts during the week ending the 30th June), here appeared, but he was not able to say whether Mr. *Kent* was or was not at home during the days and nights in question.

Mr. *Happerfield* said the jury at the inquest had a grievance which they wished to complain of. He had spoken to nearly all of them, and they all expressed their willingness to attend.

The jurors' names were then called over from a list which Mr. *Saunders* possessed, but only two at first appeared.

Mr. *Happerfield* said all would come if they were requested.

Mr. *West*, one of the jurors, said he was not at all satisfied with the way in which the inquest had been conducted. It was a partial examination. The jury, having examined the locks and bolts on the doors and windows, had come to the decision that the murder had been committed by an inmate of the house; and that, therefore, every one of the household ought to have been brought before them, and even placed under arrest.

Mr. *Martin*, another juror, said he wished to state that he had heard that Mr. *Parsons*, the surgeon; the Rev. Mr. *Peacock*, the foreman of the jury; and Mr. *Sylvester*, the coroner, had something to do with hushing up the matter, and that had it not been for them something more would have been done at that time. He had also heard that a

tradesman of Road had been warned off the jury, so that Mr. Peacock might be warned on. After hearing that statement he could understand the whole affair.

In reply to Mr. Saunders, Martin said that the person who had been warned off was Mr. Nutt, sen.

*Morgan*, the parish constable, here stated that another person besides Nutt had been warned off by him. He had been asked by a man's wife to excuse her husband from attending, as he wanted to go to Westbury that day.

Mr. *Saunders*—Do you know who was put on in his stead?—No, I do not

I dare say I can tell you—I know all about it. Was it Farmer Dew?—Yes, it was, sir.

Then, if your list had remained unaltered, Mr. Peacock would not have been on the jury?—He would not, sir.

Considerable discussion ensued here, from which it appeared that Mr. Happerfield (who had been parish constable) had advised *Morgan* to summon "men of judgment" as jurors, and that *Morgan* had accordingly done so, substituting the Rev. Mr. Peacock for Mr. Nutt, shoemaker.

Mr. *Arthur Langley* now appeared, and stated, in substance, that on the night before the murder he saw Mr. Kent standing in a field near his house. He watched him for nearly five minutes, and he did not move.

*Ann Stokes* was next called. She said—On the day when the nurse was examined here—the 14th of July—she was in our house before she was called in. The magistrates having gone up to Mr. Kent's, I remarked to Inspector Pitney and the nurse that there must be something found out. Mr. Pitney went outside, and on his return he said he thought so too. Upon this the nurse became very excited, and walked to and fro in the room. Pressing her hands to her side, she said she felt as if the blood had gone from one side to the other. She also said that she could not hold out much longer, and that she could not have held out so long but that Mrs. Kent had begged of her to do so. Some time after she remarked that she had since the murder pulled some gray hairs from her head, which she had never done before, that no one knew how she suffered, and that if anything else occurred she thought she should die.

Mr. *Pukan*, a carpenter, was called to give evidence as to the construction of the closet in which the child was found; but, as he only spoke from hearsay, his statement was of no importance.

P. C. *Heritage* made a statement relative to the garden-tools, which were all about. There was a mowing machine in the back garden, which he saw Holcomb use. Saw the scythe on a tree near the closet door on the 3rd July. Did not examine it closely, but saw there was nothing particular about it. Gave no evidence about this before. Had told no one of it until now. They were searching for the knife.



It was stated that the scythe could not have produced the wounds found on the body of the deceased child.

P. C. *Urch* gave some unimportant evidence relative to the locking in of the constables in the kitchen, and about the scythe.

Inspector *Pitney* said—On a day subsequent to the 29th of June Mr. Kent and myself were in a room together. A conversation took place, which I reported to the chief constable. On the day after Miss Constance's discharge I said to Mr. Kent that I had come to make an investigation of the house. He said we had been long enough in the house, and that it was time we should make a search outside the house. I asked if any one bore him ill-will. He said Nutt did, because he had prosecuted him; that others also did, because he had stopped them fishing in the river, and from going through the grounds. These things, he said, were eyesores to the people, and that therefore they were very much against him. He then referred to certain parties, and expressed a wish that they should be looked to. I said it should be done. I made an investigation, and I found the public feeling to be the reverse of what Mr. Kent had stated it to be. I found that he was considered to be reserved, and but little known. Mrs. Kent, and the Misses Kent, were, I found, much liked and respected.

After some desultory discussion Mr. Saunders and Pitney made statements somewhat to the following effect:—On Wednesday evening last, between six and seven o'clock, they and another person were walking in a field leading to the Tellisford-road. They noticed a young lady, dressed in black, with a white petticoat, coming towards Mr. Kent's, and they watched her. At first she made as if she would enter the gate; but she passed it and went on, and then came back, and at last went in. Shortly after Mr. Saunders saw a light in a certain room of Mr. Kent's house, and in the window a reflection as of a lady doing up her hair, as if she had just taken off her bonnet. Thinking somewhat of the incident, he directed Pitney to make inquiries as to who the young lady was; but he could only discover that she was not one of the Misses Kent, as the latter had not been seen wearing a hat (as the young lady did) since the death of their brother; neither was she a servant.

P. C. *Dallimore* cited many statements.

Mrs. *Quance*, an elderly person, living very near to Road-hill House, was then examined by Mr. Saunders. She said that it was not a fact, as suggested by Mr. Saunders, that her husband, on getting up on the morning of the 30th of June, saw Mr. Kent walking in his grounds. Her husband had never told her so; and whoever had told Mr. Saunders that she had said so had told a falsehood. From their window they could not see Mr. Kent's grounds at all. All she knew about the matter was what everybody else knew; and she was sure it was committed by somebody in that house. Did not know the ivy on the wall of Mr. Kent's house, and was not aware whether or not the servants were accustomed to climb up and down to the window by this ivy. Mr. Kent had been living at Road about four years, and during that time he

had had, she was sure, a hundred servants. Some of the servants might have climbed up the ivy, and she might not have known it.

It was then stated by Mr. Saunders that he had received from a person who stated the fact as within his own knowledge, that the servants had often been known to climb up and down the ivy on the walls. He asked if anybody present had tried? It seemed as if it would be very easy to reach the bedrooms by that means.

Mr. *Foley* here said that he had tried the experiment, and found that it was quite impossible; the ivy was wholly insufficient to bear the weight of any one.

Mr. *Saunders* then said he had another fact to communicate. On the 29th of June, at night, two young men had gone to a certain house in the village to call on the occupier. That person was rather unwell, and therefore, in order to get them to go the quicker, had put the clock on two hours. These two young men, whose names were Greenhill and Francis, had stayed until very late, until by the clock it was one in the morning, and they then in going home had seen a light in Mr. Kent's house. Although they believed this to have been the time of night, yet in reality it was only eleven o'clock, and thus the rumour which they had heard had come about.

Captain *Meredith* here said that a light was usually burning in the hall all night.

A conversation ensued, in which Mr. Saunders referred to a letter to Captain Meredith of very considerable importance. He said the letter to which he referred was not anonymous, but had the writer's full name and address.

Captain *Meredith* said that so intense was the interest universally felt in this murder, that he had himself received nearly two hundred letters from persons in various parts of the country on the subject; nearly all of them, however, were anonymous. Only a few days since he received a letter signed by a person who gave his address in a town in Wales, owning to having himself committed the murder, and offering to come forward. The crime had attained quite an European celebrity, and he had received information from the Continent which showed that there was as great excitement prevailing on the subject in Paris as in this neighbourhood.

Mr. *Saunders* expressed his full concurrence with Captain Meredith in his remarks on the importance which was attached to this event.

It being now past five o'clock, it was agreed to adjourn until Monday, when it was understood that several fresh witnesses would be examined, and new facts elucidated.

The interest manifested towards the close of the proceedings was great, and it is expected that to-day there will be a large attendance from the neighbouring towns.

*Tuesday, November 6, 1860.*

YESTERDAY morning Mr. T. B. Saunders, one of the Wiltshire magistrates, resumed his self-imposed inquiry into this mysterious tragedy, at the Temperance Hall, Road; and so far from the proceedings of the day tending to solve the mystery with which it is surrounded, they will only, in our opinion, result in making the case more inexplicable than ever. The inquiry was conducted in a most extraordinary manner, and had more the semblance of an ordinary chit-chat than a magisterial investigation. The only official persons present were Mr. Saunders, Superintendents Wolfe and Foley, and Inspector Pitney, and no minutes were taken of the voluntary statements made.

At eleven o'clock Mr. T. B. Saunders opened the court, when there were but a few persons present, comprising three reporters and two gentlemen from Bristol. No other magistrate was in attendance. Addressing those who were present, Mr. Saunders said that he had some important business in connexion with the inquiry to transact in the town, which would occupy him about half an hour, and he would therefore adjourn the court until twelve o'clock. Shortly after that hour Mr. Saunders entered the room, and, after inquiring if any other magistrate had arrived, said, "It is now one hour and two minutes since I was in this room;" and then turning to the few persons who were in the room, said, "I must wait a bit for some other gentlemen; I am extremely sorry to keep you, gentlemen, but I must not begin a thing and do it incorrectly."

Mr. Superintendent *Foley*—Hadn't you better adjourn for half an hour, sir?

Mr. *Saunders*—Oh dear, no. I will adjourn for a few minutes. I see that there has been a domestic affliction, since Saturday, in a gentleman's family, whose shutters I have seen up—I mean Mr. Happerfield; and I have promised him to do the best I can to relieve him from coming out to-day, under his domestic affliction. Turning to Mr. *Foley*, he said, "If a magistrate comes either from Wiltshire or Somersetshire, tell him I shall be in the neighbourhood, and shall be here directly to take the chair at that table" (pointing to the head of the room). He then left the hall, and after an absence of about half an hour he returned, and casting a hasty glance into the room again suddenly disappeared. At a quarter to one o'clock he returned, and, on the audience (which had now considerably increased) exhibiting some tokens of applause, Mr. Saunders entered the room, and advanced to a raised platform at the upper end of the room, where he took his seat at a table. He then opened a bulky portfolio, from which he produced various papers and a note-book, and from his pocket came forth a bottle containing a liquid which had very much the appearance of brandy. [It might have been cough mixture for aught we know.] He poured a small quantity into a tumbler, and, having diluted it with

water, placed it upon the table before him. He sipped frequently from the glass during the inquiry, and ate several biscuits.

Whilst making these preparations he said he was not at all surprised at their impatience, but the proceedings had been delayed from a desire on his part that some of his brother magistrates should have an opportunity of being there. He said he had that morning sent a private messenger to a friend of his, asking him to see a gentleman who was both a Wiltshire and Somersetshire magistrate, and requesting him to attend if he possibly could, but he had received no answer to the message. Again, as late as ten o'clock the previous night, he was in the village of Freshford, and he had sent a messenger to Mr. Bythesea, a magistrate who acted for both the counties of Wilts and Somerset; and that morning he had sent a verbal message to Mr. Bradney, as he had not time to write, and he had an answer to that saying Mr. Bradney would be there. The time named was eleven o'clock, and he was exceedingly sorry they were not there. He was also sorry that the chief constable of the county of Wilts was unavoidably engaged elsewhere, but he had the satisfaction of knowing that the chief of police of Bath, and a confidential man in his employ, were now on special service, making inquiries into the mysterious case which happened on the 29th or 30th of June at Road-hill House. He then observed that at eleven o'clock he had adjourned the court—court he could not call it at present, as there was only one magistrate. What he had said on Saturday he was prepared to corroborate. He was there representing—so far as it was possible for one magistrate to represent another—five, or six, or seven magistrates; he thought he might say six, at least, principally of the Bradford division, three of them being magistrates of the two counties, and the remainder of the county of Wilts. Of course Mr. Hughes was there with the sanction of the proper authorities of Bath. He was anxious not to create a misunderstanding; that proper authority, or the party he believed to be such, he had seen face to face, on which day he did not at that moment recollect, but it was easily discovered; it was on Thursday or Friday evening last. Turning to Inspector Pitney, Mr. Saunders said, "Pitney, just refresh my memory."

Mr. Inspector *Pitney* said it was on Friday evening.

Mr. *Saunders*—Then it was Friday evening. He went on to state that he wished to place matter of fact—he meant he did not wish to misstate any circumstance. What was locked up in his breast—and many circumstances were—was of a private nature; and which he could not consistently with the cause of justice divulge. All he could divulge with propriety, if any one asked him a question, he would, whatever was thought by individuals of those proceedings, if it tended to elucidate that mysterious case. On his own responsibility, as a magistrate of the county of Wilts, he would receive there, openly and plainly to the face of day, any statement that might be proffered. He then referred to the statement he had made on Saturday, observing

that it was in accordance with the wish of some of the respectable inhabitants of the place that he should sit at the Temperance Hall. On Saturday, he said, Captain Meredith was sitting on his right and Mr. Hughes upon his left, with the officers—[Here Mr. Saunders was interrupted by the noise made by some lads who had gathered round the open door, and he said, "That noise must be kept still; send 'em off. All children under seven years of age must be taken home by their parents"]—with the officers, with numerous officers of their respective forces. Captain Meredith had placed himself under his orders, and Mr. Hughes rendered efficient service in his capacity as chief of the Bath police. Mr. Saunders then adverted to the assistance he had received from Mr. George W. Sheppard, whom he said he had known for many years, and then said, "I am now prepared, from circumstances which are lodged in my breast, from information I have received during three afternoons and nights—a portion of three nights—from private information tendered to me voluntarily, I am prepared now to go on with this case in any way tending to the interest of public justice. I have not really had time to look through what I took in evidence, in writing, on Saturday, but I have the satisfaction of knowing that a very correct report, as far as I have read it, excepting one or two trifling errors of the press, which was excusable in the hurry, has been presented to me since I came to this place." Inspector Pitney here handed him a copy of the 'Daily Post.' Mr. Saunders then produced a letter from his portfolio, and begged those present to excuse him a moment or two, for he really hadn't read it. He then sat down and perused it, observing that, though it was not marked private, he had better not read the whole of it. He read—"My dear Saunders," and said they would, therefore, see that it was from an intimate friend; it was Mr. Sheppard, who was there on Saturday. He then read from the letter—"I sincerely hope the investigation you have entered on will lead to an elucidation of the mystery;" and, after observing that there came something private, read on, "If so-and-so wished to do so-and-so, then it would show that so-and-so was guilty of the offence. I send you the Oxford University letter," which, of course, said Mr. Saunders, was not in reference to the case. He then said he had given no *résumé* of the case as heard on Saturday, for he had not time to go through the short minutes he had taken. He had purposely entered into no examination on oath. That, he said, was not a private inquiry, but public to all the world. He thought that he would now give a short *résumé* of the matters that came out on Saturday from recollection, for he could assure them that he had not read through his minutes since taking them, for yesterday (Sunday) he went by the first train from the town of Bradford to Bath, and saw persons there in authority, and afterwards saw persons from the lower part of the county of Somerset; then he went to Frome, and between ten and eleven o'clock walked to Bradford. Mr. Saunders several times pulled out his watch, and, observing that it was then one o'clock, said he would

proceed to give them a *résumé* of Saturday's proceedings, and observed that he had commenced his investigation by endeavouring to get facts from the Sunday previous to the 29th of June. Mr. Saunders then produced a small almanack from his pocket, which he said a gentleman in Bradford had kindly given him—an almanack called the 'Bradford-on-Avon Almanack and Annual Advertiser for 1860,' a very useful little book. He did not mention that fact with a view to any benefit to it, but he was going to purchase it, only the gentleman presented it to him, and he said, "All contributions thankfully received." Mr. Saunders observed in a disconnected manner that the almanack bore his private initials, and, referring to some dates in it, he said he hoped that if they were erroneous they would tell him of it, and stated that there was an instance of an almanack having been fabricated in Ireland for the purpose of saving a man's life. He then continued—Assuming that, then, to be a proper almanack for the year of our Lord 1860—if he was wrong in any respect he would be extremely obliged to any gentleman that would correct him—(a laugh). Then the 24th of June, third Sunday after Trinity, was there (looking at the almanack) put Midsummer-day. Now at Midsummer-day he proposed to commence, and he must then look to his notes. He wished to go over none but new ground, so as to facilitate business, and for that reason he was there again that day instead of being at Bradford-on-Avon Town-hall, to which place he had intended to have adjourned the investigation, but at the wish of several respectable persons in that place he had adjourned it till twelve o'clock that morning at that hall. He had been asked to facilitate business by having it at eleven o'clock, and he was there at the stroke of the clock, or within five minutes. "If I mistake anything," said Mr. Saunders, "it is unwittingly, and let me, for God's sake, be corrected by somebody and interrupted. If I am correct in my impression—and I am happy to say, from the investigation I took, I have most of the facts at my fingers' ends—I think there was a person who volunteered evidence on Saturday that Mr. Kent—evidence I mustn't say—made a statement that Mr. Kent was at church on the previous Sunday (Midsummer-day) with the little boy who was unfortunately found afterwards in the receptacle. That person, I now think, was Mrs. Webley: is she here?" Mrs. Webley was called by the officials, but did not put in an appearance. Mr. Saunders: Is she near at hand? There was no reply. Mr. Saunders: If anybody goes for her let them call on Silcox, who lives near the lane that leads up to the pound, with my personal respects. A Voice: She is here. Mr. Saunders (standing up with his "mixture" in his hand): Inspector Pitney, I particularly wish to see Mrs. Orchard to-day with the least inconvenience to herself. I never saw her, to my knowledge, before Saturday. She was the first person, or the first female, I addressed here on that day.

Mr. Foley—I will send for her, sir.

Mr. Saunders—Mr. Pitney will do it if you please; he is the inspector of the Bradford division.

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Mr. *Foley* observed that they were all in the Wiltshire force, and anxious to serve him.

Mr. *Wolfe* also stated that the chief constable was absent on most particular business.

Mr. *Saunders*—I said so, didn't I? The chief constable could not possibly be here. I think I saw Mr. Bradney's face go by the window.

Mr. *Foley*—I will go and see, sir. Mr. *Foley* went out of the room, and on returning,

Mr. *Saunders* said—Perhaps I was in error.

Mr. *Foley*—I think you were, sir.

Mr. *Saunders*—Mrs. Orchard is sent for, and it is satisfactory to know that nothing but the most urgent matters, which I am not acquainted with, require the attendance of the chief constable of Wiltshire elsewhere. Now, I wish to begin with Sunday, which I think Mrs. Webley speaks to. Am I right, gentlemen? Am I right, Mr. *Wolfe*?

Mr. *Wolfe*—Yes. She made a statement that she saw Mr. Kent and that unfortunate boy at church.

Mr. *Saunders*—Yes, and that she sat near him at Road-hill new Church on Sunday, the 24th June, at divine service.

Mr. *Wolfe*—That is right, sir.

Mr. *Saunders*—Good! I should like to have her here, that it might be stated by her. Her Christian name is Judith Webley, and I see I have her on my paper fourth, but I have put her purposely first. It will be remembered that it was suggested on Saturday by the chief constable that Mr. Kent was on a visit of factory inspection on or about the 29th of June.

Mr. *Wolfe*—Some time during the week preceding the occurrence.

Mr. *Saunders*—It was also stated that a certain boy was sent with a certain lantern, and that Mr. Kent could not have sent him, because he was on a factory inspection.

Mr. *Wolfe*—That is so, and you will remember that we sent for the coachman on Saturday.

Mr. *Saunders*—I particularly exempt myself from that plurality of "we." I did not. The constabulary sent for the coachman. I have laid down to myself the exact line of my proceedings; therefore I will conduct the investigation in my own way this day, and no one will sit with me on this bench this day, unless he be a county magistrate either of Somerset or Wilts.

Mr. *Wolfe*—It was we of the constabulary that sent, sir.

Mr. *Saunders*—That is a troublesome matter of fact. I mean to exempt myself from that "we."

Mr. Inspector *Pitney* shortly afterwards came into the room, and said that Mrs. Orchard was not at home, but that she had gone to Norton; and that Mrs. Webley was not there either.

Mr. *Saunders*—I do not want to hamper this investigation with more

statements than are necessary. Now, Pitney, you know me to be a matter-of-fact man. Mr. Wolfe was informed—and I take that information for granted—you know me, Pitney?

Mr. Pitney—I do, sir.

Mrs. Webley here entered the room, and was requested by Mr. Saunders to step forward.

Mr. Saunders then said to her—Your name is Judith, I believe?

Mrs. Webley—Yes, sir.

You stated on Saturday that you saw him—that is, Samuel Saville Kent—and his little boy, Francis Saville Kent, at church on Sunday, the 24th of June—the Sunday previous to the 29th. Is that correct?—It was before he was killed on the Friday night afterwards, and my husband saw him as well as me, and a great many more, and he has not been now for three Sundays.

I am much obliged to you. Is there any one here can give me any account of Mr. Samuel Saville Kent's proceedings on the Monday after Midsummer-day? Is there anybody in this room who saw Mr. Kent on the 25th of June? Let him speak out, without fear, favour, or affection, and be kind enough to make that inquiry among his friends. Is there any one here that knows anything of his proceedings on that Tuesday? Let him make a like inquiry among his friends. Is there any one here who said, on Saturday, anything about Kent's proceedings on the 27th June? Is there anybody—is there anybody—do they know anybody? My memory fails me. Now I come to the party that was brought here by "we," and not by me—rather by "us," and not by me. It must be in the third person to turn it into good grammar, not finding fault with Mr. Wolfe, because he said it with good grace.

Mr. Saunders again pulled out his watch, and said it was a quarter past one o'clock. He then continued—Well, now, I would like somebody, if they know the fact, to inform me, openly and publicly, if they saw, or heard of, or know of any one who did see him on that day? Surely, among this numerous assembly, somebody must have seen him.

After a pause,

Mr. Saunders said—As there is no answer, my memory informs me that Holcomb, whose Christian name I do not know—Holcomb the gardener—now is there anybody who saw him at home on the 28th? (A pause.) Well, why don't the people say? Now, Holcomb (the speaker was here interrupted by a child squalling in court)—

Mr. Saunders—That child must be moved.

Mr. Foley—Take that child out.

Mr. Saunders—Not if it will be quiet. Now, Holcomb was sent for on Saturday, not by "me." He stated that he was gardener to Mr. Kent, and that on the 29th his master was at home. On the 28th he was at home also. He also stated that on the 29th he was at home, but that his master had gone out for a day, which day he did not know, or perhaps recollect. I don't intend, myself, acting advisedly, to



require the attendance of Holcomb, for private reasons; but if it were my belief that it would be conducive to the due ends of justice I would do so. The 29th is that mysterious night, or rather the day of that mysterious night, preceding the following morning of the 30th; and we must, if possible, see this lady, Mrs. Orchard, who, I am informed, is gone to Philip's Norton. Is there anybody belonging to her at home?

*Mr. Pitney*—The house is shut up, and the curtains are down.

Then how did you ascertain she was gone to Philip's Norton?—From a neighbour, sir.

A man in the room, named Martin, here rose, and said he had been informed that she was gone to Norton:

*Mr. Saunders*—Mrs. Orchard I must have, if I sit here till 12, or till to-morrow. I am much obliged to you (addressing Martin), but "telling" or "informing" don't do for me.

Martin said a person named Greenhill, if he was there, would be able to corroborate the fact to which he had spoken.

*Mr. Saunders*—This is the 5th November, the anniversary of a most important event in the annals of England.

*Mrs. Silcox*, an aged woman, was here led up to the top of the room, and

*Mr. Saunders* said he never saw her till Saturday morning last, when he asked her where Mrs. Orchard lived, not knowing who she was. He then continued—She communicated to me what, to my mind, was most important. Perhaps my mind is rather opaque, but most important was the information I received from Mrs. Orchard. Therefore, Mrs. Orchard I particularly wish to see. I think, now, I have brought the matter to the 29th; and here, perhaps, I ought to go backwards. After Mrs. Orchard I must have No. 3 (referring to the number of the witness which he had in a book he had produced), Mr. Francis, of Southwick; No. 4, Mr. Greenham (*a Voice*: Greenhill)—Greenhill—thanks—of Road Hill. I won't go into extraneous new matter, but, as Mrs. Silcox is present, I will take her, No. 5. You and I (addressing Mrs. Silcox) had a private conversation in your own house the other evening—one evening last week—with reference to certain things you saw and did at Road Hill House on the morning of the 30th June.

*Mr. Saunders* then requested the witness to be seated, and, having been seated, he said to her—Now, will you state here in public what you told me in private? Who sent for you? Were you asked to go to a certain place by a certain person?

*Mr. Saunders* (addressing Inspector Pitney) here exclaimed—Just sit there; I cannot have you looking in her face.

Inspector Pitney then moved to another seat.

*Mrs. Silcox*—I believe, when I was sent for, the policeman said Mr. and Mrs. Kent had sent for me.

*Mr. Saunders*—Who was that policeman?—It was our own policeman. Was it Heritage or Urch?—I think it was Urch.

Urch is the Somersetshire policeman, do you know? What time was it? Was it in the morning?—It was after tea, if you recollect, sir.

Yes, yes; I have so many things to go through my head. What time was it?—Between four and five in the afternoon, on Saturday, the 30th June.

What did you see and do?—or, stop a moment. Urch asked you at the request of Mr. and Mrs. Kent? Am I right?—I think so.

Don't flurry yourself. I will give you half an hour.—No, sir; I ain't able to.

Then you, Mrs. Silcox, say it was between four and five, that is, after four and before five, that you and Mrs. Holcomb, the coachman's wife (*a Voice*: No; the coachman's mother), were to go in and do what was requisite to the child?

*A Voice*—It was a charwoman.

Mr. *Saunders*—I have been told myself, from certain private inquiries, when I went by the house, and called at the top of the hill, I was told by somebody, in my own ears, that Mrs. Holcomb was the mother of the coachman or gardener, and was in the practice of being in that house next to Edward Silcox's, on the top of the hill.

Witness then stated that Mr. Parsons gave her orders that day to do what was right to that poor boy.

Mr. *Saunders*—What more do you know about it?—Am I spoken to?

Yes.—I laid it out, and washed it, with the assistance of Mrs. Holcomb. The nurse had orders to assist, but she never came near the place.

Mr. *Saunders*—That I consider an important fact.

*Witness*—I think all the servants, when the child was laid out, went into the room and looked at it.

What is your impression?—I believe all the servants went in.

Did you see the nurse?—I did not.

But all the other servants you did see?—Yes, sir.

You saw them all with your own eyes in that room?—Yes, sir.

The nurse you did not see?

Witness was proceeding to make a further statement when Mr. *Saunders* stopped her, exclaiming, "Don't go too fast." He then wrote something in his book, repeating the words, "The nurse came not."

Mr. *Saunders*.—Whom do you mean by the word nurse? Who was the nurse?—Why, the nurse that nursed the child.

What was her name?—I don't know; many here know her name.

Would you know her again? Would you know her?—I don't know. Perhaps I may, or may not.

Your sight is failing, perhaps?—Yes, sir.

Do you wear glasses?—Yes.

Had you your glasses on?—No.

The witness went on to state that on Monday she was sent for again, and had to put all things in place where the jury had sat. The nurse was with her then.

*Mr. Saunders*—Did nurse say anything to you?—Not particular.

The witness then said that she and the housemaid took the remains of the child upstairs, they being then in the shell.

*Mr. Saunders*—Have you ever been examined publicly or privately on this question, or stated at any of the private investigations what you told me the other evening, and what you have stated publicly now?—I told all the country about it.

Stop a minute. Did Captain Meredith, Mr. Foley, or Mr. Wolfe, any one or all of them, say anything to you about it?—Mr. Foley came to me, and a gentleman with him.

*Mr. Foley*—Who was it?

*Mr. Wolfe*—It was myself.

*Mr. Saunders*—Did you tell them the same as you have told me now?

*Witness*—Yes.

*Mr. Saunders*—Is that so, Mr. Wolfe?

*Mr. Wolfe*—As near as possible, word by word.

*Mr. Saunders*—Not so fast; this is a very important inquiry. You never stated publicly or privately in this room what you stated privately to me, or publicly now?

*Witness*—No; I have never been in the room before.

The witness then was told that she might withdraw, and Mr. Saunders proceeded to examine Mr. Superintendent Foley. Mr. Foley stepped forward and said, "What do you wish me to say, sir?"

*Mr. Saunders*—Nothing but the truth. You heard what Mrs. Silcox stated. Is what she said true or false?—I don't know what she has said. All I can say is that I had charge of the child for three days, and that I called the nurse and all the young ladies of the house.

I do not want to know that now. I will give you plenty of opportunity for stating every *iota*. I have had interviews with some of the leading authorities in London, and I think I may read to you exactly what I have taken down. He then read over to him a portion of Mrs. Silcox's evidence.

*Mr. Foley*—I don't know exactly what position I am in.

*Mr. Saunders*—I do not care for the position of you or any one else.

*Mr. Foley*—Nurse was there when I was in the room, and came and kissed the child with the young ladies.

*Mr. Saunders* (to the reporters)—Take this down, gentlemen, please; it is important. (To Mr. Foley): How many times did she kiss the child?—I cannot say. She was in and out. I had the child in my charge, and no one could go in and see the child, after the old lady had dressed it and laid it out, without my permission.

Allow me to correct you, Mr. Foley. Do not mislead any one. You mean after the child was taken upstairs?—No, sir; I mean before I had care of the child. It was after the inquest, I think, that the child was taken upstairs.

Think nothing, please; tell me the fact.—Oh! I gave up the key of the child afterwards.

Not the key of the child?—The key of the room, then, sir.

What room downstairs was the child in, and what room was it put in after it was taken upstairs?

Mr. Foley hesitated, and several voices repeated "The laundry."

Mr. Foley—No, it was not the laundry it was in first downstairs.

Mr. Saunders—I want to know if what Mrs. Silcox has stated is correct?—I cannot understand what she has stated.

Will some gentleman of the press please read it from his shorthand notes? Mr. Saunders appealed to Mr. Groser, a reporter of Frome, as having a knowledge of him; but that gentleman declined, and it was ultimately read by a reporter from Bristol.

After it had been read, Mr. Saunders said, "She and the housemaid had taken the child upstairs. Am I right? I keep my ears open as well as I can. Now, Foley, I want to see you correct here."

Mr. Foley—Upon what points?

Mr. Saunders—The points I am going upon are in my own breast. He then asked Mr. Foley several wide questions, wishing to know whether the nurse had come in to visit the child, or to assist the witness Silcox.

Mrs. Silcox—I beg pardon, I didn't say so.

Mr. Saunders—Yes, and I drew an inference from it, which I have put in the receptacle of my own mind.

Mr. Foley—All I can say is, I never saw the nurse shy of coming in to see the child while I had charge of it.

Mrs. Silcox—And I never saw her shy.

Mr. Saunders—You didn't state so. (To Mr. Foley) When did you see the nurse kiss the child?—If I mistake not every time she came in.

How many times?—If I mistake not she came in on Saturday night and Sunday, and kissed the hand of the child both times.

What time of night on Saturday?—I can't say. Persons were in fifty times in the course of the day.

But she came in only once?—It was towards evening, when I left.

Don't think I am examining you, but I must get at the facts.—I wish to put you in possession of all the facts.

I know you are a most respectable person.

[Here another child commenced crying, and Mr. Saunders said, "That child must go out," and the noisy youngster was ejected.]

Mr. Foley said that everything on that day was in such a confusion, that one could not remember everything that occurred, and that some excuse might be made for them all.

Mr. Saunders—Save and except Mr. Saunders, because I was not there. (To Mr. Foley) Did you leave every afternoon and go back to Trowbridge, or sleep in Road? What might you have done with yourself? (Here the audience broke out into very general laughter.)

Mr. Saunders—If I hear an expression of feeling of that kind, I shall order the persons to be turned out. (To Mr. Foley) Did you go home in the evening?—I left about half-past ten on Saturday night, if I mistake not. Do you want to know what I had done that day, sir?

No, not now; we are come to the evening. Mr. Foley said "Everything was in such confusion that I think! I think! I think some excuse ought to be made."—That is in any discrepancy.

I haven't said that there is any discrepancy.—I left about half-past ten on Saturday night, leaving Heritage and Urch in charge of the house.

Mr. *Saunders* then produced a book, which he held up to the audience, and on each page of which was pasted a piece of newspaper print, and which had been put in apple-pie order by a certain learned gentleman in London, and he had purposely avoided going into that voluminous matter in that book (pointing to one) and partly in the other.

Mr. *Foley*—I scarcely wetted my lips or ate anything all day.

Mr. *Saunders*—I am extremely sorry that I am eating—don't put this down, gentlemen—and wetting my lips.

Mr. *Foley*—I tell you plain, sir, I was obliged to sit down, I was so exhausted with the excitement, and I asked Mr. Kent to give me something.

Mr. *Saunders*—I can't for the life of me see why you couldn't eat a bit of bread and have a sup of water, as I am doing now. (Mr. *Saunders*'s mixture had now changed colour, and was apparently *aqua pura*.)

Mr. *Foley* said because he made it a rule whenever he went anywhere on duty never to have anything, so that they shouldn't say "What *Foley* ate or what *Foley* drank."

Mr. *Saunders*—Quite right. You knew Mr. Kent had a larder there, and a cook there.

Mr. *Foley*—I had a glass of port wine and water.

Mr. *Saunders*—I think that might be taken down if considered material to the fact.

Mr. *Foley*—I don't think that is material, sir, and it ought not to be put down.

Mr. *Saunders*—Is what Mrs. Silcox said quite right?—I don't think that what she said was untrue.

Mr. *Saunders*—We will say no more about this. Mr. Wolfe, as your name has been mentioned, do you wish to say anything?

Mr. *Wolfe*—No, sir.

Mr. *Saunders*—Then I may say that Mr. Wolfe doesn't in any way contradict the old lady, Mrs. Silcox. Has the old lady been examined either in private or public at any of the previous investigations?

Mr. *Wolfe*—No, sir.

Mr. *Saunders* (to *Silcox*)—Do you wish to say anything more?

*Witness*—No, sir, nothing more than I have told you. She, however, added that the nurse took her into the nursery, and she saw the bed-clothes turned down very nicely over the foot of the cot, the same as any one would go in and do it, and she didn't know exactly how the child could be taken out.

Mr. *Saunders*—I will now, unless any gentleman wishes to ask a question—

*Witness*—The nurse didn't seem the least troubled or concerned.

*Mr. Saunders*—Does anybody wish to suggest any question; if not, I am much obliged to you (Mrs. Silcox) for coming here, and you may leave as soon as you like.

*Mr. Saunders* said some gentleman belonging to the staff of reporters had given him his card, and had written him a note, wishing something or other to be done or said; if material to the interests of justice he would give an opportunity to any of the staff of the reporters of the press of facilitating their labours consistently with his public duty. Referring to the card which he held in his hand, he said, "Mr. Albert Groser, will you please state anything you know?"

*Mr. Groser* then stepped forward, and said he did not wish in any way to mix himself up with the inquiry, but *Mr. Summers*, late superintendent of Frome police, told him within about a fortnight of the time of the murder—

*Mr. Saunders*—You can speak as fast as you think your colleagues can take it down.

*Mr. Groser* resumed—That on the Sunday after the murder he saw in the passage of Road Hill House one or two spots or smears of blood near the front door. He said he had not mentioned it to any person, and gave him a reason why he had not done so. *Mr. Summers* had since removed from Frome, and had become an inspector of police at Beaconsfield, in Buckinghamshire, from which place he had also removed. He thought it a circumstance which ought to be inquired into.

*Mr. Saunders*—Quite right. *Mr. Groser* must understand that this investigation had nothing to do with any private inquiry. All the information that could be brought forward had been given, and he had read every word that had appeared in the *Bath Chronicle*, the *Times*, or *Bristol Post*.

*Mr. Groser* further stated that the Monday after the murder he was in Road Hill House; he saw one of the young ladies come half way down the stairs while the jury were sitting, and on seeing him—

*Mr. Saunders* requested that one of the reporters would offer him any facility he might require on a future occasion. He had got his own reasons for not taking evidence, and, though a single magistrate, he was sanctioned by six out of nine others, himself being one of the six. He was prepared, and so were others, however unpleasant, however momentous it may be, the moment he felt the time had arrived, to take evidence. Turning to the witness, *Mr. Saunders* said, "Now go on, sir."

*Mr. Groser* said the trivial fact he had mentioned, though unimportant in itself, might be of consequence when it was remembered that at that time Miss Constance had sent the housemaid for a glass of water. He believed the young lady he saw to be Miss Constance, and it appeared as though she were going after the water herself, and he considered it was to throw suspicion off from herself. It was said that the nurse did not seem concerned on the Saturday of the murder. He

was there and saw her repeatedly, and thought her more concerned than the other servants or any one about the house.

*Mr. Saunders*—What do you mean by concerned?

*Witness*—Agitated, troubled. Is there any other question?

*Mr. Saunders*—Excuse me; I've not put any question to you, except to explain to my mind what you so kindly volunteered to us. Is there anything else that occurs to you? These smears of blood are very important.

*Mr. Wolfe*—It is mere hearsay after all.

*Mr. Saunders*—What *Mr. Groser* saw, and what *Mr. Summers* saw, is direct evidence.

*Mr. Wolfe*—He did not say he had seen them.

*Witness*—No, certainly not.

*Mr. Wolfe*—Did you look for the marks?

*Witness*—No.

*Mr. Saunders*—You have been on the premises since; did you look if the statement of *Summers* could be verified by your own oversight or not?—I did not look.

Did *Summers* say on the stone floor or the wall?—On the floor near the doorway.

*Mr. Saunders*—That is the doorway where I saw a certain light burning many a night last week.

The *Witness* suggested that it ought to be proved who emptied the clothes-basket on the return of the clothes from the wash.

*Mr. Wolfe*—It is either in evidence, or privately it has been ascertained.

*Mr. Saunders* (raising both hands)—Don't interrupt *Mr. Groser*. What had been said privately he knew not, nor cared not for anything that had been done in private. He was there for the purpose of having stated anything, and everything that had not been stated in public. He knew nothing of any private examination, and he would not be bound by, or mixed up with, any scrap of evidence, minute, or statement that had not been made publicly.

*Mr. Wolfe*—Pardon me for a moment, sir; it is only an inference.

Some uninteresting conversation ensued as to the person who had emptied the clothes-basket, *Mr. Wolfe* stating that it was the practice of the elder *Misses Kent* to do so, though it had not been proved in public, because the solicitor for the prosecution had not thought fit to call it.

*Mr. Groser* said the police investigation into the minor details had been most efficient.

*Mr. Saunders*—Yet they had never met the public eye.

*Mr. Foley* then described how minutely he had examined every foot of ground from the nurse's room both to the back and front door, and had seen no traces of blood. Had he discovered any he should have concluded directly that the child's throat was cut in the house. *Mr. Foley* also described the manner in which the stair carpets were laid down, and also stated that the hall was covered with matting.

*Mr. Foley*, in answer to *Mr. Saunders*, said he looked minutely for

blood, and, if he mistook not, he kneeled down to look, and on several occasions put his glasses on.

*Mr. Saunders*—I was just going to ask you that question. I bought a pair of glasses just before I left town. In reference to a remark which did not reach the reporters' table, Mr. Saunders said he was a man of general information, some information, or supposed information.

*Mr. Wolfe* said he was very sorry, if what Mr. Summers had stated to last witness was true, that he did not know his place better than he appeared to have done, and have given information in proper quarters.

*Mr. Saunders*—It is one superintendent of the police against the superintendent of the police of Frome, who, for certain reasons known to me and Mr. G. W. Sheppard, had left that part. Mr. Saunders went on to state that he knew what had taken place in reference to Superintendent Summers.

*Mr. Groser* said he placed no reliance on what Mr. Summers stated, and that where he was at present was a problem.

*Mr. Saunders*—I have means at my disposal in London which will soon find him in any county in England, Scotland, or Wales, or, if he has left the country, where his locality or habitation is.

*Mr. Foley*—Allow me to state, sir, that Superintendent Summers rendered me every assistance he could, and the Chief Constable of Somerset allowed me to call in the assistance of any of his men.

*Mr. Saunders*—I believe Captain Goold has been communicated with from me. I am happy to inform you that I found he lived at Glastonbury, but time, my public avocation, and my private wants, would not permit me to go to such a vast expenditure of time and expense as to go and see Captain Goold, and I have had that gentleman communicated with in reference to the Southampton constabulary. Mr. Saunders then proceeded in an incoherent and incomprehensible manner to speak of a person whom he believed to have been the author of a certain important anonymous letter, whom he believed to have been in his drawing-room in Thurloe-square, London, and her sister had been cook in his own family nine or ten years ago, and had gone to Isleworth, from which place Elizabeth Gough came. He had called on the Rev. Mr. Peacock, and made a private examination of his house, and received a private communication from him, which he was told was of a most important nature, and the chief of police at Bath, in the absence of Captain Meredith, with a confidential man, was then testing the correctness of the communication. A communication having been forwarded to the Chairman, he said he would then adjourn that Court, if it were the wish of the gentlemen of the press, to any time the next day that would be agreeable to them, the earlier that time could be the more congenial to his own views. He expressed his willingness to sit till December to hear anything new, and he would not receive a single thing that had been already in print. Mr. Saunders expressed his disapproval of Mr. Slack's inquiry; and after observing that the Lord Chief Justice of England was Chief Coroner of England, he trusted that a matter of such high importance would be brought on by the Attorney-



General. He said he had been in the village as late as eleven o'clock, and in a young lady's bedroom (laughter), in company with Inspector Pitney.

Mr. *Saunders* then formally adjourned the Court, at a quarter before three o'clock, till eleven o'clock this morning.

As we have before stated, at the commencement of the proceedings there were comparatively few persons present, but before the termination of the day's investigation the Court was nearly filled. The audience, or at least nine-tenths of it, was composed of women and children, and did not appear to comprise many respectable persons. As may be gathered from a perusal of the report which we have given of the proceedings, the evidence, if evidence it may be called, was adduced in a most singular and undignified manner, question and answer being bandied about from magistrate and witness to the crowd in court, without anything approaching either to regularity or decency. On several occasions those present were at no pains to conceal the laughter which the proceedings were calculated to give rise to, and all throughout they seemed to consider that the whole affair was got up for their special amusement, rather than for the elucidation of a mysterious and terrible crime.

*Wednesday, November 7, 1860.*

THE Road murder still continues to form the subject of inquiry. Yesterday Mr. *Saunders*, the Bradford magistrate, resumed his eccentric proceedings at Road, and, as on the previous day, elicited several points which he appeared to consider important, but the bearing of which on the terrible crime it is intended to elucidate is, to the ordinary mind, almost as mysterious as the murder itself. While this was going on, the Wiltshire magistrates of the Trowbridge division had a special sitting at Trowbridge, at which they, after a conference with Mr. *Slack*, instructed that gentleman to take the steps shadowed forth by us a fortnight since, by moving the Court of Queen's Bench for a writ of *melius inquirendum*, so as to re-open the whole inquiry by the coroner, and admit of the production of every scrap of evidence which can be obtained.

The 'Globe' ridicules Mr. *Saunders*'s investigation at Road as unprecedented and unseemly. Mr. *Saunders* has set up, it says, a sort of Committee of Public Safety, and invited all the gossips to retail the common village talk. But village gossip is not evidence.

#### INTENDED APPLICATION FOR RE-OPENING THE INQUEST.

YESTERDAY morning, whilst Mr. *Saunders* was pursuing his extraordinary inquiry at the Temperance Hall, Road, a meeting of magistrates of the Trowbridge division of the county of Wilts was held at the Police-station, Trowbridge. The meeting had been called at the request of Mr. *Slack*, who is still strenuously endeavouring, with the full

sanction and under the direction of the magistrates, to solve this mysterious affair. There were in attendance the Rev. R. Crawley and Messrs. H. G. Ludlow, J. Stancomb, W. Stancomb, and W. Walmsley, all magistrates of the county, who had been engaged in prosecuting inquiries into the case from an early date. Captain Meredith, chief constable of the county of Wilts, Mr. Slack, of Bath, and Mr. Clarke, clerk to the justices, took part in the proceedings. Mr. Superintendent Foley, of Trowbridge, and Mr. Superintendent Wolfe, of Devizes, were also present, and were several times communicated with.

The meeting was, of course, of a strictly private nature, and limited to the gentlemen whom we have named; but, from a reliable authority, we understood that the magistrates present stated that, notwithstanding the discharge of the nursemaid, they had never ceased to prosecute inquiries in every possible direction, with a view of solving this most mysterious case, and leading to the detection of the murderer. They also said that they were anxious that the matter should be further inquired into by some constitutional means, but at the same time they believed that there was no sufficient evidence at present justifying a charge being made against any particular individual. Mr. Slack stated to their worships that he had been in correspondence with the Attorney-General, who was of opinion that the inquest had not been fully and properly conducted, that the coroner had not done all his office, and that it would be a proper case for an application being made to the Court of Queen's Bench, that the Lord Chief Justice, as Chief Coroner of England, would be pleased to order a second inquest, under a writ of *melius inquirendum*, provided the circumstances of the first inquiry as reported could be authenticated by proof. Mr. Slack also informed the magistrates that they had been called together by him for the purpose of communicating to them the opinion of the Attorney-General. The magistrates present entirely coincided in the propriety of such an application being made, and authorised its being carried out. In accordance with this direction, we understand that affidavits will be immediately prepared and submitted to the Attorney-General, and that in all probability due application will be made to the Court of Queen's Bench, in the course of a week or ten days, for an order to be made for the re-opening of the inquest; the re-opening of the inquest therefore appears highly probable, for the Attorney-General, on having the affidavits of the original inquest submitted to him, must at once perceive—as indeed every person who has read the proceedings must have done—the insufficiency of that inquiry.

The magistrates who had taken these proceedings, and who had been interested in the case from its commencement, wished it to be understood that they were in no way connected with the investigation then proceeding at Road, nor were they at all influenced by it. But, at the same time, they had not adopted those proceedings because of the steps taken by Mr. Saunders, whose inquiry they considered would have its own weight.

The magistrates commenced their deliberations at half-past 11 o'clock

in the morning, and did not separate until nearly 3 o'clock in the afternoon.

#### RENEWAL OF MR. SAUNDERS'S INVESTIGATION.

YESTERDAY morning Mr. T. B. Saunders, equity barrister, and one of the magistrates for the Bradford division of the county of Wilts, resumed, at the Temperance Hall, Road, his investigation relative to the mysterious murder of the child Francis Saville Kent, at Road Hill House, on the 29th of June last. He entered the hall, followed by a few others, principally women and children, at about noon. He held in his hand a Bristol 'Daily Post,' and copies of the other local papers that had been published on that morning, and on mounting the platform, at the upper end of the hall, he made an allusion to the journals generally, and, addressing the reporters (about a dozen in number, including those representing the press of London, Bristol, Manchester, Plymouth, Bath, and other places), who were seated near him, prepared to report the proceedings, he requested that his introductory remarks might not be recorded in print. The senior reporter present, however, speaking for himself and his colleagues, said they had understood that Mr. Saunders's object was to give full publicity to all that might transpire, and, consequently, they could not promise to suppress from the public any remarks that might be then made. Mr. Saunders thereupon remarked that he should decline to make the observations which he had intended to do; but, when he said there might be a reason why he wished his prefatory remarks not taken down, he must state that he did not care a farthing himself for what appeared in print. However, what had been published would be a caution to him for that day.

The business of the day was then proceeded with.

Mr. *Saunders* first complained that, though he on Monday ordered the window near him to be "listed" around, having taken a cold in consequence of the draft from the window on Saturday, yet the work had not been done.

Mr. *Stokes* said the window had been "listed" as well as it could be.

Mr. *Saunders*—I caught a slight cold here on Saturday, and when parties have a cold they have to take medicine, or adopt means to protect themselves from future colds. I will now alter my seat a little. If Mrs. Orchard is here, will she kindly step forward?

Mrs. *Orchard* approached the platform, and a seat was shown her near it.

Mr. *Saunders*—I believe the first time I saw you was on Saturday morning?

Mrs. *Orchard*—Yes, sir, it was.

I never had an opportunity of seeing you before, though I had heard your name mentioned. It will be recollected that yesterday Webley was the first person in the order of date, and as the second I have the name of Orchard. Now, Mrs. Orchard, will you have the goodness to state here publicly what you told me in the public road on Saturday morning?—Yes, sir.

Here a child raised a slight cry, whereupon Mr. Saunders turned from the witness, and in a loud tone said, "Whatever may be said or reported, I must request that person with the child to go home or somewhere else." This dictum caused a slight sensation and a temporary interruption, but ultimately

Mr. *Saunders* resumed—Will you have the goodness to state what you told me and another gentleman, and afterwards two other gentlemen who came up—four of us altogether—what you told us altogether on Saturday morning last?

Mrs. *Orchard*—I cannot tell more than I told you then.

Mr. *Saunders*—But I want you particularly now to tell me, in the presence of those gentlemen (pointing to the reporters), faithfully what you told me and three other gentlemen.

Mrs. *Orchard*—If you recollect on the 29th—did you not say it was on the 29th?—of June; but it don't matter about the day of the month, does it? for I had forgotten it altogether till you mentioned it.

Mr. *Saunders*—I never saw you till Saturday morning or afternoon last, and then the first thing I asked you was, Where does Mrs. Orchard live? and you told me you were Mrs. Orchard. I then asked you if you knew anything that took place on the night of the 29th or the morning of the 30th of June, and you told me something which I should be glad if you would repeat here.

Mrs. *Orchard*—I told you that I had persons in my house, that I was not well in the day-time, that I was leaning on the table, and that I did not wish them to stop. Mr. Francis came in first, and some time afterwards—I do not know how long afterwards—Benjamin Greenhill opened the door. I asked him what he wanted—what his business was there; and he said, "I have been to Bath, and I have got a message from your husband:" and I wished them to go. I could not get them to go. I can't say how long they stopped. I can't say what time it was when Francis came; it was after it was dark in the summer time. As to time, I don't know exactly, it is so long ago; I have not thought of it since.

You wished them to go?—They would not go, and after some time I put the clock on—I can't say how much exactly—thinking that when they saw it was so late they would go the sooner.

Did they go the sooner?—They went when they liked.

Did they go sooner?—I can't say exactly.

What time did they leave the house by your clock?—I can't say exactly. The clock does not keep time. Sometimes it gains, and at another time the hands stick. It is according to the weather. This morning it has stuck an hour (a laugh.)

On the 29th of June did the hands stick or go fast?—I can't say. I moved them about without moving the candle from the table, because they (Francis and Greenhill) should not see me move them. The two persons were in the house at the time; but I don't believe they saw me move the hands.

You moved them two hours?—I can't say exactly.

Now will you, Mrs. Orchard, be kind enough, in the interest of public justice, to state exactly what you said before?—I have, sir.

I must cross-examine you. I am much obliged to you for coming here; but will you have the goodness to add to what you have said that additional information you gave to Mr. Bond, Captain Meredith, and Mr. Hughes, the chief of the police at Bath?—I don't know what that was. I have told you as nearly as I can. But as to telling you to a minute or two or a quarter of an hour, I cannot.

Did you or did you not tell me and those other gentlemen that you put the hands of that clock on two hours that evening, for the purpose you have mentioned here to-day?—I can't say exactly; it would be impossible for me to do so.

Four persons can say what you told them.—I do not know whether I put it on an hour or two; I can't say.

You said two hours, and those gentlemen will be here to corroborate me.—I can't say what I put it to. To say exactly to a quarter of an hour I cannot, for I put it on in the dark.

Did you or did you not tell me and those three other gentlemen that young Francis and Mr. Greenhill left you at one o'clock—at or about one o'clock—by the time of your clock?—I said I thought it was ten minutes to one, but I cannot say exactly, for I have not thought of the matter.

You have had a little time to think of it from Saturday?—I have looked myself over since; but I cannot say exactly—it might be ten minutes to one.

These two young men left your house at or about ten minutes before one?—As near as I believe; I can't say exactly.

Your clock being in advance about two hours that night?—I can't say; I don't know exactly how the clock was before I moved the hands. Mrs. Packer can speak for me.

Mr. *Saunders*—Come forward, Mrs. Packer, or Slacker, or whatever you may be called.

Mrs. *Packer* said Mrs. Orchard's clock did not keep time, as she sent every morning to her (Mrs. Packer's) to ascertain the time.

Mr. *Saunders*—I will come to you presently; but I am not going to finish with Mrs. Orchard quite yet. Mrs. Orchard, if your clock was in advance—supposing it to be in advance—

Mrs. *Orchard*—I don't know whether it was or not. I can't tell you.

Your clock was put on at that time?—I put it on; but I can't say whether it was too slow or too fast previously.

If you put your clock on two hours that evening in advance—I won't be exactly certain whether it was two hours or not.

Supposing you put your clock on two hours that evening, would the parties who left your house have left at ten minutes before eleven, instead of, as they thought, ten minutes before one?—I don't know whether they would or not.

If you wish to go about your private matters, or about your work or business of any kind, I have no wish to detain you another minute, but I shall have the pleasure of seeing you at another time. Good morning; I am much obliged to you for coming.

Mrs. Orchard then retired.

Mr. *Saunders*—We shall have, I hope, some of those three parties here to-day to be able to say exactly what that person said. Mrs. Packer, will you just come here, if you please? Now Mrs. Orchard seems to think that you know more about her clock and her guests and friends than she does herself. Tell us what you know.

Mrs. *Packer*—All I know is that Emily, her daughter, comes to know the time by my clock every morning. I don't know whether she came on the morning of the 30th; but generally I don't know a morning passes without her coming. My clock goes well.

*John Alloway* was then called, and he came forward and took the seat near the table at which Mr. *Saunders* sat, when the following colloquy ensued :—

Mr. *Saunders*—Perhaps you may have heard without something that Mr. Fricker stated on Saturday. Previous to the 30th of June you were in Mr. Kent's employ; are you in his employ now?

*Witness*—No, sir.

When did you leave his employ?—On Saturday, the 30th of June.

Have you any recollection of a lamp or lantern taken by you anywhere?—Yes, sir.

To whom was it taken?—To Mr. Fricker, plumber and glazier, of Road. It was a candle-lantern, with glass sides; it was a square lantern.

Who ordered you to take it to Mr. Fricker?—The cook.

On what day?—I won't be certain whether it was Wednesday or Thursday; but it was one of them. I am certain she told me that Mr. Kent had said that she was to send the lantern.

Was Mr. Kent at home at the time?—No, sir; he went away on the Wednesday morning, and came back on the Thursday night.

Did you call at Mr. Fricker's to know if the lantern was done?—Yes, sir.

When first?—I am sure I went on Thursday; but whether I took it on Wednesday I won't be certain.

We will suppose you took it on Wednesday. Did you call in the afternoon to see if it was done?—The same day that I took it I called once for it.

Don't go too fast; don't hurry yourself. You called the same day that you took it; was it finished?—No, sir.

Then you did not have it. Did you call on the next day for it?—Yes, sir.

How many times a day?—One day I called three times.

Then the day after that how many times did you call, or did you get

it when you called the third time?—No, sir, I did not get it till the Friday night when I called for it.

Did you call for it on the Friday morning?—No, sir, I believe not.

A child in court here uttered a faint cry, upon which Mr. Saunders rather irately said—“Subject to any remarks which may be made, I really must require that person to take that child home. Subject to any remarks which may be made upon my conduct, I wish the room to be kept quiet.”

*A Voice*—We are obliged to you for doing so; it will facilitate the inquiry.

*Mr. Saunders*—I have got many things—. There is scarcely a paper which comes under my observation but contains some remarks on this investigation, and some friends or other, or people, have stated to me what they have seen among themselves in papers. Regardless of any remarks that may be made I shall endeavour to do what I believe to be my duty. (To witness): Well, Alloway, on Friday night you go to Mr. Fricker, and get your lantern repaired?

*Witness*—If he gave it me I had it.

When you had the lantern from Mr. Fricker what did you do with it?—Carried it back, and put it on the dresser in the kitchen.

Did you say anything to the cook about it?—I said, Here, cook, is the lantern; it is done.

Had you known anything of the lantern before you were ordered to take it for repairs? Had you ever seen it before? Did you know there was such a thing in the house?—No; I had never seen it before.

Did you see it after? Did you see it on the evening of the 30th of June, or on the Friday night, after you carried it back and put it on the dresser?—I did not see it on the Saturday morning.

Have you seen it since?—No, sir.

Why did you go so many times for the lantern on Thursday?—Because I was sent by the servants to say that Mr. Kent would want the lantern.

Who were the servants?—The cook, sir, and the housemaid.

Did Mr. Kent himself say anything to you about the lantern?—He did not, sir.

Was he present at any time when they said so?—I don't recollect.

Was Mrs. Kent present at any such time?—No, sir; I don't think she was.

About the cook and housemaid. You said that they wanted the lantern before Mr. Kent came back on the Thursday night, having gone out on the Wednesday morning?—Yes, sir.

Did they say that Mr. Kent was vexed or annoyed that the lantern was not back, and that they wished you to go for it on Friday morning?—They said that Mr. Kent wanted the lantern, and that he must have it on the Friday.

Who said on the Friday?—The two servants; but I won't be sure if both said so.

And must have it. Is that correct?—Yes, sir; must have the lantern.

And that lantern you have never seen since you put it on the kitchen-dresser?—No, sir; I have not been on the premises since.

You might have left on the Saturday morning?—No, sir. I left on the Saturday evening. I had given notice to Mr. Kent on the Monday morning before—that is, the day after Midsummer-day.

Did you give notice to leave at the end of the week?—Yes.

What time did you leave Mr. Kent's house or grounds on Friday afternoon or evening?—As near as I can recollect about seven o'clock in the evening.

What time did you go the following morning?—Six o'clock. The first thing I did was to go into the stable, where I saw Holcomb. I went thence to the greenhouse, which I opened and watered. I next went and fetched the knives and boots and carried them into the shoe-house. Turned the knives on the board, and began cleaning the boots. Holcomb came in, and asked if I had nearly done, and I said, "No." He said, "I want you out in the garden to help me about some manure, and I will clean the knives if you will clean the boots." He put the boots in the passage about seven o'clock. Holcomb had not been in the habit of cleaning the knives, but he said he wanted me in the grounds; that was his reason for doing so.

That was the reason he gave you?—Yes, sir.

*Examination continued*—Had not cleaned any of the knives; Holcomb cleaned them all that morning. There was no observation made that morning as to the state of the knives being very dirty, or more of them to clean. There was no unusual dirt on the boots of Mr. Kent or Master William that morning, nor were they unusually damp. Had no more than ordinary difficulty in putting a polish on them. There was nothing unusual about the boots that morning, so far as I can judge. There was a pair of boots of Mr. Kent's and a pair of Master William's, and none for the young ladies. Knew nothing of the murder at that time. First knew of it about half-past seven, when Mr. Kent came into the garden, made an alarm, and said the child was lost. I, Holcomb, and the gardener, Daniel Oliver, were there. Mr. Kent asked Holcomb if he had seen any of the little children, and Holcomb said, "No," and Mr. Kent went on to say that Master Saville was lost. He then asked me if there were any police in the place, and I said, "There is Urch," and he said, "Go and fetch him," and I did so. I told him Mr. Kent wanted him to come up as soon as possible, and he said, "I will." I ran back again. Urch came just as Mr. Kent was going off.

The witness, after adverting to Mr. Kent's ordering the carriage and going off to Trowbridge, said, I did not search much for the child. I was present when the body was found. There was blood on the floor of the privy after the child was found.

*Mr. Saunders*—Was there a scythe near the place?

*Witness*—I don't know. Holcomb did most of the mowing. We had



a machine which was generally used for mowing the grass ; but sometimes, when wet, Holcomb would mow it with the scythe.

How long previous to the 30th of June had the scythe been used ?—I believe it was used on the Friday afternoon.

The 29th do you mean ?—Yes ; I believe the scythe was used by Holcomb on the 29th. There was a tool-house on the premises, where the scythe was generally kept. Did not see the garden-tools examined, but saw Mr. Kent with one or two in his hand to take to Mr. Foley or some one to be examined. Believe the tools Mr. Kent had in his hand were a half-moon and a rake.

Did it strike you as being at all singular that Holcomb put you to clean the boots whilst he cleaned the knives that morning as a thing he had never done before ?—I can't say he had never done it before, because he had, if I was out anywhere.

But when you were on the premises had Holcomb ever then cleaned the knives on any previous occasion ? When you were able to clean the knives has he volunteered, or given you any direction to clean the boots whilst he cleaned the knives ?—Not very often in the morning, but at night.

I am not talking of the night.—The only reason he gave me was that he wanted me to help him in the garden.

Did you see the knives ?—Yes ; I carried them out on the bench.

Did you take any minute view of them ?—No, sir ; I placed my hands over them, and began cleaning the boots.

Where was Mr. Kent at the time he ordered the carriage to be got ready ; in what part of the premises or house ?—Whether he was in the yard, or in the garden, or in the lawn, I won't be certain ; it is so long ago.

Was he full dressed or half dressed ?—I won't be certain whether he had his boots on then or not.

Did he order his carriage when standing on the stairs when he was partially dressed ?—No, sir ; certainly not. It was out of doors that he gave the order, I am certain.

To you ; still it is possible that somebody else might have been ordered to get the carriage ready ?—It might be so, sir ; I can't say. When he gave the order to me I believe he was in the stable-yard. I did not see him come in. He had a black coat on ; but what waistcoat or trousers I can't say, nor do I remember the shape of his coat. He had on an overcoat when he went to Trowbridge. I believe I saw him on the Friday evening ; but I can't say how he was dressed then. He had different suits of clothes.

Did you at any time while in Mr. Kent's employ break any knives or injure them while cleaning them ?—Yes, sir, I did one. The machine broke a little bit out of a carving-knife, I believe. The knife was continued in use. The knife was not much injured. I don't remember from what part of the knife the bit was broken.

Was the machine one of Kent's patents ?—Yes.

Do you happen to know if Mr. Kent is a relative of Mr. Kent of Road Hill House?—I don't know. As far as I know there were the usual number of knives that morning, and there was nothing extraordinary in their appearance.

Is there anything you know you have not told us in reference to what occurred on that morning?—I don't know anything; if I did, sir, I would tell you.

I am sure you would.—I have been examined elsewhere, and by Mr. Slack, and at these examinations I have told all I have told now. I don't think Mr. Slack asked me anything about the lantern; but Mr. Superintendent Abbott, of Warminster, came to me at Beckington, and asked me about it.

You say you know you were not asked anything about the lantern at Trowbridge. That is quite enough for me. Did you volunteer the statement to Mr. Abbott, or did he ask you?—He came to where I was, and asked me.

Are you aware of any other damage sustained during the cleaning of the knives? It is possible, though a knife may not be injured, the handle may be.—The handle could not be injured; it would be outside the machine.

Did the blade of any knife come out of the handle?—There was one knife once got into the machine.

That is, slipped through, handle and all, I suppose?—Yes.

How did it come out of the machine; in what state?—I turned the machine round, and the knife came out at the hole.

Did it bend the blade?—I don't know whether it made away with the edge or not; I won't be certain.

Did you not know of a knife having come out of its handle during the time that you were there?—I can't recollect.

Did you see, when the child was found, on the place a piece of paper with any blood upon it?—Yes, sir; I picked it up. Butcher Millett was with me. I gave it to him, and I did not have it again. He kept it. I don't know what he did with it.

Whereabouts did you pick it up?—Just outside the closet door, on the left-hand side.

It was towards the gates leading towards the servants' door in the back-yard, and not towards the front door?—It was not far off.

Mr. *Saunders*—I know every inch nearly in that locality, and all its ramifications, and pretty nearly all about it.—He then thanked Alloway for his attendance, and said, Perhaps Mr. West, who was one of the jury, will tell us about the paper.

Mr. *West*—I said, Don't destroy the paper; pick it up; take care of it; it will be the means of bringing about a discovery.

Mr. *Saunders*—Have you ever been asked anything about the piece of paper in any court of justice or private inquiry before Mr. Slack?—No, sir.

If I understand you, you were on the premises close to the closet with young Alloway, and you noticed a piece of paper outside the

closet, called attention to it, requested him to pick it up ; he picked it up, gave it to Millett, and you had it not in your hands.—I don't know that I had. There was more than one piece of paper—several small bits.

Did you or did you not think there was more than one piece of paper that had blood on it?—I did, sir, believe it. This was the largest piece of paper picked up, and it was doubled up the same as if some one had wiped a knife across it.

Those other little bits ; no one troubled to pick up them?—They were taken no notice of.

Did they appear to be parts of this same piece of paper ?—They did ; they appeared as if they had been broken.

Mr. *Saunders* said it was a piece of newspaper of the 9th of June.

*A Voice*—It is in the possession of Inspector Whicher.

Mr. *Saunders*—The paper must have had a date some day prior to the 30th of June ; and here I would observe—I am bound to make some interlocutory remarks—that I am endeavouring to confine myself to just what has never yet properly met the public view. Is there anything you wish to say in reference to this piece of paper, or anything else you saw that morning ?

*Witness*—I saw a pool of blood, and desired those present not to step in it, but leave it for observation.

Was that in the closet a large pool of blood?—No, not large ; about the size of a man's hand. I saw it in quite a coagulated state.

Mr. *Saunders* said there were certain theories with regard to the drawing-room window ; he had a strong opinion upon the subject, but he did not mean to express it. This piece of paper was picked up, if I understand Alloway right, before the yew-tree entrance to the closet, and near the stable-yard door.

*Witness*—It might be inclinable towards the stable-yard, but it was not far from the closet-door.

Then there is nothing in that from which an inference can be drawn whether the parties who used it to wipe a knife, or anything else, were going to the front door or the back ?—No, sir.

Who was there besides you and Alloway at the time of the pool of blood being noticed and the paper ?—Nutt the elder was there. I saw Kent when he returned from Trowbridge, not before.

Do you know any one who is able to inform us where Mr. Kent first was when the order was given for his carriage?—No, sir, I do not ; but I heard it reported that he ordered his carriage when coming downstairs partially dressed.

In the house?—It was reported there that morning, but from what source the report came I cannot remember.

Who was the person you heard the report from?—I wish I could recollect, but I cannot. It was a sort of confusion there.

It appears, according to Superintendent Foley, that there was great confusion that day among persons there.—Yes, there was, sir.

But what time was it when you found the piece of paper?—I should suppose between seven and eight

*Mr. Saunders*—I know several gentlemen of the coroner's jury who are particularly anxious to say something in reference to the inquest, but I don't think this the proper time for me to hear anything on that subject.

*Mr. West* said the jury were desirous not to lie under the scandal of ignorance, which they were stated to be in by the newspapers, and they wished to exonerate themselves.

*Mr. Saunders*—They shall have an opportunity as far as I am concerned. I suppose they are not here to-day; but nine or ten were here yesterday, and many of them anxious to say something.

*Morgan* said—I can get the larger part of them shortly, if you wish.

*Mr. Saunders*—No, I would rather go on in my own way. You will have an opportunity of bringing them voluntarily any time you like after. As to what the newspapers say of parties, we ought all to be very much obliged to them, for they keep us in a right course. A good many things have been said about me, as well as the jury, but I am much obliged for it. For my part, I must say that I shall pursue the same course, which I consider right, regardless of those remarks, but I do wish it clearly to be understood that what I am now doing is done with the sanction of two benches of magistrates at Bradford. I am one of them, but of course, acting as I am now, I am not acting as a magistrate at petty session, but *Mr. Sheppard*, another county magistrate, was here on Saturday. He kindly came here as an old friend of mine. He is a Somersetshire magistrate, and not a Wiltshire magistrate. Though I am a magistrate, I am not now sitting as a magistrate, but wish it to be understood that I am bound by every word of that letter which I wrote to Her Majesty's Principal Secretary of State on the 1st September, and as soon as the proper moment arrives for me to act as a magistrate I am prepared to do so. But I do not want to precipitate, by any act of mine, as a magistrate, what may lead to the same unfortunate result which has occurred in the previous proceedings. I purposely say that I pay no heed to any private investigation of *Mr. Slack*. I was not present at *Trowbridge* at the judicial inquiry, neither was I present at the first examination of *Gagg*; but I was present at the adjourned examination of *Gagg*, and after the adjourned examination, after he was discharged, I made certain, as I was pleased to think myself (though perhaps very erroneously), important suggestions to *Captain Meredith*, the chief constable of Wiltshire. These suggestions may or may not have been followed out, but certainly what took place afterwards was diametrically opposed to what I understood would be done. Probably I might at this moment be prepared to put my signature to a certain document which would give the proceedings here to-day a very different complexion, and if I did that act I should be seen here either by myself or with other magistrates instituting a preliminary inquiry to see whether a person or persons ought to be committed by me to undergo further examination before one or other of the judges of the land. Then I should have a proper magistrate's clerk, and should not hesitate to do my duty as a magistrate. Neither

would any member of the Bradford Bench hesitate to do the same without any fear, favour, or affection to any single individual. I think it necessary to say that in consequence of what I have seen with my own eyes, and in consequence of what my friends have told me they have seen, and what I have not seen, and who have thought it a kindness and duty to the public and myself to inform me of. I wish to say no more on this head. Pitney, do you know whether Captain Meredith, or Mr. Foley, or Mr. Wolfe is in the place?

Inspector *Pitney*—I do not, sir.

Do you know if Mr. Bond or Mr. Hughes is here?—I don't know that either of them is.

As because I should like—certainly before this extraordinary sort of investigation—should like Mrs. Orchard's matter thoroughly cleared up. I perfectly and distinctly recollect every word Mrs. Orchard told me as if she had told me this morning, and fortunately for me Captain Meredith, Mr. Hughes, and Mr. Bond heard what she said. I never saw her in my life before that I know of. I asked her where Mrs. Orchard was to be found, and she said that was her name. I have the names of all the coroner's jury here, who were put on it first and afterwards. Now I wish Mrs. Quance to look in here if not inconvenient to her. There is no power here whatever to enforce her attendance, but, if she came to further the ends of justice voluntarily, I should like to see Mrs. Quance. I made it my business to go to Trowbridge and make inquiry with reference to something Quance was said to have seen.

Some one here informed Mr. Saunders that Quance was away, and would not be back till evening.

Mr. *Saunders*—Probably, then, it is not right that I should read what I have taken down here, though it may be seen on this piece of paper. I came round by Trowbridge on purpose to-day. However, I think it better I should read this now, that Mrs. Quance may know what is in store for her another day. I made it my business, as Pitney knows, for he came with me, to go by a circuitous route past Trowbridge, for it is not convenient for certain persons to come here; but I shall not be baffled. I have written down in my own handwriting what persons I saw at Trowbridge told me this morning. Some individuals told me certain things which I consider of vital importance. I wonder whether Mr. Foley will be here to-day?

Inspector *Pitney*—I have been informed there is a robbery at Trowbridge, and it is likely he is engaged in tracing the robbers.

*A Voice*—He has been to Sennington on official business.

Mr. *Saunders*—I was by the station to-day, but did not wish to be detained by calling. It is now nearly one o'clock. I cannot help it. Here I am. I do all I can for the convenience of every one, as far as is in my power, but I must have regard, too, for my own time. But Mrs. Quance—I should like to see Mrs. Quance before I read this. Now, gentlemen of the press, at what time do you wish this investigation to close to-day?

The *Senior Reporter*—As early as possible.

Tell me how late it will suit your convenience to be here?—We should like to go soon after two o'clock.

Mr. *Saunders* then alluded to several letters he had received that morning, and remarked that the present inquiry had the sanction of his brother magistrates, and when it was brought to a proper point it would assume another form. He should go on with the investigation from day to day, elucidating any circumstance which he thought would bear on the matter. He said he happened to be a member of the Chancery bar, and not a common-law barrister. He hoped he should elicit circumstances which would bring the crime home clear to one, two, or three persons. If any new circumstance was volunteered to him, he should take it down, that the public might have it. At present he believed that he had got a great deal that the public had never known, and a great deal more was locked up in his own breast now, which, when the proper time arrived, might be disclosed.

Mrs. *Quance* here entered the room, and, apparently, was most reluctant to give any evidence.

Mr. *Saunders*, addressing her, said—You were kind enough to come here yesterday, and give me some information.

*Witness* (testily)—Indeed I did not.

When did you, then?—On Saturday I was here, but I did not give you any information.

I made a mistake as to yesterday, you see. I beg your pardon. I am glad to find you so accurate. Be kind enough to listen to what is on this half-sheet of paper. I made it my business to go to Trowbridge to make an inquiry there. You recollect the time when Miss Constance was taken to Devizes?—(Sharply) I recollect; certainly, I do. I was not in the room, I was about here.

You recollect three people coming and asking you to give them water to make tea, or to give them some tea?—No, sir.

Did not three tired people from Trowbridge call on you?—No, sir; not at my house.

Whose house was it, pray?—The house next door. The neighbour is Eliza Poulton, but she is invalided, sir. She cannot come over, I know.

She cannot? I will accommodate her, then, by going to her.—She is quite invalided. She don't get out further than my house.

Oh! perhaps, then, she will be kind enough to come to your house to see me?—She lives next door.

Then you recollect the Tuesday when Miss Constance went to Devizes?—Yes.

And you know that you have a neighbour next door, Mrs. Poulton, who is invalided? I was getting near your house, you see! I was next door. And you know that there were in your neighbour's house three persons, who had come from Trowbridge, very tired?—I was not there at the time, but I went in afterwards. I did not know, when I went in, that they were there.

Whether you were sent for, or went in, or how you got there, it happens that you were in Poulton's house?—We were often in one another's house.

Did you see any strangers there at that time?—Well, I do recollect about three persons coming in there, and asking for a drop of boiling water, and I know I assisted her in boiling the water for them.

Well, will you tell us now what took place?—I don't know anything that took place in particular. They asked for boiling water; they had provisions with them—tea, sugar, and cake—and they had a cup of tea and went away again.

And was there a little talk over tea?—I don't know anything in particular.

What was there in general?—I don't know. I did not give any heed to it. I did not keep it in my mind.

Then there was so much said at tea that you don't remember it?—We had no talk.

If I am told, and three people are ready to swear, that you should say that you saw, or that your husband—who, I believe, is a millman to Mr. Wilkins, of Tellisford—saw Mr. Kent in a field at five o'clock on the morning of the murder, Saturday, is that true or false?—It is false. If three people are ready to swear it, they may swear it, and I will come forward and prove the contrary. There is Mr. Wilkins, our young master, he will know if my husband said one word of the kind. Did he, Master William?

Mr. *Wilkins, jun.*—I have heard him say that he saw Mr. Kent (confusion).

Mr. *Saunders*—Order, order, order, order! Mr. Wilkins, will you take a seat here? I am glad you are here. You will say what is correct. Now, Mrs. Quance, there are four instead of three, you see.

*Witness*—You may bring thirty if you like.

I am not going to bring anybody at present. Perhaps somebody else may bring them. Well, then, Mrs. Quance, did any police-officer call on you?—No, sir.

Did any man in disguise call on you, that man being a police-officer?—No, sir.

At or about that time, or shortly afterwards?—I don't recollect.

Do you recollect James Morgan and an inspector calling on you?—Yes; but I cannot recollect when.

I was informed by a person, at ten o'clock this morning, at Trowbridge, that you should say what I said just now.—Well, they must come forward and say it then.

At what time was your husband out on the morning of the 30th of June?—He goes away generally at five o'clock, or soon after. I don't know at what time he went away on the 30th June. I cannot recollect whether I was asleep that morning. I did not wake him in the morning. At five o'clock on the morning of the 30th June he could see, because it was quite light. I don't know whether he awoke on that

night. I never got out of bed during that night. I never heard him say that he saw Mr. Kent on the morning of the 30th.

Will it be convenient for your husband to see me in this room, as I have no authority to make him come? Will he come as a volunteer?—I don't know; he has his work to attend to.

Suppose his master should give him leave to come to-morrow morning, will there be any difficulty?

Mr. *Wilkins, jun.*—No, sir.

Mr. *Saunders*—Then we shall have the pleasure of seeing Mr. Quance in person to-morrow morning. You will be here, won't you?

*Witness*—I don't know nothing.

You slept with your husband that night? (laughter).—(Indignantly)—Of course I did.

Mr. *Saunders* (loudly)—Silence! I am sorry to be obliged to speak in this way. There is no joking in this matter. When there is a difficulty in extracting information, I must by some means get it out of the party, and I will have it. Now I have got about five lines in this paper, and I am going on a little further.

*Witness*—I recollect the inspector and Morgan calling on me, and I stated I didn't know anything at all about it, and never saw anything. I told my husband what passed here on Saturday, on Saturday night when he came home, and he said he had never seen Mr. Kent, and knew nothing about him. That is what he told me. I only wish to speak the truth, and don't wish to say anything that is un-false (laughter). I would sooner have my head chopped off than say anything I could not prove.

Mr. *Saunders*—You would sooner have your head chopped off than say what was untrue? Well, in that case you would be perjured, and would deserve to have your head chopped off.

*Witness*—It is a wrong thing to be led about the country.

Mr. *Saunders*—No one is leading you about the country at my request. I come here for the convenience of all the people.

*Witness*—I don't know how it will be. I think it is done too clever to be found out, except one of the party "peaches."

Mr. *Saunders*—What has been too cleverly done?

*Witness*—The child-murder.

At this moment Mrs. Quance's domestic arrangements seemed to be exercising a most extraordinary influence over her mind. She suddenly became much agitated, rose hurriedly from her seat, shuffled about the floor, and, after exclaiming, with evident signs of distress, "My boiler's a-goin," she bolted out of the room, to the infinite amusement of the spectators, and the intense astonishment of Mr. *Saunders*, who, after staring at her for a few moments in blank surprise, told her to "go to her boiler." This incident created much laughter.

Mr. *Morgan* said he with Mr. Superintendent Abbott called on Quance, who said he had not seen anything, and did not know anything.

Mr. *Saunders*—Who were the parties who set afloat this statement?



Mr. *Morgan*—It was the general talk of the neighbourhood. I cannot say one in particular.

Let us say half-a-dozen.—I cannot. It was all over the place.

It was extraordinary that, though the matter was all over the place, no one can say who set it afloat.

Mr. *Morgan* said he had "quisited" every corner to detect the perpetrator of the crime.

Mr. *Saunders*—We will render what assistance we can, and try to find it out if we can. Some rumours you satisfied yourself were mere gossip, and others you were not satisfied about.

The name of Emily Doel, Mr. Kent's under-nursemaid, was mentioned as one who had given evidence.

Mr. *Saunders* said in the present irregular inquiry he did not intend her to come; and he was not one of the "we" who had sent for Holcomb the gardener on the previous day. The police-officers who were present at the opening of this investigation had been doing their duty elsewhere on that and the previous day. The statements that had been made were not evidence, but they could be made direct evidence by calling the proper parties to prove them when the proper time arrived. The present was a sort of general conversational inquiry, for more regular proceedings, for the specific object of getting at the truth, and to endeavour to find out what the public might not themselves know at present. He knew what he was prepared to do at that moment, but he did not think the time was arrived for that.

Mr. *Millett* was next called, and said he was examined at the inquest and before the magistrates.

Mr. *Saunders* said that, as the investigation would break up early that day, he would have the matter at his fingers' ends to-morrow. But latterly he had been perambulating the place, sometimes with a confidential lad of his own, sometimes with an inspector or constable, sometimes all three together and separate, so that it was difficult to keep all things straight and secure, but he would try to analyse the matter a little, so as to facilitate the proceedings as much as possible. The object of the inquiry was to elicit for the public, and for the magistrates of the Bradford division, such information as had never yet come before the public, and he mixed himself up with no public or private examination that had taken place. The course he was taking might be a very wrong course, but at the same time it was a plain manly course, and by that he intended to abide. Four months had expired, and the murderer had not been discovered, and therefore he did not think the course he was then taking, and which met the approval of others, was a bad course.

Mr. *Wilkins, jun.*, handed in a paper, and Mr. *Saunders* asked him to be present on the following day with Mr. Quance, and whether Mrs. Quance was wanted or not they would see, but they would not interfere with her boiler (laughter).

Mr. *Saunders* said he considered it a most important subject to be

cleared up whether Mr. Kent was seen at five o'clock on the morning of the murder or not, for, if he was, then he could not have been waked up for the first time by Mrs. Kent or the nurse. God forbid that he (Mr. S.) should say anything to injure any man, but if he were Mr. Kent he should be most anxious to have the matter cleared up. Mr. Wilkins's paper was to the effect that some time after the murder Quance came home from Trowbridge stating that he had been taken up respecting seeing Mr. Kent on the morning of the murder, and that he (Quance) said he saw some one, but as his sight was getting bad he could not swear that it was Mr. Kent, so Quance was liberated.

Mr. *Wilkins* said he meant that Quance was taken into custody.

Mr. *Saunders* thought it probable that Quance was taken into custody, considering how Elizabeth Gough was taken into custody and liberated, but he could not understand many things in reference to the previous inquiry, but they should, if possible, be understood. He insisted on Mr. Superintendent Foley being present at the adjourned inquiry, unless he gave some satisfactory reason for being required elsewhere, because Captain Meredith, and all the inspectors, and every policeman of the county were put under his (Mr. Saunders's) direction. It was the wish of the Bench that it should be so, and Captain Meredith assented to the arrangement. Mr. Saunders desired Inspector Pitney to intimate to Mr. Foley that it was his (Mr. S.'s) wish that he should be present, and the sheep-stealing or robbery he was concerned in might wait till the afternoon. He (Mr. S.) had had a conversation with Mr. Peacock, the clergyman, who had stated all that had occurred to him on the morning of the 30th June, when he went on the Trowbridge road to meet Mr. Kent. He (Mr. S.) believed Mr. West wished to say something relative to the formation of the coroner's jury, and the judgment they came to, and which eight or nine of them were dissatisfied with.

Mr. *Morgan*—I will bring those forward if you choose.

Mr. *West*—I believe you are right in your observations; I think as many as nine out of twelve of us are discontented.

Mr. *Saunders*—Eight or nine of the jury are discontented with the conclusion at which they arrived, and consider that a sort of undue pressure was put upon them by other people in a higher station of life, and such influence as was used by the coroner and somebody else whose name I will not give.

Mr. *West*—I say so for one; the rest of the jury may state what they please.

Mr. *Saunders*—You are the general foreman of juries in this locality; but on this occasion the Rev. Edward Peacock was the foreman. Was it from a sort of pressure or superior judgment which induced you to come to a verdict other than you would have done.

Mr. *West*—I do say I am discontented, for my own part, to the bringing in of an open verdict. I did not feel that we were doing justice to ourselves or giving satisfaction to the country. Another reason which

caused him to object was, that they came to a conclusion so quickly, and it was only a partial examination.

A baby here squaled, and Mr. Saunders indignantly said—Those children are of no earthly use in giving evidence, and the parents of the children cannot help us much, and therefore they must leave this room.

Mr. West—There was only a partial examination, I think, because the jury considered that the whole household of Mr. Kent would be then and there examined. After they had seen the fastenings of the house, doors, and so and so, and the way they were fastened, they had a reason for holding that no one broke into the house to commit the murder, and that it must have been committed by some inmate, and consequently they expected that the whole of the inmates would have been had before the jury, and they were very much excited in consequence of it. Afterwards it was carried so as to have an open verdict.

Mr. Saunders—Do I understand you rightly that eight or nine of the jury were willing to bring a verdict of wilful murder against a particular person or persons, though they brought in an open verdict of wilful murder against some person or persons unknown?

Mr. West—I can't answer that question.

Mr. Saunders—But you think the inquiry was shortened, and that not sufficient time was given for you to learn all the circumstances which eight or nine of the jury wished to learn?

Mr. West—I do, sir.

Mr. Saunders then alluded to the alteration of two of the jurymen originally summoned, and the substitution of the Rev. Edward Peacock, clergyman, and Mr. Dew, a farmer, but he was interrupted by another cry of a child, and, looking in the direction from whence the sound proceeded, said, in a loud tone, "Now, Pitney, all women with children must leave the room."

Inspector Pitney—Constable Miller, see that attended to.

Mr. Saunders—Let those women walk off with their children, because this really is a question of murder, and an important thing. The children must go. Mr. Saunders then observed that the two jurymen who were warned off were Nutt, sen., and Freeman.

Mr. Morgan—I shall be able to explain that.

Mr. Saunders said—As a magistrate I have nothing to do with the question, it only affects the coroner; but it related to the ends of justice to know that there had not been what was called a packed jury. I have been told that one jurymen said that if he got a month's imprisonment with hard labour, if I could give it him, that he thought he richly deserved it.

Mr. Jones—One said that he deserved three months' imprisonment.

Mr. Saunders—At present I cannot accommodate the jury in their wishes.

A Voice—I wish you could (a laugh).

Mr. *Saunders*—Silence! I am determined to go through with the matter.

Mr. *Morgan*, who had gone out after *Freeman*, returned into the hall, and said that he was a tailor and wanted to put on his boots, and would be there presently (great laughter).

Mr. *Saunders* then observed that the jury comprised the following:—Rev. Edward Peacock, clergyman of the parish; Messrs. West, yeoman; Thomas Langley, relieving officer and registrar of births and deaths; Stephens, master mason; Wheeler, millwright; Node, butcher; Dew, farmer; Thomas Node, innkeeper; William *Freeman*, tailor; and Henry Martin, shoemaker.

Mr. *Edward Freeman* said he had been warned on the jury, but wished Mr. *Morgan* to excuse him from attending, as he (Mr. F.) had to go to Westbury with a band of music.

Mr. *Morgan*, the constable of Bradley, and Mr. Millett, of Road, came forward to explain the course they took in summoning the jury. It appeared that on the Sunday evening, the jury having to sit next day, Mr. Happerfield and Millett met *Morgan*, and they recommended him to summon Mr. Peacock and Mr. Dew on the jury, that they might secure people of good judgment to enter into this solemn affair. He (*Morgan*) then went to Nutt, and warned him of the same, saying that he did not suppose his father's feelings would be hurt in consequence. He (Mr. M.) acted from the best motive.

Mr. *Saunders* said he was sure he did. He (Mr. *Saunders*) had heard that a son of Nutt, senior, had been committed for stealing apples from Mr. Kent's orchard, otherwise the family were respectable. They would have young Nutt there one of those days, if necessary, for he (Mr. *Saunders*) did not do things by halves, but began and ended them.

After a little further conversation the inquiry was adjourned. The proceedings on this occasion were conducted with a nearer approach to a judicial investigation than those recorded in our impression of yesterday, though the hall presented anything but the appearance of a court of justice. The president sat or lounged upon a form on a platform before a rickety table; the reporters were seated at an improvised desk, composed of forms, &c., while there was assembled a curious company, principally of women and children, who appeared to be anything but impressed by "the majesty of the law," and unhesitatingly made suggestions or explanations as occasion presented itself to them. Probably the change had been brought about by the wholesome influence of the press, to which the president on more than one occasion referred. He indulged in the *suaviter in modo*, though, in consequence of the "irregular" nature of the proceedings, he could not insist upon the *fortiter in re*, and two or three laughable incidents consequently ensued. There was an entire absence from the president's table during the day of the "dark fluid," *alias* "cough mixture," *alias* *eau de vie*, mixed with *aqua pura*, and his manner was much less demonstrative. The learned gentleman exhibited much sensitiveness with regard to the remarks the press had made on the manner in which he had

conducted the inquiry, although he said he did not care a farthing for such remarks.

#### RENEWAL OF MR. SAUNDERS'S INVESTIGATION.

*November 8th, 1860.*

YESTERDAY Mr. T. B. Saunders resumed his investigation—if a few questions put by him on the occasion to one or two witnesses may be so designated—relative to the mysterious murder at Road, in the Temperance Hall there. He had stated that his intention was to commence the day's proceedings about noon, by which time a few women and children congregated around the hall door, but comparatively little interest was manifested in the inquiry, and Mr. Saunders did not arrive until about an hour and a half after the appointed time. He was accompanied as before by Inspector Pitney, who had been preceded by one or two of the policemen under him. The attendance in the hall during the short sitting was not so numerous as on the preceding days.

Mr. *Saunders* (addressing the reporters) said—I am sorry to have kept half a dozen or more gentlemen waiting, but I have been doing what I believe to be a public duty this morning. I will not detain you one moment longer, but, Mr. Wilkins, perhaps what you spoke of just now outside you may wish to say something to me about now. I think it better for the ends of public justice you should, you know. I think you were here yesterday, and you made some observations when Mrs. Quance was giving some information, and your statement appeared to me not quite to agree with what she was saying; in other words, she and you appeared to understand a matter somewhat differently. You then kindly promised, as the master of Mrs. Quance's husband, to request his attendance here to-day at twelve; that he declines doing, although you are his master—one of his masters.

Mr. *Wilkins*—Yes, one of his employers, for I am in partnership with my mother.

Mr. *Saunders*—Though his employer, or employers, requested him to be here at twelve, not at all objecting to the loss of his services in their private business, yet he declines to come, though they wish him to come.

Mr. *Wilkins*—Yes, sir, exactly.

Mr. *Saunders*—And will you tell me if he informed you why he declined to come, or whether he said what means he would wish resorted to before he did come? I know you told me outside, but I wish it here said in public, if you please. I am not acting as a magistrate, you know, and wish you to state it in public, unless you see any objection to it.

Mr. *Wilkins*—He told me this morning that he should not come unless he were summoned.

Mr. *Saunders*—I am not sitting here as a magistrate at present, but

in my private character as—as—a private gentleman; although I am a magistrate for the county of Wilts, yet I think I should be deficient, or improperly exercising the duty of a magistrate, to issue a warrant, or summons, for Mr. Quance's attendance here to-day, and I understood from you outside, Mr. Wilkins, that he is now some miles off, perhaps?

Mr. *Wilkins*—Yes, he is.

Mr. *Saunders*—Perhaps you will oblige me with your Christian name?

Mr. *Wilkins*—William.

Mr. *Saunders*—Mr. William Wilkins, miller, Tellisford Mill, about a mile hence by the nearest way across the fields, where I have walked many a time in days gone by. Of course, gentlemen, that latter observation will not be put down. Well, now then, I should like to see Mrs. Orchard about the clock and some time, but unless Mr. Superintendent Foley or Captain Meredith—

Inspector *Pitney*—Mr. Foley will not be here till late, for he is engaged in petty session at Trowbridge.

Mr. *Saunders*—Will he be here late to-day?

Mr. *Pitney*—He promised to come as soon as his business was over.

It was stated that Captain Meredith was engaged at Salisbury, and, therefore, his attendance could not be calculated on that day.

Mr. *Saunders* (to Mr. Pitney)—Do you know anything of a certain meeting of the magistrates at Trowbridge yesterday?

Mr. *Pitney*—Mr. Foley was engaged all day yesterday there. I communicated with Mr. Foley, and the answer I have given you he sent back.

Mr. *Saunders*—This is one of those unavoidable circumstances that can't be helped, and of course it is his duty to be at Trowbridge to-day, but why Captain Meredith and the two Superintendents were all three absent yesterday is more than I can say.

It was stated that Mr. West had gone to Bath with some of the jurymen to swear affidavits.

Mr. *Saunders*—That is in reference to a certain private examination, but I have purposely declined to mix myself up with any private investigation.

Mr. *Pitney*—Mr. Foley was engaged up to the time the reporters arrived at Trowbridge from Road, yesterday.

Mr. *Saunders*—I think it reached my ears that either Mr. Wolfe or Mr. Foley was here yesterday after I left.

Mr. *Pitney*—I understand that both were here yesterday, but I did not see them.

Mr. *Saunders*—We closed early yesterday for the convenience of certain gentlemen, you know. I stated that I had not been able, from pressure of other matters, to analyse, as it were, to put down the names of the different persons who had been already examined. I

don't know any reason why I should do it, but I did it last night, in some way or other, and I have had a pamphlet, or something, sent to me this morning from London, which is in my pocket, I believe, now, two copies of which I had the opportunity of seeing before, having been in Bath one day last week, and this is the same. It gives an account of all the proceedings which took place with reference to that unfortunate event at Road-hill House, from the 29th of June, up to, I believe, the termination of Gough's investigation, or inquiry—magisterial and judicial inquiry at Trowbridge. Having two copies before, I took one last night, and from that went through the names of those who had been examined, my object being to bring into this inquiry, or before the public and the authorities, the names, and the statements, and the evidence of those who are prepared to confirm their statements on oath when the proper time arrives. If it be thought material, and wished, I will go through them; if it be thought immaterial and undesirable, I will refrain; but I think it is desirable I should do it, because, then, it will meet the public eye who the parties are who have attended voluntarily before me, and confirmed what they told me in private, some of them, and what others of them had not said anything to me at all about. Is there anybody here present who was on that coroner's inquisition?

*Mr. Groser*—I was the only reporter present at the first part of the proceedings.

*Mr. Saunders*—I beg pardon, Mr. Groser; any one of the jury?

*Mr. Groser*—Yes, I understand perfectly.

*Mr. Saunders*—There is some gentleman sitting behind you who spoke to me yesterday on a private matter. If he wishes me to speak publicly in reference to that, I am prepared to do so. I think I ought—it is due to the young lady—I think I should say that Mr. Pitney and I, when we were making our reconnoitering observations, standing in a field beyond Mr. Kent's house, on that path, Mr. Wilkins, leading to your mill, among other places, we saw a young lady coming across the field; her name, I believe, has never been mentioned, nor has it appeared in print. I only had a supposition—

*A Voice*—Her name is Mary Ann—

*Mr. Saunders*—Hush! whose name I never mentioned, nor do I wish to hear. But I think it is due to that young lady to say that there might have been a slight trepidation on her part, seeing two strange persons who were watching her movements. I am quite satisfied who and what she was, and I am sorry that I or the inspector should have put her to inconvenience. At the same time she was seeking Road-hill House, and evidently endeavouring to escape our observation, and I did think she was some inmate of the house; and shortly afterwards, seeing a light at one of the upper windows, and seeing a young lady who was, as they have called it, "doing her hair"—which is not a phrase of mine, for I said combing or dressing her hair, putting her

hair in order—I do not believe that this young lady, whom Mr. Pitney and I happened to meet, was that young person—young lady—I happened; we happened, to meet was that young person—person—which we—I saw without a blind at the glass placing her hair in proper order, as though she had come in from a walk, and I am extremely sorry if that circumstance of this young lady having been seen by me and Inspector Pitney, and the proceedings that we took, have given her the slightest annoyance; it was entirely unintentional on my part, knowing now who she was. Was that gentleman on the coroner's inquest who was assisting me when I was not requiring assistance? Is there any one in the room likely to give me any assistance?

No "assistance" having been volunteered,

Mr. *Saunders* proceeded—I have received this morning several letters—something like half a dozen—in reference to the matter I am now offering parties every opportunity of giving every information upon to me non-officially. One of those letters was written by a gentleman at Frome yesterday afternoon, giving me most important information. He is unable to leave his house to-day, but that nothing shall prevent his coming forward to further the ends of justice, he informs me. Now, it is my intention at some period of this day, unless I feel it my duty to act in a different way, to proceed to Frome to see that gentleman. At present I should say that I have read and shown that letter this morning to a brother magistrate, whose name I do not intend to mention, but that brother magistrate is obliged to go to Bristol to-day. I shall have an opportunity of seeing him again to-night or to-morrow morning, and I believe—although I won't say that such is the fact—I believe he takes a somewhat similar view to myself with reference to the contents of that letter, and it is my intention, seeing it to be of vital importance, to see the writer before I return to Bradford to-day. Now, gentlemen of the press, what is your pleasure to-day? I will do with pleasure what may suit your convenience. I was detained yesterday and the day before. I waited for some time for several people. I have kept you waiting to-day nearly one hour. I could not help myself, and I am sure you will bear with me when I say that matters of important public duty detained me, and you will excuse me if I have given you any inconvenience or caused you impatience.

Mr. *Austin*, the Bristol correspondent of 'The Times,' said—May I take the liberty to suggest, as an application is about to be made to the Court of Queen's Bench to reopen the inquest, with powers then, of course, to examine anybody and everybody on oath, that it may further the ends of justice if the present inquiry were adjourned to await the result of that application, and in the event of that application not being acceded to by the Court of Queen's Bench, then that you should resume the inquiry you have hitherto conducted?

Mr. *Saunders*—Ah! this private, public, extraordinary, unusual



prosecution! I am extremely obliged to you for the suggestion; such has passed through my mind, and I have fully considered it. Till I saw in a paper this morning, the name of which I will not mention—a public paper—and until I saw it in another public paper, which I received at the railway station at Bristol—that is ‘The Times’—I was not aware of what had taken place at Trowbridge yesterday, or of any intention of such proceedings taking place. I must be reserved on certain points. Whom I have seen, and where I have been, since I left the country with my family, on this day fortnight, is at present best known to myself; but inasmuch as I have seen—I won’t pull the papers out of my pocket at present—but inasmuch as I have the best means of knowing that no application has been made to the Lord Chief Justice for quashing the inquisition and getting a new one, that no application has been made to get a fresh writ, or whatever it may be called—*melius inquirendum*—knowing that it cannot be made, as the 2nd day of November is the first day of the term, and this is the 7th, knowing certain other things that it would not be prudent or proper to mention—not having received any official communication from London, I do feel myself that it would not be conducive to the ends of justice that I should cease from going on in the course I have defined for myself. It must be quite clear to every one that the proceedings that have taken place in this hall since Saturday morning last, this being Wednesday morning, must have been brought to the knowledge of those in London who have the power, perhaps, to put a stop to the course I am taking. Not having received any intimation, although I have had six letters this morning, one from Frome—I must not go into details now—six letters this morning, and not having received such intimation, it is best for the interests of public justice that I should proceed. If a telegraphic message came from whatever place it may, I have no doubt that I should receive it here without delay, and I should be prepared to act upon it, whatever that message might be. One or two parties whom I have seen on my road from Trowbridge here—it may be assumed, or supposed, who they were—gave me valuable information of what I am told has never been publicly stated, although they have been privately examined and privately questioned. I think it very material, before I act as a magistrate, that those two persons should be able to state publicly what they knew. They have stated it privately, and they have stated it not privately, but in the presence of others to me yesterday. I therefore ordered the carriage which brought me here to be kept in waiting to fetch those two persons. One of them, I am informed, is at Trowbridge, and she cannot possibly be here till half-past two o’clock, and the other is, I believe, at home—whether she is or not I don’t know. But, under these circumstances, I don’t feel it desirable to send for them to-day. That is the only reason why. Now, I am extremely obliged, as I said, to the representative of the press for his suggestion, but I must beg leave to

follow out my own course, and differ from him. But the papers say—but I must not say papers. It came to my knowledge that such an application cannot be made under ten days, and certain affidavits have to be made, and, as I am informed, must undergo the ordeal of a scrutiny by the Attorney-General, and it will then be for him to consider whether he acquiesces in that view or not. If he does not acquiesce, then I apprehend that the application will not be made, except on the personal responsibility of some private individuals, and they will be answerable for all the consequences, both of person and purse. Now, my object is to avoid what I, privately, consider to be an unnecessary inquiry, at a great cost to—whether the public or some private individuals, for it must be perfectly clear, and I give my opinion as a private gentleman on the subject—I do not know how any *melius inquirendum* writ, or fresh inquiry, can in the slightest degree improve the position of affairs, as left by the constituted authorities. Wilful murder against some person or persons unknown is the highest verdict that can be brought in, except against particular individuals, all of which I have seen in print, as stated in a leading journal on my way here to-day. I have my own opinion whether it will be granted or not. (To Mr. Austin) I think I understood you just now to put it in the event of it not being granted. This I assume at present, in the exercise of my best discretion. I am of opinion that it is very likely that it may not be granted, and, if it were not granted, we should lose ten days, and in ten days a great deal may be done to defeat the ends of justice. Well, then, we can't see those people who were on the coroner's inquest, I suppose. There are certain affidavits to be made, and I believe—I don't know whether they are all gone to Bath to make them—

*A Female Voice*—Mr. Martin and Mr. West are gone to Bath, and Mr. Foley too.

Mr. *Saunders*—Please to step here, ma'am. Who are you?

Mrs. *Freeman* stepped forward, and said she was the wife of Edwin Freeman, who had been summoned on the jury, but who had been liberated therefrom at his request. She said that West and Martin were gone to Bath, to Mr. Slack's, she believed. They went in Wheeler's van.

Mr. *Saunders*—Then we can't see West or Martin, and I think under the circumstances it will be improper for me to do or say anything in reference to the coroner's inquest to-day, or the jurors. I think with reference to Mrs. Orchard I am to-day in the same position I was in yesterday—myself and others—one believing one thing, and the other stating another; and the lady, Mrs. Poulton, next door to Mrs. Quance, is an invalid, and she can't come here. Is anybody else here who wishes voluntarily to come forward and give any information in reference to the 29th or 30th of June at Road-hill House? (No answer.) It is now one o'clock.

Mr. Inspector *Pitney* said that Mr. Foley was coming as soon as he possibly could.

Mr. *Austin* said he would be rather late probably, as he was engaged in five informations before the Trowbridge magistrates.

Mr. *Saunders*—It's an extraordinary thing that so many informations, robberies, and sheepstealing, of this great importance, should all interfere and stop public information being given with regard to the case of murder which has been four months under investigation and not yet discovered. 'Tis an unfortunate thing, but it does so happen. In reference to what was stated just now by me, I shall make it a point of going to Trowbridge to see these parties, who are in indifferent health and cannot come here. I can do that very conveniently, and be back again here by three o'clock. I don't adjourn any court or anything of the kind. This is not a court, nor has it been. It should be borne in mind that I brought the high constable of Bradford here, and he was opening the court, when I checked him, and said, It is no court at all, and don't open it. It is not an open court, but a private meeting of her Majesty's subjects. Now, if I were to say that I should be absent for two or three hours, and come back between three and four o'clock—

Mr. *Austin*—You would very likely find all the reporters gone.

Mr. *Saunders*—I shall not expect you to amuse yourself even in this picturesque neighbourhood, though I am sure there are many things here worth seeing. Don't put this down, it must not be ridiculed. I am here an unpaid individual, but I suppose those gentlemen who go to Bath, and those conducting a certain inquiry, are not the great unpaid nor the little unpaid; but still in another character, as barrister, it would be wrong in me to throw any imputation on any one. I will consult your convenience in every possible way, but I suppose if I say I will be here again at three o'clock I shall not see many of you?

Mr. *Austin*—You will see none of us.

Mr. *Saunders*—It would not be fair that I should see a few without seeing the others. I consider that you will not see me here to-morrow, but I firmly believe that I shall be at the Town-hall, Bradford, to-morrow, and then I shall not be plain Mr. Saunders, that individual you now see me, but then I shall be in another capacity. I can't adjourn these proceedings.

The sitting then concluded, in consequence of the learned gentleman being quite unable to extract anything from any one present, though he appealed to several of them. He, however, promised that the public should yet be put in possession of many new circumstances connected with the mysterious event.

We have been requested to state that Road-hill House is situated in the parish of North Bradley, in the magisterial division of Worles Down, for which the Rev. R. Crawley and W. H. Walmaley, Esq., are

the acting magistrates. Those gentlemen appealed for aid in the elucidation of the mystery to the magistrates of the Trowbridge division, H. G. S. Ludlow, Esq., W. Stancomb, Esq., and John Stancomb, Esq., which they readily rendered, and also conceded the commodious Police-court at Trowbridge for the purposes of the inquiry, to obviate the inconvenience of its being held within the confined precincts of the Temperance Hall at Road.

#### RENEWAL OF MR. SAUNDERS'S INVESTIGATION.

November 9, 1860.

YESTERDAY Mr. T. B. Saunders continued his investigation relative to the Road murder in the Temperance Hall there. The audience, if not a larger, was probably a more respectable one than on the previous days.

Mr. *Saunders*, almost immediately upon taking his seat, said—Mr. West, are you wishing to say anything?

Mr. *West* said, I should be happy if I had anything to say to throw light on the subject or to assist you, but I have not.

Mr. *Saunders*—Thank you. I should be much obliged to the gentlemen of the press if they could, with propriety, intimate to persons who write to me on this subject private and confidential letters, and persons who send anonymous letters, that it is utterly out of my power to answer each and every one of them. I have received ten letters since I came to this place to-day; I received half-a-dozen before I came; and I received nine after I left here yesterday; all of which I read before I went to bed last night, and they are in my pocket now. I made my private minute on the envelope of each as to the contents, some containing hints and suggestions which appear to me of great importance, and when the proper time comes I will take care that all the hints and suggestions are attended to; at present I think it much more desirable that I should not say anything, or go into any point in reference to their contents; some of the parties who have written to me of course think it neglect on my part at not having received an answer, especially those who have known me and signed their names: anonymous letters, of course, I can't answer. I have not much opinion of anonymous letters generally; still, on such a subject as the present, persons from fear or delicacy may write anonymous letters, and these may contain important matters. As a general rule, anonymous letters sent to me go in the fire, except when they contain suggestions of importance, which I treat with the attention they deserve. I had eighteen letters yesterday, ten here to-day, and four or five, I think, this morning, and I dare say every mail will bring me others. There has not been a post but which has brought me letters, and these are put at the top of the parcel in the letter-bag, that the postmaster may not help seeing them without any sorting. I don't know whether that is done intentionally or

otherwise. The sooner the parties who had promised to be here come from Frome the better, before I take information from any other person. I was at Frome last night, and saw some whom I expect to be here to-day, and they gave me what I consider most important information, though others might consider it of no importance at all. Mr. Saunders then proceeded to open the letters he had just received. A gentleman of the name of James Boyde, of Lewisham, Kent, referring to what had been said of the mowing-machine, suggested that inquiry should be made whether it was a Boyde's machine, the knife of which could be unscrewed, and that it should be examined for blood-marks: also that inquiry should be made whether the scythe was permanently fixed to a handle, &c. The next, an anonymons letter, contained "a serious charge against somebody." Another was from a curate in London, a personal friend of his; it suggested that the carriage had not been sufficiently traced on the morning of the murder: was any paper parcel thrown from it? Another letter commended Mr. Saunders's exertions, suggested that the mouths of certain persons could not be shut except some money had been given; had certain persons spent more money than reasonable, and had another party drawn more money from the bank, &c.? He had received letters from two professional men, enclosing high testimonials, and offering to come at their private expense to assist him (Mr. S.) legally in that inquiry, or any way in which they could give their services to the public free of expense. One testimonial was signed by a Q.C., another by a recorder in the south of the kingdom, and reference was also made to a former Secretary of State, a friend of his (Mr. Saunders's), but not Mr. Sotheron Estcourt, who was also his friend; there were references to other personal friends of his, and others whom he did not know. Another letter he had handed to Mr. Austin. Mr. Saunders then stated that he had sent a letter to the reporters, apprising them that it was his intention to renew the investigation on that occasion, as he had promised to do. He had kept his word, and done all he could to accommodate those gentlemen. After inquiring whether Mr. Foley had yet arrived, Mr. Saunders proceeded to say that "one of the public" had written to inform him in what service a certain nurse formerly was, and the reason of her dismissal; another letter he did not think he should refer to.

Mr. *Austin*—The letter you handed to me suggests that the privy should be emptied, which has already been done. . .

Mr. *Saunders*—The letter seems to have come from a professional quarter.

Mr. *Austin*—From a lawyer's office, I should suppose.

Mr. *Saunders*—Is there any one who wishes to say anything on the subject we are inquiring into?

After some conversation between Mr. Saunders and Mr. Pitney,

Mrs. *Ann Hall*, keeper of the turnpike-gate at Southwick, was examined.

Mr. *Saunders*—I think you told me something yesterday in reference

to what took place on the 30th of June. Will you be kind enough to state to the gentlemen present and parties here what it was? You were speaking of a certain gentleman?

*Witness*—I opened the gate as usual to let a gentleman through, and he asked me where the police did live. I showed him as nearly as I could. It was not far.

This statement of yours at another day may be put in another state, called evidence. I believe you never yet stated in public what you are going to tell us?—I stated it to Mr. Slack. I showed the gentleman as near as I could, and he said, "I have had a child stolen and carried off in a blanket;" and I said, "When did you lose it?" and he said, "This morning, and if you see any one coming you are to stop them." That was all, sir, I said. He then went on towards Trowbridge. That was about eight o'clock in the morning. The Rev. Mr. Peacock was the next person that came by. I said, "Sir, this is a sad affair at Road;" and he said, "But the child is found," but he did not say it was murdered; and I said, "Where, sir?" and he said, "In the garden." He did not say anything about the water-closet. Mr. Kent ultimately came back. Mr. Peacock had not left any message for Mr. Kent with me, but went on towards Trowbridge. When Mr. Kent came back I said, "Then, sir, the child is found?" and he said, "Yes, and murdered." He did not stop. He had paid the gate before when he went forward. Mr. Peacock did not return with him. Mr. Kent's is a closed 4-wheel carriage. There was no one in it but himself. His was a sort of ready horse. I can't tell what clothes Mr. Kent wore. I do not know whether he had on a great-coat.

Mr. Saunders thanked the witness for attending there that day.

*Ann Heritage*, the wife of a policeman in that district, was next examined.

Mr. Saunders asked her—Will you tell me in public what you told me not altogether in private yesterday, but when I was passing by your house with one or two others?

*Witness*—I remember the morning of the 30th of June perfectly well; perhaps I never shall forget it. A gentleman called at my gate, and I immediately went out. He called, and a boy came as well. Mr. Kent went to him as I was looking through the window. The boy was near him. He had given the boy a halfpenny to show him the house. I saw him give the halfpenny to the boy. I immediately went out. Mr. Kent asked me if my husband was at home. I replied, "He is in bed." He said, "You must call him up; I have had a child stolen out of my house to-night, or rather, we missed him at five o'clock this morning—a little boy aged three years and ten months, supposed to be taken out of the drawing-room window." I said, "Have they taken any clothes, sir?" He said, "No, wrapped up in a blanket. Tell your husband he must get up immediately, and make every inquiry. I am going to Trowbridge to give information to Foley." I said, "Your name and residence, sir." He said, "Kent, Road Hill House," and that was all. I saw him after he

had passed the house on his way back. I saw Mr. Peacock ride by. He did not say anything to me. Mr. Kent did not get out of his carriage when he came to the door. I cannot recollect how he was dressed, or if he had an over-coat on. I did not particularly notice his dress. It was a dry morning.

Mr. *Sinkins*, a magistrate of Somersetshire, here entered the room, and was invited by Mr. Saunders to take a seat near him, but he said he was not going to remain long, and took a seat near the centre of the hall for a short time.

*Ann Heritage* continued—Mr. Peacock was riding on a horse.

Mr. *Saunders*—We shall want to see the Misses Greenly and Francis. I wish it to be clearly understood that what is stated here is not evidence, but merely statements. I do not wish to take credit to myself; but after I left this room yesterday, I went to Frome, got some refreshments at an hotel, saw a private friend, and passed through this place again some time after 8 o'clock, Mr. Pitney?

Mr. *Pitney*—Between 8 and 9.

Mr. *Saunders*—I cannot fill up the gap caused by the evidence of Orchard, as I have not those gentlemen present who heard her statement. Alluding to the unconnected statement, he said when the proper time arrived somebody would put all these things into shape. Mr. Pitney, call Gerrish.

Mr. *Pitney*—Gerrish has left his shop, to go home to prepare to meet you here.

Mr. *Saunders*—Oh! I am much obliged; but I shall be equally glad to see any person coming in their working dress. Mr. Saunders, alluding to the *melius inquirendum*, said at present he asked nothing about the subject; but if any persons were there who wished to say anything about it, an opportunity would be afforded them. Was any application made yesterday of sufficient importance to be reported? It seemed by the morning papers that an application had been made of sufficient importance to be reported.

Mr. *Austin* said he had been informed that a telegram had been received in Bristol yesterday, stating that the inquiry was likely to be reopened on Monday next.

Mr. *Saunders*—There was a private telegraphic message received in Frome, not on that subject, but on a subject bearing on this inquiry.

Mrs. *Edward Freeman* was next called, and in addition to the evidence she had given on the previous day, that Messrs. West and Martin had gone to Mr. Slack's, at Bath, in Wheeler's van, she was asked if she had not made any communication with reference to the lamp over Mr. Kent's hall-door. She replied that it was not her, but Gerrish. She could not say anything about the lamp, but thought that the lamp was not kept burning there except on nights when there were parties. She could not say whether a lamp had been burning there every night since the 30th of June.

Police-Constable *Heritage* said he had been on duty in the neighbour-

hood for two years altogether. He had noticed the lamp being over Mr. Kent's hall-door generally at night, when he had been there. He was not present when the child was found, but came at ten o'clock. He assisted to search about the premises; went into the house in the morning as soon as he came. When Mr. Foley came they both saw the child in the laundry. In the evening he went, under certain orders, to the house, to remain during the night. Mr. Foley said, "Mr. Kent wants you to go to the house to stay with him to-night, and go at twelve o'clock." He said that on the lawn. Urch and he (witness) were present. Superintendent Foley added, "Mr. Kent will tell you what to do; come quietly, because Mr. Kent does not want the servants to know you are there." Believed there was no other police-officer present, nor any one in plain clothes to his knowledge. Followed those orders.

Mr. *Saunders* (to Mr. Pitney)—Is there any other question to ask?

Mr. *Pitney*—Ask if Sergeant Watts was there.

Police-Constable *Heritage* continued—Knew Sergeant James Watts, of the Somersetshire constabulary. He was in the Frome division. Did not see him there when Mr. Foley gave the orders. It was at nine o'clock in the evening he gave the orders.

Police-Constable *Urch* was next called.

Mr. *Saunders*—You heard every word that *Heritage* said. Does that statement of his accord with your ideas?

*Witness*—Yes, that's near the same as Mr. Foley said, every word.

We'll put you down "Corroborate *Heritage*, nearly every word being the same as Mr. Foley said." Was anybody else present at that time?—I don't recollect seeing any one.

Where was Superintendent *Summers*?—He was not there.

Was the Superintendent of the Frome division there?—He was not there when Mr. Foley gave us the orders.

In the absence of Superintendent *Summers* I apprehend that some officer takes the command. Would you be the man, in the absence of the superintendent, to direct the superintendence of that division of the force? On the 13th of July was a sergeant there? Was *Watts* a sergeant of the Frome constabulary at that time?—Yes.

Did Sergeant *Watts* say anything to you?—No, sir, I cannot recollect anything about stopping there.

Did Sergeant *Watts*, in the absence of Superintendent *Summers*, he (*Sergeant Watts*) being then the man who would have to direct the movements of the Frome division of the constabulary, did he give you any orders after you saw him at Road Hill House, or on the premises?—No, sir; I don't recollect as he did.

Recollect yourself, please.—I don't recollect as he did.

Were you present when Sergeant *Watts*, in Road Hill House, found a certain thing?—Yes, I was.

What was it?—Some woman's night-shift.

Some woman's shift. I don't wish to mislead you; was it a night-shift, then, or a night or day-shift?—It was a shift.



Have you a sufficient knowledge of shifts? (laughter.) Silence! Have you a sufficient knowledge of such articles of dress, having seen for yourself, to say whether it was a day-shift or a night-shift?—It might have been worn night and day, as it was such as is worn at all times.

Pitney, I am extremely anxious that Sergeant Watts should be here as early as possible; I cannot account for his absence. (To witness): You were present with Sergeant Watts; what time was that?—It was in the evening, I should think about five or six o'clock.

Where did Sergeant Watts find the article.—In the boiler-hole.

Where was the boiler?—In the first kitchen, going in, sir.

Was there any one present? Well, no: what state was the shift in in the boiler-hole? Stop a minute, though; was it at the entrance of the boiler-hole, or pushed far up?—It was in, sir, as if to light the fire.

Was it dry, or was it wet?—It was dry, sir, but very dirty.

What do you mean by dirty?—I mean as if it had been worn a long time.

What was that dirt upon?—It had some blood about it.

Was it much blood or little, a large quantity or a small quantity?—There were several places with blood upon them.

Did they appear to have been there for some time?—Well, sir, I did not touch it myself. Sergeant Watts unfolded it, looked at it, and carried it to the coach-house.

Were there any initials on that shift?—I do not know, sir; I did not see any.

Was it a coarse article, or a fine article of dress, such as servants wear, or more like what young ladies wear?—I should think, sir, it was one of the servants.

Was it the size for a full-grown servant, or a young woman, a full-grown woman-servant, or a nurse-girl? Was it of a large size?—No; it was not a large one. We remarked, two or three of us who were there, that it was a small one.

Who were there?—The sergeant, and I believe Dallimore was there.

Was Foley there?—Yes.

And he then gave it to Foley, and did not know what became of it, and thought something more should be known of it. I am sorry that he is not here, but he must come at some time or another.

Police-Constable *Dallimore*—I believe he was on the premises when it was put back, and that I told him of it.

Mr. *Saunders* said he considered it to be his duty to have the matter cleared up some way or other. Watts had told him that he had given Urch certain orders in the absence of Summers, and that Urch had acted diametrically opposite to them; that, instead of being locked up, he ordered Urch to perambulate the premises, and watch them well all night, and not place themselves in the power of Mr. Kent to be locked up in a part of the premises. That was what he told him on the previous day.

Mr. *Foley* handed in a letter which he had just received from Mr. *Summers*.

Mr. *Saunders* said that two magistrates had written to him to say that, as they saw by the papers that he was anxious to know where *Summers* was, they thought it their duty to state that, though he had left *Beaconsfield*, he was still in the *Bucks* constabulary. Sergeant *Watts* told him (Mr. *S.*) on the previous night, if he understood him correctly, that he was ready to swear to it that he gave *Urch* orders diametrically opposite to those which he carried out. He thought it wrong on *Urch*'s part, he having been ordered to perambulate the neighbourhood, and to watch the premises externally, that he should allow himself to follow Mr. *Kent*'s or any other person's orders, and allow himself to be locked up all night.

Mr. *Foley*—I do not think that *Urch* was under *Watts*'s orders. I think he was under my orders, by the order of the chief constable.

Mr. *Saunders*—He told me that he had given *Urch* specific special orders, that were contravened by some one else.

Mr. *Foley*—By the chief constable himself.

Mr. *Saunders*—Of what county?

Mr. *Foley*—Of the county of *Somerset*. He told me his men were at my service whenever I wanted them.

Mr. *Saunders*—When did you see Mr. *Valentine Goold* after the murder?

Mr. *Foley*—On Sunday.

Mr. *Saunders*—Then on the Saturday night you had no authority over those men there?

Mr. *Foley*—I saw *Summers*.

Mr. *Saunders*—*Summers* was not at *Frome*, and *Watts* was the commanding-officer at that time.

*Urch* said Mr. *Summers* was at *Road* after Mr. *Watts* had left, and gave him (*Urch*) orders to obey Mr. *Foley*.

Mr. *Saunders* then read the following letter:—

DEAR FOLEY,

6th November, 1860.

I see by the 'Telegraph' newspaper of this date that Mr. *Groser* of *Frome* has been making himself rather officious in mentioning my name in connexion with the *Road* murder. I can only say that he (Mr. *Groser*) cannot have spoken the truth, inasmuch as I never was inspector of police at *Beaconsfield*, neither did I ever tell Mr. *Groser* or any other person that I saw marks of blood at the front door of Mr. *Kent*. I said there were marks of blood on the water-closet door, which you saw as well as me. I know nothing of the murder more than you, neither any circumstances connected with it but what I pointed out to you; and everything I heard I told you, and gave you my opinion on it. With regard to Mr. *Saunders*'s remarks respecting an anonymous letter, I don't know what that gentleman means. I know nothing of such a thing. I had several letters sent me, but I never knew who sent them; but I have none of them by me now. And if I was obliged to come down there, I could tell you nothing

more than you know already. If I could, I should only be too happy to do it. I worked with you, Mr. Wolfe, and Abbott, but I never kept anything from you. But if they are determined to have me down there, they must summon me and send my expenses, for you know I was at a great deal of expense when there, and never got a farthing for anything.

I am, dear Foley, yours very truly,

GEO. W. SUMMERS.

*Mr. Superintendent Foley, Trowbridge.*

Mr. Saunders added that Mr. Groser could answer for himself, but he (Mr. Saunders) did not believe he said one word of an anonymous letter in reference to Summers. There was no anonymous letter that he was aware of at that moment that he had ever received mentioning Mr. Summers's name, and he did not believe he did say a word about any anonymous letter relating to Summers. He probably referred to a certain observation that had been made there.

This concluded the proceedings of the day, and the company then dispersed.

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November 10, 1860.

THE Road murder may remain an inscrutable mystery to the end of time, and the phenomenon of a gentleman's child found with its throat cut on its father's own premises stand out as an isolated fact, without cause or effect, except a quantity of talk.

Mr. Saunders re-opened his inquiry at Road yesterday afternoon, in presence of the smallest audience which has yet assembled. He commenced by apologizing for not having attended at the appointed time, stating that he had that morning been acting as a magistrate of the county of Wilts. He was now there acting, not as a magistrate, but was there simply to receive any statement which any persons could give with reference to the events of the 29th and 30th of June last. Mr. Saunders then handed the reporters an anonymous letter, signed "A Barrister," and bearing the Hereford postmark, which he said was the only communication he had received reflecting upon his conduct; he wished, however, that the contents should not be made public.

Police-Constable *Urch* stated that the shift spoken of yesterday, when found, was wrapped in a piece of newspaper. He could not state what newspaper that piece belonged to. Mr. Saunders then went on to examine the witness as to the situation of the boiler in which the shift was found, from a ground-plan of the premises of Road Hill House, published by one of the local newspapers, and pursued his investigation into this utterly irrelevant matter at some length.

Sergeant *James Watts*, of the Frome division of the Somersetshire constabulary—I went to Road Hill House on the morning of the 30th of June. I found men engaged in emptying the cesspool of the place where the body of the child was found; this was about 2 o'clock p.m.

I went into the kitchen and scullery, and on searching about in the scullery and opening the door of the boiler-furnace, I saw something wrapped up there. I pulled it out, and found what appeared to me to be a shift wrapped up in a piece of brown paper, I believe. I took it out into the stable to examine it, and called the attention of police-constable Dallimore to it. I think Urch was also present. On opening the bundle in the stable I found it to contain a shift in a very dirty state; it was very bloody. It was dry then, but I should not think the stains had been on it a long time. It did not appear to have been partially washed. Some of the blood was on the front and some on the back. I wrapped up the shift again, and as I was coming out I saw Mr. Kent just outside the stable-door in the yard. He asked me what I had found, and said he must have it seen, and that Dr. Parsons must see it. I did not let Mr. Kent see it, but handed it over to Mr. Foley. I believe Foley was in the front part of the house when I found the shift, and he was at the back when I handed it over to him. Dallimore was present at the time. Mr. Foley took possession of the bundle containing the shift, and I have not seen anything more of it from that day to this. I asked Dallimore at last Road fair what had become of it, and he told me he was going to put it into the place from which it was taken, and one of the servant-girls was coming into the scullery, and he put it down by the side of the boiler-hole. I left Road Hill House about 9 o'clock on the evening of the 30th of June. I did not see Sergeant Summers there; but I understood he came there afterwards. Mr. Foley asked me if I could let Urch stay to assist his man Heritage, and I told him I could. I then told Urch to go home and get his supper, to well trim his lamp and bring it with him, and to keep his lamp turned off after he got to the house. I told him he was to tap at a window of the house which Mr. Foley pointed out to me, which was one of the windows of the front dining-room, which open out on to the lawn. I told Urch to remain in the drawing-room, at the bottom of the staircase, and if anybody got about during the night to turn his lamp on and see who it was. I can't say when the boiler was last used previous to the 30th of June; there were ashes and cinders in it as if it had been recently used. I should not think the parcel had been there long.

Police-Constable Urch, on being appealed to by Mr. Saunders, said he did not recollect half what Sergeant Watts had stated. Thereupon Sergeant Watts proposed to cross-examine his subordinate officer, but Mr. Saunders expressed an opinion that such a course was not seemly, and Sergeant Watts was directed to sit down. Mr. Superintendent Foley declined to ask Sergeant Watts any questions, or to add any statement of his own in reference to what had transpired this morning. In reply to Mr. Saunders, *Mr. Foley stated that when the shift was handed to him he shuddered to think the man that found it was so foolish as to expose it. By his (Foley's) directions it was afterwards shown to Mr. Stapleton, surgeon, of Trowbridge; before doing so he was*

*perfectly satisfied that the shift had nothing to do with the murder.* Witness continued—I cannot say where that shift is now. I told police-constable Dallimore to keep it for the present. When Mr. Stapleton looked at it he expressed his surprise at its being exhibited to him.

*Mr. Saunders*—Did he look at it with a microscope?

*Witness*—No, I should think he did not!

Then, if I have read in French works on jurisprudence that a Minister of Justice had ordered such a garment to be examined by a microscope, I think it will not appear so absurd as it seems to be thought that such an examination was not made. Do you know who washed the servants' clothes?—I do not. Mrs. Holly washed the clothes of the family up to that time. I do not know who washes the clothes now. I don't know in what sort of paper the shift was wrapped up. There was a bit of paper with a little blood on it found outside the closet where the body of the child was discovered; but as for drawing any conclusion from it, I don't think any man in England—

I am told that, after a laborious search, that piece of paper was found to be part of the 'Times' of the 9th of June. Did the blood on that paper bear any resemblance to the blood which was found on the shift?—No, it did not. The blood on the paper appeared to be fresh. I can't say whether there was any water in the boiler at the time the shift was found. Allow me to say, sir, that a great deal of the information you have received has been the chitchat of the village.

Exactly so, and I am getting it into shape. Do you know any man named Frederick Smith, a Londoner, who came to Road Hill House after the 30th of June?—I do not.

Do you know any man from London who was put in Mr. Kent's house after the memorable day after the murder on special detective service?—No; only our own men. The services of the whole of the Somersetshire men were offered to me by Captain Goold. There were no other men except the Wilts and Somerset police actually under my orders until Mr. Inspector Whicher came; he acted under the orders of the magistrates; the chief constable acted with him, and they reported to the magistrates what they did. Mr. Inspector Whicher stayed at Trowbridge; there were no extra police stationed at Road after the murder. Inspector Whicher and myself came over here nearly every day. If you had asked me, I think I could have satisfied you that all the matters you have gone into have been thoroughly investigated already.

Excuse me, I differ from you. Who were the magistrates under whose orders Inspector Whicher acted?—Mr. Ludlow, Mr. Walsley, Mr. W. Stancomb, Mr. J. P. Stancomb, and the Rev. R. Crawley. Mr. Sheppard and Mr. Jenkins, magistrates for Somerset, also acted; but Mr. Whicher was not under their orders.

Do I understand from you that, in the opinion of those gentlemen and yourself, all the information I have elucidated was known to them before?—I hardly know what to say to that.

Mr. *Saunders*—Certain information I have communicated to the police; certain other information which is in my possession I shall not communicate to the police or to any one else until I think it required by the ends of public justice in tracing out this most mysterious murder.

Here a discussion ensued between Mr. *Saunders* and Mr. *Foley* as to the course being pursued by the former, the superintendent respectfully hinting that the present inquiry was not likely to elicit any new facts, though he admitted his ignorance of what might be known only to Mr. *Saunders*, and gave that gentleman credit for being actuated by the desire, which was universally entertained, to discover the murderer of the unfortunate child.

Mr. *Saunders* said that at present he was not struck out of the commission of the peace, and, although not now acting as a magistrate, he should not hesitate to follow the course he had defined for himself.

Police-Constable *Waters* stated that he and another man from the Warminster division were on special duty at Road from the 11th to the 20th of July.

Mr. Superintendent *Foley*, recalled, stated that Urch and Heritage, the two constables sent to Road Hill House on the night of the 30th of June, were desired by him to act under Mr. *Kent's* directions. Did not tell them to stay indoors, but said they were to go into the kitchen.

Mr. *Saunders*—You did not tell them to be locked up, of course?

*Witness*—No, sir, I should think not.

Did you tell them to be under Mr. *Kent's* orders?—At that time the suspicion was not in the quarter it is now. The men were to act under Mr. *Kent's* directions as he required them. They were to knock at one of the windows of the library when they got to the house to gain admission. Mr. *Kent* was to be there at 11 o'clock to let them in and confer with them. Both the men were not to leave the premises at one time. I understand that Heritage went home at 2 o'clock. I do not know why he went. There were no extra men on duty in consequence of these men being at Road Hill House. I have investigated the report that Quance had stated that he had seen a man in his nightdress walking about in the field near Road Hill House on the morning of the murder. I saw Quance, and he denied having made any such statement. There is another man who works with Quance, named Lansdown, who, I believe, has never stated anything on the subject. I saw Mrs. Quance, and she denied that her husband had made the statement which was attributed to him. I think the story originated out of a statement by a man named Langley, that he saw Mr. *Kent* in the field the night before the murder. There was no stranger put into Mr. *Kent's* house with my knowledge or sanction before Inspector Whicher arrived; there was not any stranger there to my knowledge, except a man who was introduced by Abbott, who I believe went to take a likeness; he was not an officer, or detective, or anything of that kind.

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Mr. *Saunders* stated he was informed on good authority that a lady had stated that she had seen a person she believed to be Mr. Kent in the front of Road Hill House early on the morning of the murder.

Mr. *Foley* said the police received an anonymous letter of a similar nature, and that inquiries had been instituted without producing any result.

Mr. *Saunders* said that the information he had obtained was not anonymous. He then went on to say that he had taken a house at Road, in the neighbourhood of Mr. Kent's, to which he purposed going on leaving that hall, and where he should be prepared, as a magistrate for the county of Wilts, to receive and act on any information or complaint which might be laid before him. He had with him the forms requisite for the administration of public justice, and, if necessary, would send for a clerk to fill them up, or would act as magistrate and clerk. He had begun and should go on with this inquiry, regardless of comment, and mindful of the memorable words of one of this country's greatest naval heroes, "England expects every man to do his duty."

The inquiry was then adjourned.

A meeting of the magistrates of the Bradford division has been convened by Mr. W. Stone, clerk, for the afternoon of Saturday, to consider a statement made by Mr. *Saunders* in reference, it is presumed, to this inquiry.

Mr. *Pollaky*, of Mr. *Field's* office, was present again during the proceedings of this day.

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*November 12, 1860.*

ON Saturday afternoon last a meeting of the magistrates of the Bradford division, convened by circular, was held in the Town-hall, Bradford. The magistrates present were the Rev. J. H. Bradney (chairman), the Rev. J. Wilkinson, Capt. Conolly, and Messrs, E. Edmonds, H. Lopes, T. B. *Saunders*, C. F. D. Caillard, and S. Molton. Mr. W. Stone, the magistrates' clerk, was present during the sitting; and Capt. Meredith, the chief constable of Wilts, Inspector Pitney, and several policemen, were in attendance. On Friday Mr. *Saunders*, at the close of his sitting in the Temperance Hall, Road, intimated that he should suspend his investigation relative to the mysterious murder at Road Hill House, that he might be present at the magistrates' meeting. He then handed to the reporters present the circular convening the meeting: it was signed by William Stone, and announced that the meeting of magistrates would be held on Saturday to consider a statement made by Mr. T. B. *Saunders*. The latter also added that he should be very glad for the reporters to be present at the meeting, that they might be

cognisant of all that was said and done in the matter. Consequently the majority of the reporters who had been present at Mr. Saunders's investigation, and who had watched the proceedings throughout, attended at the Town-hall, Bradford, on Saturday. It was clear, however, that the magistrates by no means wished their proceedings to be published; for instead of meeting in the room that had been prepared for them, and in which the reporters had already assembled, the magistrates held a preliminary conference in one of the corridors, where the reporters ultimately found them, and asked them if their meeting was to be a public one, whereupon the Chairman and one or two others said that it was to be quite private; but as one or two of the other magistrates appeared to be of a contrary opinion, the reporters were invited to enter the committee-room with the magistrates. There the Chairman said that the meeting was intended to be quite a private one, and that the invitation to it had been only sent to the magistrates of the division. Mr. Saunders thereupon said that he had intimated to the gentlemen present that they might attend; that he did not feel called upon to keep it secret, and that he was glad to see them there. The Chairman then said it had not been at all contemplated to make the meeting public; that if, during the course of it, it was determined to make it public, he would let the reporters know, or might communicate the result to them. The reporters then withdrew. The magistrates deliberated with closed doors for about two hours, after which time they sent for the reporters, who again presented themselves. The Chairman then stated that a resolution had been come to by the magistrates to forward a letter, which they had all signed, to the editor of the 'Times,' with reference to a statement which had been published in last Monday's edition of that paper. He was applied to by the reporters present, including those from London, Bristol, Manchester, Plymouth, and elsewhere, to produce a copy of the letter, which he declined to do. He was asked, "Are we to understand that the provincial daily press is to be treated with disrespect?" The reply was—"That is our resolution, and that is all the answer that we can give; we know nothing of any other paper at present. The 'Times' was the only paper produced to us." The meeting was separating when Mr. Saunders said, addressing the reporters—"In all human probability, gentlemen, I shall continue my investigation at Road on Monday morning, at twelve. I don't invite anybody to be there, but I shall be happy to see any one there who chooses to attend. It was understood that an honourable understanding had been come to that the result of the meeting should not be divulged other than by the means which had been resolved on. Why all this mystery?

The local public have been much puzzled, as well as apparently Mr. Saunders himself, to determine the mission, and to account for the movements, of Mr. Pollaky, a Hungarian, and a detective officer from Field's private inquiry office, London, who has recently made his



appearance among them. There is good reason for believing that his direct object is not the detection of the murderer, as he has not visited Road Hill House or premises, nor made such searching inquiries as would lead one to infer that his object is to find a clue to it. He arrived at Road on Thursday last, and, after having an interview with Mr. Saunders, was present during the sitting at the Temperance Hall. On the evening subsequently Mr. Saunders and Inspector Pitney called at the inn where Mr. Pollaky was staying, but did not succeed in seeing him. On Friday the latter was again at the hall, when it was observed that Mr. Saunders emphatically stated on many occasions—more, even, than on any of the previous days—that he was not acting in a magisterial capacity, but strictly as a private individual; and this, combined with the fact that on many of these occasions he fixed his eye on the detective, has led not a few to infer that Mr. Saunders supposed that his proceedings were being closely watched by Mr. Pollaky, who appeared to take notes of any expressions made by Mr. Saunders whenever they were less guarded than those generally used in the course of a magisterial inquiry, or when they were at all of a personal character. On Friday evening Mr. Saunders and Mr. Pitney drove to Bath, where the former had a lengthened conference with Mr. Superintendent Hughes, of the Bath police force, who, rumour says, is making special inquiries relative to the case. Mr. Saunders did not meet Mr. Pollaky at Bath, but they were seen in conversation on the Bradford railway station on Saturday.

A daily contemporary, of Thursday, stated that "Police Constable Miller, who has attended Mr. Saunders throughout the investigation, has started for London. It is supposed he is furnished with a warrant either to re-apprehend or procure the presence of Elizabeth Gough, the nursemaid." We have made various inquiries relative to the above rumour, and we believe that P. C. Miller really did go to London, but that his mission was merely inquiries as to whether Elizabeth Gough was still with her friends, and to ascertain whether her presence could readily be obtained. Miller discovered that she would quite readily attend if her expenses were paid.

Since the foregoing was prepared, we learn, upon what we consider fully reliable authority, that, after the meeting of the magistrates above noticed, Mr. Saunders proceeded to Bath, and had a long interview with Mr. Hughes, the chief of police at that city, and that in the course of the same evening Mr. Hughes took his departure for Isleworth.

In an article on the Road murder, and the various inquiries which have been held in connexion therewith, the 'Saturday Review' indi-

cates what we have all along felt persuaded has been one of the main stumbling-blocks in the way of those who have sought to discover the criminal. They have addressed themselves to the task with preconceived theories—assumptions of a particular person's guilt—and then “viewed all the facts of the case under a bias—forced and wrested every circumstance to serve theories which were perhaps throughout fallacies and delusions.” Miss Constance Kent's guilt was hastily assumed, the evidence against the nurse was most inefficient, and the feeling—which nobody can affect to ignore—against Mr. Kent rests upon absolutely no evidence whatever. Nevertheless, Mr. Saunders's inquiry is conducted “or misconducted” on the same vicious process. “If the Road murderer is to be discovered, it will be by discarding antecedent guesses, and by a severe Baconian process.” These remarks are most reasonable and just. It is to be hoped that, if, as we trust, the Coroner's inquiry is re-opened, every hypothesis of the murderer will be put out of view, and every *fact* be taken up patiently and without prejudice, “not assigning to anything more or less of antecedent gravity, and *not anticipating consequences or results from this or that circumstance.*” There is no antecedent probability in any direction sufficiently strong to start with, for there is not one that has the slightest foundation in evidence. We are convinced that if the Coroner's inquest, when re-opened, is conducted like previous abortive investigations, on the assumption of the guilt of a particular individual or individuals, it will be as futile as those which have preceded it.

Mr. Saunders's inquiry has, in one respect, been a serviceable prelude to that now in contemplation—in showing the track which future official investigation must *not* pursue. On this gentleman, and his proceedings, and their use as a warning, the ‘Saturday Review’ appropriately observes :—

“Mr. Saunders's proceedings are remarkable, as showing the latent powers of mischief and folly which are lodged in magistrates. Ill-defined, and generally exercised with a wise distrust of their own capacity, the power of local magistrates seldom travels beyond the province of recording their clerk's law. But if Mr. Saunders is to be a precedent, the powers of the unpaid magistrates must be defined. Neither in intelligence nor authority does Mr. Saunders's court of inquiry range beyond a session held in the village taproom. Nobody is bound, and few seem to be inclined, to answer his irrelevant questions, or attend to his irresponsible summons. But being a lawyer by profession, and a magistrate, he gossips with a show of authority which is mischievous. The Saunders talk will, however, serve as a beacon in the proposed formal investigation, for it will have reduced to its right insignificant value much of the floating talk on the subject. What Mr. Saunders has done—and only one in his position could have done it—is to bring out the irrelevant gossip and suspicion of the Wiltshire cronies on the subject. He has shown us what prejudice, ignorance, and utter inabi-

lity to weigh and appreciate evidence can do. Nothing can go beyond the futility and impertinence of his investigations and discoveries. Had it not been for him, perhaps the next inquiry might have substantiated some such impotent and barren evidence as Mr. Saunders has produced. It is as well that we know the insignificant and worthless character of the 'suppressed circumstances' about which so many vague hints and dark surmises have been hazarded. The Bradford magistrates will at least now know what *not* to ask."

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[From the 'Morning Post,' November 12th, 1860.]

WHO is Mr. Saunders? and what is he doing at Road-hill?

These are questions that one has frequently heard during the last few days, and we will therefore do our best to furnish an answer to them. Not that it is very easy to do so with such scanty means of information as are available when we treat of a "name unknown to song"—for Mr. Saunders has not yet found a place in contemporary history. We believe, nevertheless, that we are correct in stating him to be a barrister—one of the three thousand individuals who, without any compulsory examination as to fitness (though every penny-postman has to undergo one), are at once entitled to act where the property of her Majesty's subjects is concerned, and in some instances where even their lives are in danger. But many of these gentlemen, though possessed of this theoretical advantage, have not been able to turn it to any practical purpose; and this, we should suppose, must be Mr. Saunders's position. At least there seems no doubt that his time is pretty much at his own disposal, or he could not appropriate so much of it to his eccentric doings at Road-hill. It is true that he is a justice of the peace, but till lately we have not heard of any severe occupation of his leisure in the performance of his magisterial duties. We have been told that he is also auditor of election expenses for the district, though, from the nature of the office, it cannot press very heavily on his time.

So far as we can ascertain this is the answer to the question, "Who is Mr. Saunders?" Let us now see "what he has been doing at Road-hill."

Mr. Saunders has been amusing himself with playing at judge-and-jury court—a performance in which all the *dramatis personæ* have been concentrated in his single person. He has at one and the same time enacted not only judge and jury, but counsel, attorneys, crier of the court, and,

on a recent occasion, even the audience. But he is not satisfied with assuming characters to which he has no claim : in order still more to complicate the situation, he ostentatiously repudiates the social *status* to which he really has a right. He declares that he is not acting as a magistrate ; and it is clear that as a barrister no duty devolves upon him, for he holds no brief. How, then, does he proceed ? Though perfectly aware, as he cannot fail to be, that the investigation of the Road-hill murder is about to be solemnly re-opened, in a legal and constitutional manner, under the highest authority, he cannot resist the opportunity of exhibiting himself. He opens his theatre ; he invites the yokels to the performance ; he makes long speeches, of which Mr. Saunders himself is by no means the least prominent topic ; and then calls for volunteer witnesses from among the rustic audience ; encourages them to retail all the gossip or scandal of the village—without the sanction of an oath, because he has no power to administer one, nor to compel testimony if it were really required.

There is something in all this pretentious irregularity so much calculated to bring the administration of justice into contempt, that we need hardly urge the authorities to hasten their pace. Every day's delay in the appointment of a competent tribunal, charged with a real inquiry into the circumstances of the murder, renders more hopeless the task of tracing the guilty, and possibly induces in the vulgar mind a feeling that there is no honest intention to do so.

But, meet when it may, the course hitherto pursued will encumber with difficulties the duty of such a tribunal. It will have, in the first place, to do away with any sinister impression in the public mind that the sources of justice are dried up or diverted. It must examine minutely all the combinations and intrigues by which it was sought to pack the jury at the coroner's inquest. It must exert itself to discover for what reason the personal friends of Mr. Kent and his family interested themselves with such a person as the parish constable to procure the withdrawal of one juror and the substitution of another. It must seek to make plain the grounds on which three-fourths of the jury now complain of the verdict, to which themselves must, nevertheless, have been consenting parties. The tribunal will not, moreover, satisfy public expectation if it do not enforce the attendance not merely of the witnesses formerly examined, but of those who were unaccountably passed over during the brief proceedings of the coroner's inquest. We cannot understand, for instance, why, when two medical men saw the murdered child, only one was called upon for his evidence, while the other was not examined at all. Further medical evidence becomes especially necessary when the only surgeon whom it was deemed advisable to summon so modified his testimony upon a subsequent occasion as to induce serious doubts on a most important point in the case.

We have purposely abstained from entering into the probabilities or

improbabilities that attach to the suspicion of any particular individual. We could not, consistently with a sense of our duty, adopt this course at the time when an indignant public felt, as we did, that the inquiry had been effectually stifled by the extraordinary and unaccountable conduct of the coroner and his jury. If we had wished to go anew into the facts of the case, or rather the conjectures in reference to it, we should have been able to derive very valuable assistance from the various letters on the subject that from time to time have appeared in our columns. But, under the altered circumstances, we hold it at once more respectful to the tribunal about to be appointed, and more conducive to the ultimate triumph of justice, to leave to judicial investigation the scrutiny of a crime more than commonly atrocious and shrouded in hitherto impenetrable mystery.

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*Frome, Sunday.*

As we stated on Saturday, Mr. Saunders did not resume his investigation into this mysterious case yesterday, owing to a meeting of magistrates taking place at Bradford-on-Avon, at which the presence of the reporters, it was supposed, was required. Consequently the representatives of several London, Manchester, Plymouth, Bristol, and Frome journals proceeded to the committee-room of the Town-hall of Bradford yesterday afternoon. On the arrival of the magistrates, some eight or nine in number, it was however intimated that the proceedings were to be of a private character; and after some conversation the reporters retired, being told that, if the Bench thought it desirable to hold an open meeting, they should be sent for. It was not, however, till the close of the meeting, about half-past four o'clock, that the reporters were requested to attend; and they were then informed by the Rev. Mr. Bradney (the chairman) that the meeting had come to the resolution to embody the result of their proceedings in a letter to the editor of the 'Times.' Several of the reporters (our own amongst them) desired to have a copy of the resolution: some of them had come a very considerable distance, and they hoped that the Bench would not cast discredit upon them by refusing their resolution to those journals whose representatives were in attendance. The Chairman, not over politely, reiterated the resolution of the Bench; and the magistrates dispersed, Mr. Saunders intimating that he would attend at Road on Monday at noon to resume his inquiry.

[From 'The Times,' Tuesday, November 13th, 1860.]

MR. SAUNDERS resumed his sittings at the Temperance Hall in this village this afternoon. The public interest in his proceedings, which from the first day has been waning, reached its lowest point to-day, there being only an audience of about a score persons. The Wilts policeman stationed at Road and two members of the Somersetshire constabulary were in attendance, but there were no chiefs, superintendents, or inspectors of either force present. The mysterious Mr. Pollaky was there, and took notes of several parts of the proceedings.

Mr. *Saunders* commenced by reiterating a statement he has frequently made before, that he was there as a private gentleman, but that he did happen to be also a magistrate of the county of Wilts, and of course, if he were called to exercise his powers as a magistrate, he was ready to do his duty. He proceeded to state that the house at Road which he was now occupying was placed at the disposal of the Wilts constabulary by Mr. West at or about the time the murder was first discovered, but that the offer had never been accepted. On its being made known to Mr. Foley that he (Mr. Saunders) had entered on possession of the premises, Mr. Foley proposed to make a police-station of the place at once, but he had declined to accede to that proposition. Mr. Saunders went on to narrate the steps he had taken previously to commencing his inquiry, detailing interviews he had sought, and in some instances obtained, with persons high in authority, the Attorney-General, Captain Harris (acting in the absence of Sir R. Mayne, chief of the Metropolitan Police), the Lord Chancellor, Mr. Clive of the Home Office, &c. In consequence of what transpired at these interviews, he (Mr. Saunders) attended the usual monthly sessions at Bradford, and after the regular business was over a private council was held between four magistrates, at which no pledge of secrecy was imposed, and therefore he felt at liberty to state what took place. The magistrates present were the Rev. J. H. Bradney, Mr. E. Edmonds, the Rev. J. Wilkinson, and himself. He communicated certain things to those magistrates, and the result of that private council, as he understood it, was that he was at liberty to take Inspector Pitney, and any policeman of the Bradford division he might think fit, over to Road to make investigation into the circumstances of the murder. This course was subsequently acquiesced in by Captain Meredith, the chief constable. It appeared, however, that he had misunderstood or misconstrued the views of his brother magistrates. He would, however, state that, not having the slightest confidence in the proceedings hitherto conducted by the Wiltshire constabulary, under the guidance of Captain Meredith,

he had felt that it would be folly in him (Mr. Saunders) to undertake any inquiry unless he was supported by some one in whom he could place reliance. He accordingly afterwards secured the assistance of Mr. Hughes, chief of the Bath police, with a confidential man of his selection. This fact was communicated to his brother magistrates, and he considered that he was acting with their full sanction and concurrence. By every word he had said in that room and by every word he had written he was prepared to abide as a man of probity and a man of honour. It was extremely necessary for him to take care in the statements he made, because he knew not how this matter would end. The result of the meeting of the magistrates at Bradford was a letter to 'The Times,' stating that what he had asserted was incorrect, or, in other words, that he had assumed a sanction for his proceedings by his brother magistrates which was never accorded to him. He would now ask them to say what they did sanction him to do. If what he had done did not meet their approval, let them, as men of honour and gentlemen, say what they did sanction him to do. At any rate, he might say that what he had done was done with their full knowledge, if not concurrence, and he thought he might say that no doubt could be entertained that what he had done had been done with the full knowledge of every person in authority in London. His brother magistrates had, however, on Saturday, thought fit to withdraw that sanction, or concurrence—or whatever else it might be—which he understood they had given him. They saw him there that day, therefore, without the assistance of a single member of the Wilts constabulary, with the exception of the local policeman. He had, however, the assistance of two of the Somersetshire force, who were there under the full sanction of the superintendent at Frome, and ready to act under his (Mr. Saunders's) orders. After complaining that Miller, an officer of the Wilts force, who had been sent to London on special service by him, had been recalled, Mr. Saunders appealed to the reporters to set his conduct fairly before the public, and then entered on a statement of what he had done in the matter since Saturday. Among other things he said that he had been to Bristol yesterday, and had there been to several public institutions. He had visited a gaol, where he was locked up (laughter); but he was afterwards liberated. Mr. Saunders then stated that he was prepared to receive any information from anybody who was desirous of giving it; but no one volunteered.

The inquiry was then adjourned till Wednesday.

## TO THE EDITOR OF 'THE TIMES.'

SIR,—I see by 'The Times' of this day that, in the course of his inquiry at Road, Mr. Saunders has thought fit to remark upon the woman's nightdress shown to me by Mr. Superintendent Foley on the day after the murder, and is pleased to indulge in some forensic medical criticisms at my expense. You have given wide circulation to his comments; I ask you to publish my reply to them.

Mr. Saunders asks if I "looked at it through a microscope," and says he "has read in French works on jurisprudence that a Minister of Justice ordered such a garment to be examined by a microscope." I remember the case so imperfectly quoted by Mr. Saunders. Is he ignorant, or has he forgotten, that "the French Academy of Medicine reported to the Minister that in the present state of science there were no means of distinguishing, &c."—in other words, that the microscope was useless?

In the case at Road I was five miles from home, and without a microscope at hand; but I had no hesitation in advising the authorities that the nightdress shown to me (as to its condition, and the appearances respecting which I was consulted) furnished no clue to this crime. The grounds and value of my opinion seem to have been explained to the satisfaction of the magistrates, and I hoped that this nightdress was withdrawn for ever from public observation.

However, Mr. Saunders has dragged it from its obscurity again, and, as it seems to me, in wanton and useless violation of public decency and private feeling. In a capital felony, and upon a question of science, he opposes the gossip of a country village and the fading and fragmentary recollections of his own reading to the testimony of competent and responsible witnesses.

The effect upon the public mind of such a mode of inquiry will be, I think, to justify and illustrate the proverb that

"Segnius irritant animos demissa per aures,  
Quàm quæ sunt oculis subjecta fidelibus."

I am, Sir, your obedient servant,

J. W. STAPLETON, M.R.C.S. Lond., &c.

Trowbridge, Nov. 10th.

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November 13th, 1860.

## MR. SAUNDERS'S EXPLANATION.

MR. SAUNDERS renewed his investigation, or, rather, made a statement with reference to the investigation he had been making, relative to the



murder of Francis Saville Kent at Road-hill House on the 30th of June last. He commenced by saying that he had not yet seen any of the Wiltshire constabulary there, and had been informed that a vast number of them were then in Bath, with many parties from Road. He had himself received several letters that morning, which he would open to fill up the time. He thought, however, that, for the sake of everything being put right with the public, he might state that he was there simply as a private gentleman, and had been there as such from the commencement, though he did happen to be a magistrate for the county of Wilts. Of course, though he was there as a private gentleman, if he were to be called upon to exercise the duties of a magistrate, it would be his bounden duty to do it. Now, he desired to state, without further prelude, that, after he parted from them on Friday afternoon, he might have been seen making certain observations in that locality, the result of which was communicated to Mr. Superintendent Foley, Inspector Pitney, several of the Wiltshire constabulary, Sergeant James Watts of the Frome division of the Somersetshire constabulary, and perhaps Cook and Urch, but, at any rate, a large police force of the two counties. As to the gentlemen who were riding on horseback and speaking to him, it was a matter of no moment, though Mr. Foley was anxious indeed to know who those gentlemen were. After having given certain orders, suggestions, requests, or whatever might be thought the most proper term, to him, he (Mr. Saunders) asked Mrs. Quance to be allowed to go upstairs in her house. She readily granted him full permission to do so. He then beckoned to Mr. Superintendent Foley, and requested him to go up with him. He was extremely shy in doing it, but that shyness was overcome by persuasion of his (Mr. Saunders's), and they went up together. He looked out of the window, and, of course, of what he saw from that window he had a strong impression. He watched from the same point of view that he had done, and after some little delay he came from the back part of the room, and Mrs. Quance and he (Mr. Saunders) made way, and got Mr. Foley in the very point he had been, so that he could have observed, if his sight had been good enough, exactly as much as his (Mr. Saunders's) sight observed; but they could not take the same view of things, and when they came down he did not see any great utility, he (Mr. Saunders) believed, in what had taken place, and they differed very materially, but he (Mr. Saunders) had heard since something Mr. Foley did say, which, perhaps, he (Mr. Saunders) should not repeat there. He called next door, belonging to the house of an invalid named Poulton, but it was fastened, so that the invalided woman was fastened in by herself, or she had gone out. Mr. West had set apart a house, if he (Mr. Saunders) did not misunderstand, fairly and gratuitously, for the use of the Wiltshire constabulary, at or about the time of the murder.

Mr. West—Yes, sir.

Mr. Saunders continued—Since then Mr. West had placed the house

at his disposal, and the moment Mr. Foley knew that he said, "We will make it a police station;" but he (Mr. S.) said, "Excuse me, this house was given me for a private purpose, and, as far as it is not inconsistent with that private purpose, it shall be at the disposal of the Wilts and Somerset constabulary, but not as a police-station." Mr. Foley was obliged to abide by that determination, and, shortly afterwards, he (Mr. S.) went through the town, for whatever purpose was immaterial, but, on his return, there was no Wiltshire constable to be seen (although he had left Mr. Foley and several constables there) except Mr. Pitney and a constable who had come with him (Mr. Saunders). He found that Mr. Foley had taken several constables away with him in a vehicle, so that, if he (Mr. Saunders) and Inspector Pitney had not been there, there would not have been any of the Wiltshire constabulary in that part of Wiltshire to protect it, or to do anything else that might be necessary. He (Mr. S.) was, at present, without a single policeman of the county of Wiltshire. What might have taken place at Bradford on Saturday last it was not necessary for him to state, for it had been read to him in print that morning. On that day he did not sit here, feeling it to be his duty to attend a meeting of magistrates, convened by circular, at Bradford.

Mr. *Dennis* said the result of that meeting had not appeared in print.

Mr. *Saunders*—Yes, it has in the Bristol 'Daily Post' of Monday the 12th.

Mr. *Dennis*—Is it incompatible or inconsistent with what took place on Saturday to let us know what resolution was come to on that occasion?

Mr. *Saunders* said that what took place on Saturday in public had been read to him in print; but inasmuch as reporters were not admitted at that private council of the magistrates, he did not feel himself at liberty, having given his word of honour as a gentleman not to do so, to divulge anything that occurred there. It was well known that he courted the fullest publicity, but that did not take place. It had been stated, however, that Mr. Stone attended the bench during the deliberation, but that he was not there during the whole time. It had also been said that a letter had been resolved on to be sent to the 'Times,' and that the letter was signed by all the magistrates; but he signed no letter. Whether there was a letter, or an amendment, or what there was, he was not at liberty to mention. He looked on. He was not at liberty to state what took place; but he felt it due to himself, and in justification of his conduct, to say that of that letter he had no copy. He heard it read several times. The most important words he heard read—the only ones he felt it necessary to take into his account at the time, were these two—"as reported." The letter was gone to the 'Times,' complaining, he presumed, of the report of the first meeting that took place there, as reported in that paper. When the letter appeared in the 'Times,' when his brother magistrates'

actions were known, then would be time enough for him to speak more of that subject. So much he could say without being guilty of a breach of confidence, or impropriety to gentlemen and men of honour. Now he came to what he considered a justification of his conduct in the eyes of the whole world. That did not take place in confidence; it was generally known, or he supposed it was, for he read an article in the 'Morning Chronicle' one day last week, he read his name in connexion with those of high authorities, or men in high position. It was by this time generally known that he left this part of the country on the last Wednesday but one in the month of October, with his family, after a three months' residence, or thereabout. He made it his business to try to see a personal friend of his own, who held a high office in the city. He was informed he was out of town, but on the following day he had an interview of some hours' duration with him, but he (Mr. Saunders) was unable to place in his hands certain documents, as he had left them with Mr. Hughes, the chief of the Bath police. He (Mr. Saunders) promised to send his honourable and personal friend the documents on the Saturday, when they arrived at his (Mr. Saunders's) London residence. He thought it material and desirable for the ends of justice that he should see the chief of the metropolitan police, but he was in Plymouth, and he (Mr. Saunders) saw Captain Harris, who, he understood, represented the head of the metropolitan police. It was immaterial whether, during the interview, a certain nobleman came in, but he (Mr. Saunders) was with Captain Harris for about an hour, and what took place he did not feel it necessary to state. But in consequence of something that did take place on Sunday evening at his own residence, and knowing that, as a Wiltshire magistrate, he could not act in Middlesex, he thought it necessary to communicate with the Lord Chancellor. He (Mr. S.) left the letter with his own hand on Sunday evening, and, on being asked whether it was public or private, knowing that it had reference to the Road-hill case, he thought it to be his duty not to mark it private. To that letter he received an answer, on which was marked "Official, paid," on Monday evening by the last delivery. Whether it was written by his Lordship's order or not was more than he could say, but it suggested to him that he should go to the Home Office. On the Tuesday morning he went to see the honourable gentleman he had promised to see, and, understanding that he had gone to the Home Office, immediately followed him there. The messenger knew his (Mr. S.'s) name, and said the Principal Secretary of State was not there, and asked if the chief clerk would be sufficient to meet him. He said the chief clerk would not do for him, and asked if Mr. Clive (the Under-Secretary of State) would be able to attend to what he might wish to say, and upon that he was ushered into Mr. Clive's room, and had a personal interview of about three-quarters of an hour with him, leaving him at about three in the afternoon, drove to Lincoln's Inn, was at Paddington station in time for the express train, and was back there in the evening. What took place at the

interview with Mr. Clive and other persons he did not feel at liberty to state. On the morning after his arrival at Bradford he attended at the usual monthly session there—he had acted there on the two previous occasions as chairman during the greater part of the days, in the absence of Mr. Bradney. After the monthly business was over, a private council was held before the four magistrates. There was no pledge of secrecy then imposed, therefore he felt at liberty to mention what he thought right in reference to that occasion. The magistrates then present were the Rev. J. H. Bradney, the Rev. J. Wilkinson, Mr. Edmonds, Mr. Molton, and himself. He had now a certain line marked out and defined, which he intended to follow, please God, be the consequence what it might. He communicated to the magistrates, and showed them certain things, and, as the result of that private council of themselves, he understood that he might take Inspector Pitney, and any policeman of the Bradford division he thought fit, over to Road, to make some investigation or other. After he left the Town-hall a difficulty occurred to him on the subject; Mr. Edmonds had left, but Mr. Bradney and Mr. Wilkinson were conversing together in the Market-place, and he rushed across to them, and said, "By the way, Captain Meredith may think it wrong if the police constables go over with me." They replied, "Oh! dear no; it is a public duty;" whereon he (Mr. S.) felt no further delicacy. Subsequently he was informed that Captain Meredith would be in Bradford on the Friday, and Mr. Bradney promised to see Mr. Edmonds, and he (Mr. S.) to see another magistrate, to procure their attendance to meet Captain Meredith. Ultimately he saw Messrs. Bradney, Bythesea, Molton, and himself (Mr. S.). Afterwards Captain Meredith expressed his willingness to go to Road with him, and appointed to meet him on the following day at the Bell inn, Road. That explanation might seem unnecessary, but he felt it due to himself to make it. Captain Meredith having left the hall, he (Mr. S.) said plainly that, inasmuch as he had not the slightest confidence in the manner the proceedings had hitherto been conducted by the Wilts constabulary, under the guidance of Captain Meredith, he felt that it would be folly for him (Mr. S.) to undertake any investigation or inquiry at Road-hill unless he was supported by somebody in whom he could place confidence. Some one, he would not say who, said, "What would you suggest?" but he replied, "I prefer to hear a suggestion from you;" on which one or two suggested that he could not do better than to have the chief of the police of Bath to assist him. It was not intended that he (Mr. Saunders) should come to that hall, but to Road-hill—the Bell inn, Road. It was then agreed that he should see Mr. Hughes, and ask him, with some confidential man with him, to assist him (Mr. Saunders) in case of necessity. He called upon them, and they then repaired to the house of the then Mayor of Bath (Dr. Barrett). What took place at that interview he had better not mention, but, he believed with the full sanction of the Mayor, Mr. Hughes and the other gentleman came to Road, and the investigation was opened in his

and Captain Meredith's presence. He (Mr. Saunders) acknowledged himself to be bound by every word he had said in that room—he did not mean to say, as reported in one paper or another—but by every word he uttered in that room he would abide, as a man of probity and a man of honour, as well as every word he had written to her Majesty's Principal Secretary of State on the 1st and 8th of September. It was important he should be particular in what he did or said, for he knew not how this matter might end. He produced the draft of his letter, and also an answer he received on the 5th of September. He would say nothing of competitive examinations and so on, but there were words misspelt in that letter; it was signed "H. Waddington." Again referring to the meeting on Saturday at Bradford, Mr. Saunders said, "At that meeting there were present (without meaning any disrespect to them) Bradney, Conolly, Edmonds, Lopes, Milton, myself, Wilkinson, and Caillard. Now, what took place at that meeting was a letter—as, gentlemen present, many of you know—the result was a letter to be sent to the 'Times,' stating that my observations as reported here—my statement as reported here—were either incorrect, or, in other words, no such assumed sanction for them was ever given me. But I now say, and I put it to them as men of honour and magistrates of this county, and several of them are magistrates for the adjoining county of Somerset, to say what they did sanction me to do. If what I have done does not meet their sanction, let them, as men of honour and gentlemen, say what they did sanction me to do. At any rate, I may say what I have done was done with their full knowledge, if not concurrence, and I have no reason to doubt that it has been done with the full knowledge of nearly every person in authority in London. They (the magistrates) on Saturday thought fit to withdraw their sanction, concurrence, or whatever else it may be that I understood they had given me. You see me, therefore, here to-day alone, without a single member, as far as I can see, of the Wilts constabulary, with the exception of Heritage, who is regularly on duty here." Mr. Saunders added that two Somerset constables were there with the full approval and sanction of their superintendent at Frome. They were not his (Mr. S.'s) orders, however. He was absent from Bradford on the latter part of Saturday, and on Sunday Inspector Pitney informed him that the Chief Constable of Wilts desired that P. C. Miller might be brought back from special duty. He was sent on Wednesday to London with verbal instructions what to do when he got to London, and further instructions were sent by post to a person in whom he (Mr. Saunders) placed most implicit confidence. Telegraphic messages had since passed between him and that person, the contents to be made known to Miller, who was acting under his (Mr. S.'s) special orders on special service. He was to be recalled, and Pitney said he was not to attend him (Mr. S.) unless something of importance occurred—that was, if Pitney thought it of sufficient importance he might obey his orders. Those were the orders of the chief constable, but it might fall to his (Mr. S.'s) lot, as a magis-

trate of Wilts, to want the attendance of Captain Meredith himself, and time would show, if he (Mr. S.) felt it necessary to call on him, as the chief constable of the county, in accordance with his duty as one of the county constables, and in accordance with the Wilts Quarter Session orders, to obey that order or command, whether he would do so or not. But he (Mr. S.) could not tell where Miller was. He had attended at his (Mr. S.'s) private residence in London three times for orders. He had sent the following telegram to London, and it had been returned to him by post:—"Nov. 10th. Tell M. (Miller?) he is no longer under special orders; let B. (Bond, of the Bath force?) come if he can on Monday morning by express." He had been somewhat lengthy, but he had felt it due to himself and to all those who had supported him. He felt it due to mention facts, for facts were stubborn things; but the reporters might publish as many or as few of them as they might think it fit for all the world to see. One most material fact he wished voluntarily to arrive at, and that was neither more nor less than what took place on the morning of the 30th of June, at or about five o'clock. Mr. Quance would not come without a summons, and that he (Mr. Saunders) did not intend to issue, but Mr. Foley had undertaken to procure the presence of a man named Lansdown and had not done so. Mr. Saunders next stated that he had had a private conference with a person of some respectability in Bristol, inside the walls of one of the prisons there, for the ends of justice (laughter); and next noticed the letter from the late solicitor of Mr. Kent, which, he said, was published in Monday's Bristol 'Daily Post.' He had received several letters again that day, and had been informed that the postmaster with certain constables and others had gone to Bath. Mr. Hughes had gone to London. He (Mr. S.) believed there was a difficulty about "B." coming down by express train, but he was under the orders of certain public people in London, and of course by their orders his movements would be regulated. In that investigation he wished to keep clear of any evidence that had been given. The present was not an open court, but a place where anybody was at full liberty to come and say what they liked to him that bore on the mysterious events of the 29th and 30th of June.

No person coming forward to give information, it was evident that the "investigation" must close.

Mr. Saunders added, in conclusion, that questions had been asked as to who he was, and he would now just give a short autobiography. He was a native of the town of Bradford. He went to a school there in his early days, and then went to Warminster to school. He then went immediately, when he was somewhere about the age of sixteen, direct from Warminster school to the University of Oxford, about the 24th of November, 1824. He then became a member of a certain college there, of which several personal friends of his were also members, and his name was on the books of the University of Oxford, from the time of his entering it to the present, unless some one had struck it off during the past week without his knowledge. After passing his examination

he entered at Lincoln's Inn, attended public lectures, and kept his terms. In 1831 he was called to the Bar, and from that time to the present he had been a member of it. In 1833 her Majesty's then Lord Chancellor thought fit to put him in the commission of the peace, and from that time to the present he had been in the commission for the peace of the county of Wilts. Whether he was engaged in a commercial undertaking with the Prime Minister of England, or how many years he had been so, did not concern the public. There were eight concerned in the commercial undertaking, of whom the nobleman holding the highest office under the crown was one; while there were sixteen concerned in ruling the country. He (Mr. S.) was known to the directors of the Bank of England, while he had certain private bankers of his own at more than one place, namely, at London, Bath, Brighton, and elsewhere. He did not feel it necessary to say more than that he was an original member of the Royal Agricultural Society, and a member of the Royal Horticultural Society. His name was Thomas Bush Saunders.

The audience was very limited. Mr. Pollaky, from Field's Private Inquiry Office, London, was again in attendance.

#### MR. SAUNDERS'S INQUIRY RESUMED.

*Thursday, November 15th, 1860.*

THIS afternoon Mr. T. B. Saunders resumed his sittings at the Temperance Hall, in this village. The attendance of spectators was very small. Mr. Pollaky, the detective, was again present, and since the last meeting on Monday has been seen in Frome, Westbury, and Warminster, prosecuting certain inquiries. He returned to town on Monday night, and, after a short stay, proceeded to Bath, whence he started for Road this morning. Mr. Hughes, chief of the Bath police, is still in London.

The only person who volunteered any statement to-day was

*Charles Lansdown*, labourer, in the employ of Mr. Wilkins,\* of Tellisford Mills, living near Road-hill House, who, in reply to questions from Mr. Saunders, stated that he saw nothing to attract his attention on the evening of the 29th of June. Got up at half-past four the following morning, and went to Mr. Wilkins's, a distance of about a mile and a half from Road. Called Quance, a fellow-labourer, about a quarter before five, but whether he was gone before he could not tell. Neither Mrs. Quance nor any one in the house answered the call. Saw nothing while waiting about for Quance that morning.

*Mr. Saunders*—Did you see any man, woman, or child about between your own house and Quance's?

*Witness*—I have no recollection of seeing any one. I did not go by Road-hill House to Tellisford that morning. Sometimes we met other labouring men as we were going to work. Did not look over into Road-hill House grounds on that morning.

*Witness* continued—I am quite certain of that. Can't say where I first saw Quance that morning, and do not recollect whether I went down with him or not. If I did not go down with Quance, I saw him first at Tellisford. I have never said anything to my master, or anyone else, respecting seeing any one on the morning of the 30th of June. I have known Mr. Kent ever since he has been in Road; have never worked for him. None of his servants are related to me. I have never sold anything to Mr. Kent, and he has never paid me any money for any purpose. I never had any connexion at all with him. Mr. Foley never spoke to me on the subject of what passed on the morning of the 30th of June.

In reply to Mr. Saunders, P. C. *Urch* stated that he did not think there was any chance of Quance attending the inquiry voluntarily.

Mr. *Saunders* stated that since the last meeting he had received the following letter from the Chief Constable of the county of Bucks:—

“Chief Constable's Office, Aylesbury,

“Nov. 9th, 1860.

“DEAR SIR—Immediately I learnt that Mr. Summers's name had been called in question in reference to the Road murder case, I wrote to him, desiring he would put himself in communication with you, but it appears he had previously done so with Superintendent Foley. In consequence of a letter received by me from your friend Mr. Ward, I have driven over to Chesham, and fully questioned Superintendent Summers on the matter in question, and trust you will find there is no reason to doubt the correctness of his statement; also, that it has arisen from a misunderstanding on Mr. Groser's part.

“Yours faithfully,

“WILLOUGHBY H. CARTER,

“Chief Constable.

“*J. B. Saunders, Esq.*”

Mr. Saunders then read the following statement, which had been made by Mr. Summers to Mr. Carter, Chief Constable of Bucks, in reference to the assertions made by Mr. Groser on a former occasion:—

“I, George William Summers, of the Buckinghamshire constabulary, and formerly superintendent of the county police at Frome, hereby declare that I never told Mr. Groser, or any other person whatever, that I had seen blood on the wall near the front door at Road-hill House, or anywhere near the spot. I certainly saw a smear of blood across the privy door, which I pointed out to Superintendent Foley, but I do not recollect having told Mr. Groser personally of this fact, although he might have overheard me making the remark to some other person in the course of my duties. As to Mr. Groser's statement that I had said that ‘I had not mentioned the fact of my having seen blood on the passage wall to any one, and that I had a reason for not having done so,’ I hereby further declare that no such allusion ever passed my lips, and that Mr. Groser's assertions must have arisen out of some mis-



understanding of his own. I am quite prepared to repeat the above statements on oath if required so to do.

“GEO. W.M. SUMMERS,  
“Inspector of Police, Bucks Constabulary.

“Taken before me this 9th day of November, 1860, at Chesham, in the county of Buckingham.

“WILLOUGHBY H. CARTER,  
“Chief Constable of Bucks.”

Mr. Saunders proceeded to go through the various letters he had received from different places in the kingdom, some offering suggestions, others containing abusive comments on Mr. Saunders's proceedings, and another enclosing the copy of a letter addressed to Mr. Kent. One of the communications threw out the hint that the handwriting of all anonymous letters discouraging the inquiry should be jealously scrutinised; and Mr. Saunders stated that it had been intimated to him that all these letters possibly proceeded from parties not far from Road-hill House. Mr. Saunders then threw out some mysterious hints as to a letter said to have been sent to Elizabeth Gough, from Road, but which he had reason to believe did not pass through the Road post-office. He believed he had the means of ascertaining the contents of that letter, but by whom it was written he would not at present enter on any conjecture. He might, however, state that some of the relations of Elizabeth Gough were most anxious that the whole of this matter should be thoroughly investigated. Mr. Saunders proceeded to state that, in consequence of what had happened at Bradford on Saturday night, the surveillance which he had established over Elizabeth Gough by P. C. Miller had been withdrawn; but Mr. Hughes, chief of the Bath police, was still in London and the neighbourhood making inquiries on the subject. Mr. Saunders then proceeded to offer some remarks in reply to the letter of Mr. Stapleton, surgeon, of Trowbridge, which appeared in the 'Times' of Tuesday. He denied that he had indulged in any forensic medical criticisms at Mr. Stapleton's expense. He was there as a plain English country gentleman, and not in any forensic character, and as such he wanted to know what nightdress or garment it was that Mr. Stapleton did examine. For his own part he thought that a microscopic inspection of that article would have been highly satisfactory, and that opinion was concurred in by professional gentlemen in London who wrote M.D. after their names, while Mr. Stapleton subscribed himself merely "M.R.C.S. London." He (Mr. Saunders) had heard of another dress belonging to one of the elder members of Mr. Kent's family having been found after the murder, which also had spots of blood on it. The letter of Mr. Stapleton did not, in his opinion, in any way exonerate the police, nor had the examination he (Mr. Stapleton) had made tended to facilitate the ends of justice. Who were the authorities, who were the magistrates, who were satisfied

with Mr. Stapleton's explanations, and with his hopes that this night-dress had been withdrawn for ever from public observation? He (Mr. Saunders) should like to know from Mr. Stapleton, and he thought it due to the public that it should be known, how many nightdresses or garments belonging to persons in Road-hill House had been examined by that gentleman. He left it for the public to say whether he had dragged this matter from its obscurity in wanton and useless violation of public decency and public feeling; but he said this openly, that in case of murder, which was a capital felony, no observations which might be levelled at him should prevent him from doing what he believed to be a public duty, in a private character. He had no private feeling, however, in the matter, but was simply actuated by the desire to find out the murderer or murderers. After giving a translation of the quotation with which Mr. Stapleton's letter concluded, and leaving the public to say how far it was applicable to him, Mr. Saunders gave an account of what he had done since the last meeting. He had been, among other places, to Trowbridge, for the purpose of tracing certain rumours as to an intention to put Miss Constance Kent into a lunatic asylum. He believed in the innocence of that young lady, but he understood from a gentleman, yesterday, that, on the day of the funeral, Mr. Parsons, Mr. Stapleton, and Mr. Rodway returned to Road-hill House from the funeral together. He was told that one of those gentlemen told his informant—it was not evidence, he was aware, but it was for them to contradict it if they could, and he dared them to do so—that Mr. Parsons said to Mr. Rodway and Mr. Stapleton that Mrs. Kent wished him to certify as to the state of mind of Miss Constance Kent. In other words (and he would not pledge himself to the exact terms), Mr. Parsons was wanted to give a certificate under which Miss Constance Kent might be confined in a lunatic asylum, in order to relieve her from the consequences of the crime of murder with which she was then charged. Many other things were told him, some of which he did not think it proper at the present moment to divulge. Of course his informant did not wish his name to be brought before the public, it being a most delicate transaction, and one which he would hesitate to state publicly. He (Mr. Saunders), however, had no hesitation of that kind. He stated it there openly that day, and let those who could contradict it do so. The suggestion came to nothing as regarded Miss Constance Kent, but still he could readily imagine that such an attempt could only have emanated from the mind or minds of those capable of committing the murder itself. If anything should come out in that room, showing him that it would be his duty to act elsewhere as a magistrate, or if a proper case were brought before him by complaint or information, in writing or on oath, he should not hesitate to issue his warrant for the apprehension of Miss Constance Kent. Nor should he, under such circumstances, hesitate to issue his warrant for the apprehension of Elizabeth Gough. He mentioned these two specially, because they had been already before a court of judicature; but he would say

that he should not hesitate to issue his warrant against any two persons who were in or at the house, or elsewhere, at the time of the murder, or to put his signature to a warrant for the apprehension of any one or more of those parties, so that justice might then be done. He believed that the result of the coroner's inquest, and the mode in which it was conducted, had met with general disapproval in London. He believed that the proceedings with regard to Miss Constance Kent had met with great, he would not say general, disapproval. And he believed that the proceedings with regard to Elizabeth Gough in that room, at Trowbridge, and elsewhere, had also met with very great disapproval in London. It was unbecoming on his part, perhaps, to make any observations with regard to his brother magistrates, but no such delicacy was felt in London; and he believed that the Chairman of their Quarter Session (Sir J. W. Awdry) had erred, unknowingly, in the examination of Elizabeth Gough, in having conducted the case as if he were trying her as a judge, without the intervention of a jury. The consequence was that she had been allowed to go free, on certain recognisances being entered into. He understood, however, from a person in whom he could place the greatest confidence, that she was willing to come forward at any moment she might be required. It was for others to say, with regard to the investigations which had taken place at Trowbridge and elsewhere, whether there was or was not a *prima facie* case then and there made, by legal evidence, against Elizabeth Gough. If so, it was the duty of his brother magistrates, without being persuaded by the Chairman, to have committed her for trial, and to have had the charge investigated at the next assize for the county of Wilts. He (Mr. S.) might have been excited, but after the observations which had been made on his conduct he felt it only due to himself to state what he had stated. He purposed to go on no further with the investigation that day, but he did not intend, though it had been suggested to him by parties of intelligence, to close the inquiry—certainly not until he knew the result of the application for a second coroner's inquest. In his opinion he did not believe that application would be granted, and if not, then the burthen would be thrown on the magistrates and police of the county of Wilts of endeavouring to discover the criminal. He might have appeared excited, and what he had gone through was enough to excite any man, but, though writs *ad melius inquirendum* and other writs had been talked of, he was as cool as he ever was in his life. He proposed, therefore, to suspend this inquiry—not to close it—and he left the public to judge of his conduct in the matter.

It was subsequently stated by Mr. Saunders that he should not, in all probability, resume his sitting until after the proposed application to the Court of Queen's Bench has been disposed of, but that, if he should alter his determination, he would communicate with the representatives of the press who had attended the inquiry.

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This mysterious tragedy will, doubtless, achieve a prominent place among the *causes célèbres* of modern times. It has already been the theme of articles without number in the press, and sundry pamphlets have appeared, the writers of which devote themselves, with more or less ability, to an endeavour to penetrate the veil which shrouds the bloody deed. Amongst these publications, not the least remarkable is a penny pamphlet, issued by Heywood, Manchester, under the title of 'Who committed the Road Murder? or, the Track of Blood followed. By a Disciple of Edgar Poe.' The writer of this *brochure* sets himself to an examination of six theories under which the murder may possibly be accounted for, and endeavours to show, by an exhaustive process, who could *not* have committed the murder; and if he does not evince the singular ingenuity of the celebrated author of the 'Gold Beetle,' he, at all events, argues his propositions with much acuteness. Speaking of the loss of the nightdress, to which he attaches particular importance, he says,—“The most probable clue to the mystery is the NIGHTDRESS. *What has become of it?* is not the important question; but—WHO ABSTRACTED IT? Find the thief, and the murderer (*if a murderer*) will be found. Find me the thief, and I'll find you the assassin; not that they exist in one person! And meanwhile let this one point be well considered, 'WHO TOOK the nightdress?'—Hitherto the brilliant 'Detective's' effort has been to associate that nightdress with Miss Constance Kent, to prove that her guilt is wrapped up in it, and to find out where it is. All wrong! I perceive her purity in its loss; and, in its loss, another's guilt. The thief purloined that dress to shield *herself*, by casting suspicion on *one of her own sex*. Had she purloined a *male* garment the effect would have been beneficial only to her male accomplice (whoever he might be), in directing suspicion from him to the male whose garment she purloined. The nightdress is missing; seek no more for it, but bring every force to bear upon the probable circumstances of *the theft!*” Again, referring to the wounds on the murdered child, he says—“A carver would give the wounds, or a Spanish knife with a spring. A scythe would not. Will the tradesmen of Trowbridge, Bath, and Bristol furnish copies of bills of their transactions in cutlery with the Kent household? I especially allude to carvers. Families in a good position order in the usual way, and pay periodically. Dates of sales and descriptions of cutlery would be booked. There would be no money-purchases of carving-knives. The copies of bills might be compared with the present knives of the household. And, to *prevent mistakes*, let us know what knives have been bought *since the twenty-ninth of June*. Villagers would know nothing of the possession of a Spanish knife; but those on visiting terms with the family *may*. A knife of the sort may be a gift, or a memorial of travelling companionship. It is the duty of every one—friend or acquaintance, near or distant—to help the inquiry.”

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## MR. SAUNDERS AND THE BRADFORD BENCH.

*Thursday, November 29th, 1860.*

At the conclusion of the ordinary business at the monthly petty session at Bradford-on-Avon yesterday, Mr. T. B. Saunders addressed the Bench in reference to his investigation concerning the mysterious murder at Road. The other magistrates present were the Rev. J. H. Bradney in the chair, Rev. J. Wilkinson, and Capt. Rooke. Mr. Edmonds had been upon the Bench during the transaction of the business, but had left the hall when Mr. Saunders brought forward the subject.

Mr. *Saunders* said, Before the Bench broke up he had a few observations to make in reference to a letter which appeared in the public papers, reflecting strongly (as he was pleased to take it) on his conduct, but whether as a magistrate or as a private individual he could scarcely say, as it originated from a meeting convened by a circular addressed to the magistrates by their clerk, Mr. Wm. Stone, signed by Mr. Stone, but, without saying by whose authority he called together certain magistrates in the room on the 10th of November. The circular he alluded to was as follows :—

(CIRCULAR).

Bradford-on-Avon, 8th November, 1860.

SIR,—I am requested to beg the favour of your attendance in the committee-room of the Town-hall in Bradford, on Saturday, the 10th inst., at two o'clock in the afternoon, to consider a statement made by Mr. Thos. B. Saunders at the Road-hill inquiry.

I remain, Sir, yours very faithfully,

WILLIAM STONE.

That letter came in an envelope, addressed, in Mr. Stone's handwriting, to Thos. B. Saunders, Esq., at the Swan Inn, Bradford. That was the origination of the meeting on the 10th inst. At the moment he (Mr. Saunders) did not know who requested Mr. Stone to call the meeting, but, in consequence of the circular, he attended at the committee-room, as did seven other magistrates, acting, he would not say usually, but sometimes, on that division. Two of them he had never seen at any Bench on that division, and he was told that it was very doubtful whether they had attended three meetings of any Bench on that division. The result was that, after the reporters were excluded, a certain private deliberation took place between the eight magistrates then present, and during the deliberation the clerk was requested to attend. Beyond that he (Mr. S.) would say nothing, because he bound himself as an honourable man not to divulge a single thing that happened in that room subsequently. He was sorry his friend Mr. Edmonds was not there, and the other three magistrates who attended

that meeting. His friend Captain Rooke was not present at that meeting. Those present were the Rev. J. H. Bradney, Mr. Conolly, Mr. Edmonds, Mr. Lopes, Mr. Molton, Rev. J. Wilkinson, the County Court Judge, Mr. Caillard, and himself; and he (Mr. S.) was sorry to have to say that, on his return to the town of Bradford on the succeeding Monday, or he believed he might say on the evening of that Saturday on which the meeting had been held in the afternoon, he was told things that had taken place in the room. He was sorry to say that, and would add that he did not divulge them. He would say no more in reference to that. But at that meeting, when the reporters had been called in (he felt, as a man of honour, that he ought not to say one word that passed when the magistrates were assembled in council), a certain expression was made to them to which he need not refer, but the result was, that a certain letter, he believed, was agreed on to be sent to the 'Times.'

*The Chairman*—Are you aware that there are reporters in the room?

*Mr. Saunders* said he was aware of it, for he had seen them taking notes, and he was delighted to see them, for everything he said at Road-hill was most correctly reported in many respects, though additions and deviations were made in others. But his remarks, as reported in all the papers, he did not feel himself bound, as a man of honour—as a gentleman—to abide by. What he did say, and what he did—his acts—by all those he was bound, and did not retract one word he then said, or one act he then did. Well, then, a certain letter was agreed upon to go to the 'Times' newspaper.

*Captain Rooke*—You will excuse me, Mr. Saunders.

*Mr. Saunders*—Oh, decidedly so, as you were not present at that meeting.

*Captain Rooke*—They may put my name in the newspapers every day in the week if they like, so long as they say nothing ill of me. Captain Rooke then shook hands with Mr. Saunders and retired.

*Mr. Saunders* continued—The result was that the letter did not appear in the 'Times' newspaper, nor had it appeared there to the present day; but a letter had appeared in he couldn't say the number of papers; but from Thursday week down probably to the present day the letter had been circulated and printed in the different papers of this country, and for aught he knew in other countries. [The letter was published in the 'Daily Post' at the time, and it stated that Mr. Saunders's remarks, at the Road Temperance Hall, as reported, were not founded on fact, and that he was not conducting the inquiry at the instance or with the sanction of the Bradford Bench of magistrates.] *Mr. Saunders* said he did not introduce the subject as a personal question between Mr. Stone, who signed the letter, and himself, or as a personal question between his brother magistrates and himself, but he introduced it that his character might be set right with the world on the subject as reported. He subsequently called on his brethren of the Bradford Bench to say in what respect he had deviated from the fact.

He called upon them, as gentlemen and honourable men, to say what concurrence they gave him, or what sanction they gave him, or if they gave him any sanction or concurrence. If they, as honourable men, could say what they did tell him, and what they did sanction—

The *Rev. J. Wilkinson*—On what day was that?

Mr. *Saunders* apprehended it was on the Monday following the Saturday on which the meeting was held. It was either on the Monday or the Tuesday.

Mr. *Stone*—It was on the Monday following.

Mr. *Saunders*—The eight magistrates did not sanction any letter to any other newspaper but the 'Times,' but Mr. Stone had signed letters which had been sent to he did not know how many papers. He wished Mr. Stone to say how many papers he sent the letter to.

The magistrates suggested that Mr. *Saunders* should finish his statement first.

Mr. *Saunders* assumed that the Chairman requested Mr. Stone to call the meeting, and that Mr. *Wilkinson* seconded the Chairman.

The *Chairman* and Mr. *Wilkinson* said they had requested the meeting to be called.

Mr. *Saunders* proceeded. He saw the letter, he believed, published for the first time on Thursday, the 15th of November, whereupon he felt it to be his duty, having a regard for his character, which had been considerably commented on in many papers, to bring the matter forward. However, he might there state that he had just received a paper in which a gentleman had written in his favour, considering that the 'Hampshire Telegraph' had calumniated him. He had seen an extract in another Hampshire paper, the 'Guardian,' most complimentary to him. Well, as soon as he saw Mr. Stone's letter published, he wrote a letter to him marked private, and a copy of which he did not intend to read, unless Mr. Stone wished him to do so; but he wrote him an official letter, which he would read:—

"SIR,—It was with very considerable surprise that I read in many newspapers a letter, dated Nov. 10th, 1860, and purporting to be signed by you as clerk to the justices of the Bradford Petty Sessional Division, in which letter it is said that my statement as reported is not founded on fact, and that the Bench have not any connexion with my inquiry.

"Will you, in writing, inform me by whose authority such letter has been inserted in so many papers? for I, although present during the whole of the deliberation, am not aware that any authority was then given to you or any one else to do so, more than forward to the editor of the 'Times' the letter then agreed upon.

"It is due to my brother magistrates and myself I should state, Messrs. Bradney, Edmonds, and myself, of the eight magistrates, at the last private meeting convened by circular, were alone present at all the three meetings, and that Mr. Bythesea was present only at the second meeting, and then by chance, which meeting he for the first time attended, and that Captain Rooke was prevented from attending any of the meetings. Captain Conolly, Mr. Lopez, and the County Court

Judge attended only the last meeting on the 10th instant. You are aware that you only attended for a short period the last meeting, not being present at either of the previous meetings. As the letter which you have signed contains so serious an imputation, I reserve to myself the right of giving such publicity to this communication and to your reply as may seem to me desirable.

"I have the honour to be yours very faithfully,

"THOS. BUSH SAUNDERS.

"*Wm. Stone, Esq., Clerk to the Magistrates  
of the Bradford Division.*

"*Bradford-on-Avon, 17th November, 1860.*"

He received no reply until Saturday last, the 24th, when he received the following letter, addressed to him in London :—

"Bradford-on-Avon, Nov. 22, 1860.

"SIR,—In answer to your letter of the 17th inst. I beg to state that the following letter was unanimously adopted at a special meeting of the whole Bradford Bench on the 10th instant, and forwarded by me to the editor of the 'Times' on the same day :—

'SIR,—Mr. T. B. Saunders is reported to have said, at the opening of his inquiry at Road, that he was there at the instance, and with the sanction, of the Bradford Bench of magistrates; that his proceedings had been sanctioned by the Bradford Bench at a meeting which they had held, so that, therefore, any responsibility which he might incur was shared by the whole Bradford Bench.

'I am desired by the magistrates of the Bradford Bench, specially assembled to consider this matter, to say that Mr. T. B. Saunders's statement, as reported, is not founded on fact; and that the Bench have not any connexion with Mr. T. B. Saunders's inquiry.

'I am your obedient servant,

'WILLIAM STONE,

'Clerk to the Justices of the Bradford Petty  
Sessional Division.

'Nov. 10, 1860.'

"The above letter, for some reason with which the magistrates are not acquainted, did not appear in the 'Times.' The magistrates were, however, desirous that the same publicity should, if possible, be given to their answer to your statement as to the statement itself, which last was reprinted in all the newspapers. Their letter, therefore, not appearing in the 'Times,' it was, on the authority of the Chairman, the Rev. J. H. Bradney, supported by E. Edmonds, Esq., and the Rev. J. Wilkinson, inserted in the newspapers.

"I remain, Sir, yours very faithfully,

"WM. STONE.

"*T. B. Saunders, Esq.*"

As he knew nothing of the affairs of the 'Times,' or of its proceedings or regulations, it did not become him to say why the letter was not inserted; perhaps it was never received at the office. He should like,



however, to say that his impression was, that the words in the original letter were "as reported in the 'Times.'"

*Mr. Stone*—No; the above letter was copied from the original.

*Mr. Saunders* said the observations were not reported in the same way in all the papers. He was glad that *Mr. Bradney* and *Mr. Wilkinson* were present, and was sorry that *Mr. Edmonds* was not there. He had not yet been informed to what number of papers the letter had been sent, but he did think and feel that it was an imperative duty on himself to take the present course, because it was only on the previous day, as he was coming down by the express train from London, that he was informed by two gentlemen from Frome, one of whom was often at Trowbridge and was acquainted with many families there, that a certain magistrate of that Bench went to Trowbridge and endeavoured to explain to a magistrate there that the Bradford Bench did not sanction his (*Mr. Saunders's*) act, but that a Trowbridge magistrate said, "I don't want any private communication from you; speak openly before your brother magistrates, for I know the Bradford magistrates did sanction *Mr. Saunders's* act." He immediately began to consider how the Trowbridge magistrates could know that, and at last thought that they were informed by *Captain Meredith*, who was before the Bench on the Friday before he (*Mr. Saunders*) opened the inquiry at Road, and would know it. He had asked the two magistrates present if he could take the policemen with him to Road-hill.

*The Rev. J. Wilkinson*—That was on the previous Wednesday.

*Mr. Saunders*—Yes, and neither of them had the slightest objection to his taking *Pitney* and the other policemen of the Bradford division to Road.

*The Chairman*—Certainly not, if you had the approval of the Chief Constable.

*Mr. Saunders* said he took *Inspector Pitney* with him that afternoon.

*The Chairman* said he did not find fault with *Mr. Saunders* for taking him.

*Mr. Saunders* said that, understanding that *Captain Meredith* would be at Trowbridge on the Friday, he saw police-constable *Andrews* at half-past four o'clock in the morning, and told him he should like to see *Inspector Pitney* as early as convenient, and also that he should like to see *Captain Meredith*. *Pitney* was with him (*Mr. Saunders*) before five o'clock. *Captain Meredith* subsequently came to Bradford, and he (*Mr. Saunders*) called on *Mr. Bradney* to ask him to obtain the attendance of *Mr. Edmonds*, and stated that he would see *Mr. Molton*. He (*Mr. Saunders*) happened to be at the place of meeting first, when *Captain Meredith* said he was very anxious to leave to make an investigation at Warminster, but *Mr. Molton*, *Mr. Bythesea*, the *Chairman*, and *Mr. Edmonds* met; and *Captain Meredith*, who at first said he couldn't stay five minutes, then stayed an hour and a half or two hours, and wished to give up all his engagements and go to Road-hill House that afternoon. He (*Mr. Saunders*), however, didn't go that afternoon.

Captain Meredith addressed the Bench and said, "I will put myself and the Wiltshire constabulary under the orders of the Bench;" whereupon Captain Meredith left, and he (Mr. Saunders) said, "Gentlemen, I have no confidence in Captain Meredith and a large portion of the Wilts constabulary; therefore it would not do for me to go barely with Captain Meredith." He was then asked who he wished to have, and he said he would rather hear from some of them, upon which two gentlemen suggested Mr. Hughes of Bath. He fell in with the suggestion, having seen Mr. Hughes on the previous Monday, and he had letters of his in his hands in reference to the Road-hill mystery. He said no better man than Mr. Hughes could be suggested, and he went down that afternoon to Bath, and saw Mr. Hughes and his chief man, and subsequently met the Mayor of Bath, and, with his sanction, Mr. Hughes and the other gentleman were at Road at the opening of the inquiry. He engaged to meet Captain Meredith at Road at twelve o'clock at noon on the Saturday when the inquiry opened, not binding himself, however, not to be there before the time. He was at Road at eleven o'clock on the previous night, and it was the wish of the inhabitants that he should sit at the Temperance Hall. Thus it would be seen that Captain Meredith knew all that took place on his leaving the magisterial sitting, and therefore was able to tell the Trowbridge Bench that he (Mr. Saunders) did have the concurrence of the Bradford Bench in opening the inquiry. He did not wish to bind the Bench, or any other Bench, to his acts, for, thank God, his shoulders were broad enough, and he was sufficiently able, to bear the responsibility of his own acts. What was reported in the newspapers about his having taken a house at Road was a mistake. A house was offered to him, and had been previously offered to the Wiltshire constabulary on the 29th or 30th of June, but refused by the Chief Constable, or the Wiltshire constabulary in the district; but was accepted by him (Mr. Saunders) as soon as offered for his acceptance. It was used for the police purposes of that county on the evening of that day on which he had accepted it, for a person taken at Frome was handed over to the policeman there under special orders. Thus, he repeated, Captain Meredith had the power of telling the Trowbridge magistrates that in some measure or other he was sanctioned by the Bradford Bench. He again asked if what he said, as reported, was incorrect?

*The Chairman*—As reported.

*Mr. Saunders*—As reported! He must not divulge what took place in that room on the 10th November. He was sorry he gave his word of honour that he would not divulge, and that was the consideration for Mr. Stone's leaving the room. He was sorry he did it, and never would be guilty of so heinous an act again, because, when what had taken place was told by others, he had to bear the burthen. He would never be guilty of such a heinous act again. In conclusion, Mr. Saunders said he was a plain man, and, asking them to bear in mind that he expressly guarded them from the responsibility of his acts, he

requested them to say what authority they did give him, for he could not allow the letter to go forth to the world without explanation being made as to what they and he did.

The *Chairman* begged to say that Mr. Saunders had no authority whatever for making that statement at the Road-hill inquiry, for he had not the sanction of the whole or part of the Bradford Bench. At the last monthly meeting, after the regular course of proceedings had been gone through, Mr. Saunders called the magistrates' attention to some private letters he had received from anonymous correspondents, and requested that he might have permission—as far as his memory bore him out—to make use of the Bradford police. Several gentlemen present, he could not exactly say who, said there could be no objection, provided it met with the approbation of the chief constable. Nothing further passed from that day till the following Friday, when there was to be a rather interesting turnpike meeting for letting the gates. Mr. Saunders then called upon him an hour before the meeting was to take place to beg him to attend at the Town-hall to meet Captain Meredith, and to ask him to tell Mr. Edmonds. He did call on Mr. Edmonds, and they walked together to the hall, where they met Captain Meredith. There was a long altercation there between Captain Meredith and Mr. Saunders, the latter alleging that he had some clue to the murder that was new, and the former, on the contrary, alleging that Mr. Saunders was in possession of nothing new. Mr. Saunders stated what information he had, and Captain Meredith stated that it was well known. The long altercation ended in an agreement between them to meet the next day at Road at noon. Mr. Saunders was sanctioned in using the Bradford police, and he (the *Chairman*) was happy to say that Captain Meredith said that not only should the Bradford police be placed at Mr. Saunders's service, but himself and the whole constabulary of Wiltshire, if he could produce some new evidence.

The *Rev. J. Wilkinson*—Mr. Saunders was to meet the police that day.

Mr. *Saunders*—There are no magistrates to meet at Road.

The *Rev. J. Wilkinson*—Mr. Saunders was to meet Captain Meredith.

The *Chairman* said that was so. On that occasion he made use of an observation to Captain Meredith, which he should do him the justice to remember. "Whatever you do, or whatever Mr. Saunders does, it is most remote from their intention, either directly or indirectly, to interfere with the Trowbridge magistrates, or to convey any censure to them." He (the *Chairman*) saw no more of Mr. Saunders till some time after.

Mr. *Saunders*—Mr. Hughes.

The *Chairman*—What about him?

Mr. *Saunders*—I think you and Mr. Bytheses suggested that he should be engaged.

The *Chairman* said he had probably suggested that Mr. Hughes would be a good person to employ, but it was the intention that Mr.

Saunders should go on prosecuting the private inquiry he had been conducting before.

Mr. *Saunders*—No, no.

The *Chairman* said Mr. Saunders had been prosecuting an inquiry, and told him what he had been doing, and produced letters he had received; he spoke of his different achievements at Road, and they inferred that he would continue to prosecute his inquiry, and communicate any fresh intelligence to the Bench, who would, in turn, put the Trowbridge magistrates in possession of it. He made observations to that effect to Mr. Saunders, in a private walk he had with him.

Mr. *Saunders*—You suggested employing Hughes.

The *Chairman* said some one must have told him (the speaker) that Hughes was a good detective officer. The bungling manner in which the inquiry had, up to that time, been conducted, probably led him to fall in with the idea of employing Hughes. That was all that passed between Mr. Saunders and himself and the other members of the Bradford Bench, and upon that slender foundation Mr. Saunders had built that amazing edifice which had astonished and disgusted, or rather, he might say, annoyed the Bench more than any other thing that could possibly have happened—namely, the going to Road, calling a court of inquiry, examining witnesses, and saying he had the sanction of the Bradford Bench for it all. God bless my soul! (continued the *Chairman*) can you conceive the horror with which the Bradford Bench viewed these proceedings? A meeting was immediately called to take into consideration the statement of Mr. Saunders, and I take upon myself to say that I was the principal instigator, as *Chairman*, in calling that meeting that we had on the 10th of November. What took place at that meeting cannot, of course, be divulged; but I may divulge the result. The result was a letter, and that letter was sent to the editor of the 'Times.' And why was it to be sent to the 'Times'? Because the 'Times' is considered the leading organ of the country, and if that letter was in the 'Times' it would be sure to be in every paper in the country soon afterwards. Some reporters were present, and I asked them, "Pray, gentlemen, to whom are we indebted for the honour of your attendance to-day?" I did not exactly understand how they came there, but afterwards I found plainly enough how it was. They had been attending Mr. Saunders at his court at Road, and, finding that he was coming over to Bradford on Saturday, they followed him over, and appeared at that meeting; but as it was of a private nature, merely affecting ourselves and our own characters, we did not think it right or desirable that they should be called in at our consultation. At the same time we communicated to them the result of the meeting, and I believe that they were very much annoyed that a copy of that letter was not handed to them; but it was our determination to send it to the 'Times' for the reason I have stated. It was sent to the 'Times' by Mr. Stone, and for what reason that letter was not inserted in the 'Times' I cannot tell. I know nothing about it, but inserted it was

not. Some days after the meeting I met my friends Mr. Edmonds and Mr. Wilkinson, and they thought that the statement of Mr. Saunders should not be allowed to go to the world that we had sanctioned the proceedings at Road, and that, though we could not get that letter into the 'Times,' we should send it to the other papers; and I take upon myself the blame, if there is any blame, of causing that letter to be sent to the other papers. Mr. Saunders was present at that meeting on the 10th of November, and he made no objection to the letter being sent to the 'Times.' Why, then, should he object to its being put in the other papers? because, if it was put into the 'Times,' it would be sure to get into the other papers. I must reiterate what I have before stated, that Mr. Saunders was certainly not justified in any way in asserting that the Bench, wholly or in part, sanctioned, instigated, or in any way were a party to the inquiry at Road, or in connexion with it. We are anxious to wipe our hands of it. If there is any glory to be obtained by fresh evidence being brought forward to detect the murderer, Mr. Saunders will have abundant credit for it; and we should be sorry to detract aught from him. But if he has, on the other hand, conducted that inquiry on his own responsibility—and I must say it was attended with a great deal of ridicule—why should he drag his brother magistrates through the dirt at his chariot-wheels?

The *Rev. J. Wilkinson* remarked that the Chairman had said so much, and said it so well, that really he did not know he could say one word in addition; but he should say just one word, and that was, that it should go forth to the public that Mr. Saunders had come to that meeting ready with his documents and with his speech to make a charge against his brother magistrates without informing them of his intention so to do, and consequently they had come there entirely unprepared, and ignorant that Mr. Saunders was going to make a statement. Had he known that Mr. Saunders was going to make the charge which he had done, he (the speaker) should have come prepared with documents to give a substantial answer to every word that Mr. Saunders had uttered; because he thought it should be well understood that the magistrates of the Bradford Bench were the aggrieved parties, though Mr. Saunders had come there to say that he was aggrieved by an act of theirs—the sort of charge which the wolf made against the lamb. The magistrates, he repeated, were the aggrieved parties in the whole matter, and he maintained that, from first to last, they had acted with the greatest forbearance and good feeling towards Mr. Saunders, and indeed with more good feeling and forbearance than Mr. Saunders could possibly have expected, considering the charge Mr. Saunders made against them, and the mess he had endeavoured to get them into. At the opening of the proceedings at Road Mr. Saunders said he was there with the sanction of the whole Bradford Bench, while many members of that Bench had never seen his face, and never had the slightest connection with him up to that day. Not only did he make that assertion in the heat of a fervent speech, but he said it

day after day, and sent it as far as any one person could, for the report of it passed through nearly the whole of the newspapers in the country. The statement, he contended, was most prejudicial to the Bradford Bench, and to the magistrates of the county generally, for it implicated them in a proceeding which seemed to reflect on their brother magistrates at Trowbridge, and on the Chairman of the Quarter Session—Sir John Awdry—who had previously conducted a lengthened inquiry. By Mr. Saunders stating that he was there by the sanction and authority of the Bench, who were responsible for what he was doing to re-open the whole matter, because he was not satisfied with the previous inquiry, he made it appear as if they were censuring all that had been done before, and directly censuring the Chairman of the Quarter Session. He (Mr. Wilkinson) must therefore turn the tables on Mr. Saunders, for they were the aggrieved and complaining parties, and Mr. Saunders had not a shadow or tittle of ground for complaint. Mr. Saunders had entered into such a variety of irrelevant topics, that it was almost impossible to follow him; but he would endeavour to answer one of the questions he had put. He had asked the magistrates, “If you did not sanction my proceedings at Road, please say what you did sanction?” He would say what the magistrates did sanction. At the Petty Session in October the magistrates then present did sanction Mr. Saunders taking over to Road Mr. Pitney, inspector of police, to see what he could make out of a clue which he thought he had in hand from some anonymous letters which he had received—absurd anonymous letters, which ought to have been put behind the fire. He thought from those anonymous letters he might trace something out, and he asked permission to take Inspector Pitney that afternoon to trace that clue if they could. He made the request so suddenly and so shortly, that the whole was asked and granted to Mr. Saunders—restricted solely to an inquiry, and to his taking Inspector Pitney—that afternoon. That very same afternoon, a few minutes after their deliberation had terminated, they adjourned to the committee-room, and Mr. Saunders stepped across to Mr. Bradney himself, and suggested the possible doubt whether their sanction that Inspector Pitney should go to Road might not involve him in some disagreeable consequences with his superior officer, Captain Meredith; but they said they did not suppose that it would do so. The fact of Mr. Saunders asking the question proved that they had distinctly limited the sanction he had asked, and the sanction they (the magistrates) gave, to his taking Inspector Pitney to Road for that afternoon. As to what happened on the following Friday at the turnpike meeting he should say nothing, because he knew nothing, as he was not present. That was all he had anything to do with, and, as far as he could learn, any member of the Bench had to do with the matter—that was the affording Mr. Saunders the assistance of the police, of themselves, and the assistance of anybody whatever, in privately following up that clue. He imagined that it was to be carried on in the usual way such inquiries were conducted.

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As to Mr. Saunders's public court of inquiry, his advising with all the old women, male and female, of Road, as to his indulging in all the gossip of the place, and as to the magistrates being mixed up in anything of the kind, they had no notion of such a thing. No men were ever more astonished than they were when they saw the proceedings which Mr. Saunders conducted, and never more disgusted. He ridiculed the idea of its being supposed that the magistrates were in any way a party in not only such an extra-judicial and extra-magisterial inquiry, but such a really novel one, and which turned the calamity at Road from a tragedy into a farce. His answer to the inquiry as to what authority they gave Mr. Saunders was, that they gave him none whatever for any such purpose as he supposed. Mr. Saunders had adverted to a number of irrelevant topics, which he could really hardly follow; but he would endeavour to set him right, and, as he saw the reporters present, the public right, on one or two topics to which he had alluded. With regard to the presence of the reporters at Bradford on Saturday, the 10th of November, that was a matter commented on by the public press, for it was said that the reporters were brought there and uncourteously treated; but the meeting of the Bradford Bench had nothing to do with bringing the reporters there, and he was extremely surprised to find them there. He supposed that the circular which Mr. Saunders said had been issued, at the instance of the Chairman, himself, and other magistrates, convening the meeting, was an entirely private document, solely and wholly for the magistrates of the Bradford Bench, and he had it sent to all the magistrates of the Bench. He repeated that he was surprised to see the reporters present on the occasion; but, happening to be at Bath subsequently, he understood how they came there. Mr. Saunders, it appeared from a report in a Bath paper, on receiving a private circular from the clerk, had publicly mentioned it to the whole of the press that he could not be present at Road, because he had to be at a meeting of the Bradford Bench, and actually handed down to the reporters Mr. Stone's letter for them to read. That was the explanation. It was far from the desire of Mr. Bradney, or any other magistrate, to treat the reporters of the press with the slightest degree of want of courtesy or respect. It was due to them and to the magistrates to say that nothing of the kind for one moment entered their feeling or imagination. With regard to the letter to the 'Times,' it was very true that at that meeting a resolution was come to that the letter should be communicated to the 'Times,' and the 'Times' alone, simply because the 'Times' was the best organ of publicity. The magistrates simply wanted not to make any attack on Mr. Saunders, and not in any way to interfere with any inquiry he might carry on, but merely to dissociate themselves, and simply to cut off the connecting link which Mr. Saunders endeavoured to establish between them and him, and to let the public know that any inquiry he was conducting he was conducting on his own responsibility, and not in any way on that of the magistrates. They wished to do that as

gently to Mr. Saunders and as kindly and as tenderly as they could, and therefore it was that they inserted in that letter the words "as reported," in order to lighten as much as possible Mr. Saunders's fall, and also to give him an opportunity, if he wished it, of contradicting the statement in the paper, and stating what he really did say. Mr. Saunders did not contradict that statement made in the paper.

Mr. *Saunders*—I did not admit it.

Mr. *Wilkinson*—He has said that he has been correctly reported, and that he would not retract one single word.

Mr. *Saunders*—As reported generally, and that I would not retract one word I said.

Mr. *Wilkinson*—He has said that he was correctly reported, and I have no doubt he was. He has alluded to certain deviations in the report as contained in the different newspapers, and that proves the general correctness of it as it appeared in all the papers.

Mr. *Saunders*—Allow me to interrupt you.

Mr. *Wilkinson* (with warmth)—I must not be interrupted, I did not interrupt you.

Mr. *Saunders*—It has appeared in print that there was but one reporter present that day.

Mr. *Wilkinson*—If there was but one reporter present, the case is still stronger, because there could not be any deviation.

Mr. *Saunders*—There was deviation.

Mr. *Wilkinson*—That letter was agreed to on the 10th of November, but it did not appear in the 'Times;' and perhaps Mr. Saunders can explain why?

Mr. *Saunders*—No.

Mr. *Wilkinson*—I divulge no secret when I say that Mr. Saunders did boast of having a certain private understanding with the 'Times.'

Mr. *Saunders*—No, I did not.

Mr. *Wilkinson*—You said it was useless writing to that paper—

Mr. *Saunders*—I must interrupt you.

Mr. *Wilkinson* (warmly)—I will go on.

Mr. *Saunders*—I deny it *in toto*.

Mr. *Wilkinson*—So you may. Mr. Saunders did boast, and say that he had a private understanding with the 'Times,' and that it was useless writing to that paper, for anything that was written to that paper would be sent to him.

Mr. *Saunders*—I deny that I said so. You are now reporting what some one else has told you.

The *Rev. Mr. Wilkinson*—So you may deny it; but what has taken place seems to bear it out, for the letter which was despatched to the 'Times' by the clerk that evening, for some reason or the other did not appear in that journal, and has never appeared there. Now, was any reasonable or sensible man to suppose that the magistrates of the Bradford Bench were to be made such fools of as to allow the suppression of their letter, and the suppression of their deliberate opinions,



which they desired to make public, by the editor of the 'Times,' by Mr. Saunders, or by anybody else? What the magistrates agreed to on the 10th November was simply publicity, and they endeavoured to insert the letter in the 'Times,' believing it to be the best organ of publicity. Finding it suppressed, they caused it to be inserted in different other papers, and Mr. Saunders, instead of accusing them, ought to thank them, and to congratulate himself that it was inserted in the other papers rather than the 'Times.' If Mr. Saunders wished for publicity in the 'Times,' let him publish the clerk's letter to him on the 22nd of November in that paper. Mr. Saunders had alluded to another matter, about divulging what happened at the meeting on the 10th November. He said that a justice went to Trowbridge, &c. ; but he (Mr. Wilkinson) believed that that would turn out to be capable of contradiction, as nearly every other statement he had made was. He had not divulged what had taken place at the meeting, and he felt that he could speak for Mr. Bradney also—[Mr. Bradney: Decidedly so]—and he did not believe that any one else had done so. Mr. Saunders had alluded to what Captain Meredith was said to have stated to the Trowbridge magistrates. He believed that that assumption of Mr. Saunders would be as confidently and distinctly contradicted as all the other assumptions and statements of Mr. Saunders had been.

Mr. Saunders said the words he should speak in reply would be few in reference to the statements of his brother magistrates, for they were both clergymen, but he was sorry that no other members of the Bench were present.

The *Chairman* was sorry that Mr. Saunders did not mention the matter before Mr. Edmonds left.

Mr. Saunders said it would not be becoming in him to make any observations at length in reply. He referred to letters which he had received from a gentleman of Frome, and which he had showed to the magistrates with a request that they would not divulge the contents.

The *Chairman* said he had forgotten all about them.

Mr. Saunders said Mr. Wilkinson's memory was better than the *Chairman's*. With regard to the 'Times,' he had no more to do with it than anybody in the room, though it did so happen that a letter came for him at the Swan hotel, on the last Monday in last month, bearing a red seal, with the words 'The Times' upon it. It was addressed to him at the Session-house, Bradford. Thus the "vain boasting" of his was at once removed and set at rest. The letter might have contained something relating to an advertisement in the 'Times' newspaper, or a receipt for advertisements, or five hundred other things, but that had been brought forward by his brother magistrate as a vain boast of his! He denied *in toto* that he had made any vain boast as to the 'Times.' He had not said that he had any control over the 'Times.' What a fool he must have been to have done so! He declined to be responsible for the remarks attributed to him by the reporter on the occasion. What he said was in the presence of Captain Meredith, and Mr. Hughes the

chief of the Bath police, and neither of them denied or at all interrupted him in what he said, though Captain Meredith was quick enough to interrupt him if he misstated anything, and he was justified in assuming that Captain Meredith was the only other person except the magistrates who knew what took place in the hall on Friday. He (Mr. Saunders) contended that what took place at the two meetings of magistrates justified him in saying what he did say at Road-hill. He would not be bound by the reports, or the flourishes of the reporters, which appeared in five thousand newspapers. What he did say he would be bound by, and what he did say in the presence of Captain Meredith he did not contradict, though he readily interrupted if he (Mr. Saunders) misstated anything. It would be unbecoming in him, having touched on the main facts of the case, to say more than this. In answer to the charge of his having taken his brother magistrates by surprise, all he could say was that he wrote on the 17th of November to Mr. Stone, the clerk to the Bench, and at the end of a week he had an answer from him. In his letter to Mr. Stone he told him that he should reserve all right of publication, and if Mr. Stone did not communicate with the Bradford Bench he (Mr. Saunders) was sorry for it, but he believed the magistrates present were the only persons in the town or parish who did not know something would be said by him that day.

The *Chairman* was sorry that Mr. Saunders had not made his statement when there was a fuller Bench.

Mr. *Saunders* could not help the smallness of the Bench. It was the duty of every magistrate to come there. He was the only magistrate of the division at the Quarter Session.

The proceedings then terminated.

The magistrates of the Trowbridge division held a private meeting yesterday, at which there were present Mr. H. G. S. Ludlow (Chairman), the Rev. R. Crawley, Mr. W. Stancomb, and Mr. J. P. Stancomb. Various witnesses were examined in reference to the finding of the night-shift at Road-hill House on the day of the murder, under the circumstances detailed in the 'Daily Post' of Monday, and a further investigation was determined on.

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#### A NEW ACCOUNT OF THE MISSING NIGHT-DRESS.

*December 1, 1860.*

THE recent inquiry into this mysterious case, conducted by Mr. T. B. Saunders, although it has been severely censured in some quarters as being irregular and likely to lead to no beneficial result, has been found to possess the merit of eliciting a very important fact, which had

hitherto not been made public, and which had not even been stated in private to the magistrates who conducted the investigation of the case.

It will be recollected that among the statements volunteered before Mr. Saunders was one by Sergeant Watts, of the Somersetshire constabulary (confirmed by some officers of the Wiltshire force), to the effect that on Saturday, the 30th of June, the day on which the murder was discovered, he found a woman's night-shift, stained with blood, secreted in the boiler-hole of one of the kitchens of Road-hill House. This garment was afterwards handed to Mr. Superintendent Foley, who stated that he was confirmed in his own opinion by that of Mr. Stapleton, surgeon, that the marks of blood proceeded from natural causes, and had nothing whatever to do with the murder; and, acting on that opinion, he directed the shift to be replaced, on the following Monday, in the place where it was found, whence it disappeared.

It has now transpired that up to the time of Mr. Saunders's inquiry the fact of finding this shift has been kept a perfect secret, and that Mr. Stapleton, the surgeon, denies that any such garment was shown to him. Mr. Stapleton states that the only article of the kind which he inspected was one belonging to the elder Miss Kent, which was found in her bedroom.

The magistrates who have pursued the investigation held a meeting at the police-station, Trowbridge, on Thursday se'nnight, at which inquiries were made, from which it was ascertained that the shift was found by Sergeant Watts wrapped up in a brown paper parcel, in the boiler-hole of the back kitchen, about five o'clock in the afternoon of the day on which the murder was discovered. There were large stains of blood on it in the front and back. The fire in the boiler was lighted by the cook at seven o'clock in the morning, and let out about nine o'clock, so that the shift must have been secreted after the latter hour. The cook and housemaid were interrogated for the first time on the subject last week, and both denied any knowledge of it. An examination of their linen, and that of some of the members of the family, was subsequently made. That of the housemaid is said to be made in the same way as the shift found in the fire-hole, but it did not correspond in length. The garments of the cook and of Miss Constance Kent were not made in the same way as the missing article. Miss Constance, however, had a new set, and the washerwoman described her old ones as being similar to the one so strangely found, and which has so strangely disappeared. Mr. Stapleton was confronted with Mr. Superintendent Foley, and denied that the shift in question was ever shown to him. The excuse of Mr. Superintendent Foley for not communicating the finding of the shift to the magistrates is that he was ashamed to do so, feeling convinced that it was not connected in any way with the murder. The Bench are naturally annoyed at the ill-judged reticence of their officer, as they feel that the garment now missing might have afforded an important clue to the discovery of the

murder if properly followed up at the time of its having been found ; but that, at a distance of nearly five months from the commission of the crime, it is almost hopeless now to expect that any light will be thrown on the matter by the disclosure which has been so tardily, and almost unexpectedly, made.

The circumstance of the finding of the shift was not even mentioned to Mr. Inspector Whicher while he was engaged in the investigation of the case.

#### MEETING OF THE TROWBRIDGE MAGISTRATES.

YESTERDAY there was a meeting of the magistrates of the Trowbridge division, at the Police Court, Trowbridge, to hear in public what the police and others had to say with reference to the stained garment which was found in a "boiler-hole" in Mr. Kent's laundry on the evening after the murder was committed ; but with reference to which nothing had been said in public previous to Mr. Saunders's investigation at the Temperance Hall, Road. From the statements made in reference to it on that occasion, some of the public have inferred that the police were somewhat remiss—to use a mild term—in not prosecuting more inquiries respecting it at the time than they appear to have done. The Trowbridge magistrates, having satisfied themselves on the point by numerous private inquiries, resolved to examine witnesses publicly on the present occasion. The magistrates present were H. G. S. Ludlow, Esq. ; W. Stancomb, Esq. ; J. P. Stancomb, Esq. ; the Rev. R. Crawley ; and Sir J. Awdry, Chairman of the Quarter Sessions. The number of the public present was very small, albeit there is no lack of interest felt in the locality with reference to anything calculated to throw light upon the mysterious affair. The probability is that it was not generally known that the meeting was to be a public one, especially as the magistrates have held so many investigations on the matter with closed doors. There were, however, a goodly number of reporters in attendance, representing London, Bristol, and the local journals. The proceedings were, for the most part, conducted by Mr. W. Stancomb, though most of the other magistrates put questions to the witnesses. None of the witnesses were put upon oath, though all of the statements were reduced to writing by Mr. Henry Clark, the clerk to the magistrates. The Chief Constable of the county of Wilts (Captain Meredith) was present, and put questions to one or two of the policemen. All the witnesses having been ordered to leave the court, the proceedings were commenced by

Mr. *W. Stancomb*, who said he wished to make one or two remarks. First, he would mention that the magistrates who had been from the commencement investigating that unhappy and perplexing case were still most anxious and willing to hear from any person any information that they might have to give relative to that sad and melancholy

event—the murder of the poor little boy. He would also wish it known that, whenever any circumstance had come to their knowledge that they had considered of importance, it had immediately commanded their attention. With regard to the extraordinary occurrence that had come out of the finding of the stained garment in the boiler-hole, it was a circumstance which, he thought right to say, until very recently, the magistrates were ignorant of. It was only a short time since that he heard of it; he saw a statement of a policeman named Urch, that a woman's night-shift, with marks of blood upon it, had been found in the boiler-hole at Mr. Kent's house. He (Mr. S.) owned that he was greatly surprised when he heard of that, and immediately went to Mr. Superintendent Foley, and asked him what it meant. He told him that such a garment had been found; that it was in a very dirty, filthy state, and that there were marks of blood upon it; but that Mr. Stapleton had seen it, was satisfied what it was, and said, "Oh, put it away, it has nothing at all to do with the murder." A few days after that he (Mr. S.) saw in the 'Times' newspaper a letter of Mr. Stapleton's, which, upon reading it, struck him that Mr. Stapleton had only seen one nightdress. He saw Mr. Stapleton, and asked him whether he was correct in supposing that he had seen any more than one nightdress, when Mr. Stapleton said he had no recollection of seeing more than one dress, and that was a nightdress. He (Mr. Stancomb) said the magistrates knew of that; they were perfectly satisfied what that was, but had he seen no other dress? for they had ascertained that a dress had been found in the boiler-hole, and that he (Mr. Stancomb) had been informed that Mr. Stapleton had seen it. He replied that he had no recollection of seeing such a garment. He (Mr. Stancomb) thought it was so important that it required a little more inquiry, and asked Mr. Clark, the clerk to the magistrates, if he would accompany him to Frome, that he might see Sergeant Watts. He questioned the sergeant, and got from him what information he thought necessary. He then went to Road, and saw Mr. Parsons, the surgeon, thinking that possibly he might have seen the garment, but he assured him he had seen no garment at all with a stain upon it. He then went to Road, saw P. C. Urch, and questioned him, and had all the information he could give about it—the description of the garment and other things—and then went to Mr. Kent's house. He saw the cook, to whom it was supposed the garment belonged, and asked her if she knew anything about it; she said No, she knew nothing about it, had never seen it, or put it where it had been found. He examined the place where it was stated to have been found; it was not a boiler-hole, but a hot plate, under which was a fire-hole. He measured it by putting his arm into it nearly the full length; a little way in from the entrance of the boiler-hole was a hole, on the top of which was a plate, on which saucepans and kettles might be placed. He then returned home. He thought it was his duty then to inform his brother magistrates what he had done, and what information he had received; he asked them to meet him, which they did

on Thursday week ; but before the meeting he went over to Road again, and again saw the cook and questioned her, and also saw one or two others there with respect to it. He came back and informed his brother magistrates of everything he had done, and then they thought it would be better to have another meeting, as they failed then to complete what they wished to do. On the following Saturday his attention was drawn to a statement in a London paper, giving some account of that meeting, which was a private one. Feeling that that was not a correct statement, he thought it his duty to contradict it, which he did ; but on the following Monday he saw another account in one or two other papers, and it was stated in one that the dress that was found was a nightdress. In the 'Times' it was also alluded to in the leading article of Monday, Nov. 26th, as follows : " Except for the strange discovery of the missing nightgown." Therefore there was an erroneous idea that this dress found in the boiler-hole was the missing nightdress. The magistrates were anxious that the public should be put right with regard to that matter. He should state that at that meeting on Thursday they had Mr. Foley and Mr. Stapleton and some others before them and questioned them. The magistrates were anxious, at the meeting they held on Wednesday last, that, as statements had got abroad, the public should be set right as to what garment was found in that place, and also that the police should have an opportunity of giving any explanation of their conduct why they had not mentioned it to the magistrates. Therefore they thought it right to have a more open meeting, and they appointed that day for that purpose, when the several parties were in attendance—the police and others—and the magistrates were anxious to give them an opportunity of explaining anything they might have to explain, and to say anything they might have to say, and to have an opportunity of giving the public a description of the dress stated to be found in the boiler-hole. He thought it right to make one remark with regard to the nurse, Elizabeth Gough. A curious coincidence had transpired with reference to her. A gentleman at Eton had a nursemaid of the same name in his service, between September, 1858, and March, 1859, during which time several circumstances occurred, and one in particular. It was thought that that Elizabeth Gough and the Elizabeth Gough who had lived in the service of Mr. Kent were one and the same ; but the gentleman of Eton went to Isleworth, saw *the* Elizabeth Gough, and was satisfied that they were separate and distinct persons. He thought it right to say, whenever they had heard anything against her character, they had endeavoured to trace it out, and he was bound, he thought, in justice, and he hoped his brother magistrates would think he was doing right, to say that up to the present, as far as they had been able to ascertain, her character still held good.

The following statements were next taken :—

Sergeant *Watts*, of the Somerset County Police, said—On Saturday, the 30th of June, at Mr. Kent's house, I found a shift in a boiler-hole or grate, at between five and six o'clock in the evening ; it was pushed back as far

as possible, and wrapped in brown paper. If any one went to put fire in, it might not have been seen. The fire was not laid for lighting; there were cinders and ashes there. The shift would not fit a large stout person. There was a flap to tie down before, and another behind. It was rolled up, and paper was put around it. The paper was twisted at one end. It was a short-sleeve garment. I could not have seen it without stooping down and looking in. If a fire had been lit without seeing the garment it must have been burnt. I should think there had been a fire there recently. The garment was in a dirty state, and there was a good deal of blood about it; it nearly covered the fore and hind parts. There were no marks of blood above the waist; the blood extended about sixteen inches from the bottom. I should think, from the appearance, the blood had been caused from the inside; should not think the marks had been there long, but should not think they had been made that day. I should think that, from its dirty state, it had been worn more than a week. It was of coarse material. I am married. I took it from the hole to the stable, and examined it. I unrolled it and opened it. I believe P. C.s Dallimore, Urch, and Heritage were in the scullery when I found the garment. Mr. Fricker was close by. The garment appeared nearly worn out. There were holes under the arms. It would have been fit for wear again if it had been washed and repaired. The policemen mentioned were present when I unrolled it. I subsequently rolled it up again, and showed it to Mr. Superintendent Foley. I then left it with him. I have never seen it since. I know nothing more about it. I have not been before magistrates on the subject previously. I can't say if a medical man saw it. I did not mention the fact to either of the servants. The marks were dry when I found it. I did not notice the particular colour of the blood—whether it was a dark or light red. There were no stains of blood on the paper. The blood did not go quite to the bottom of the garment. The stain was greater behind than before.

Mr. Superintendent *Foley* said—I was shown by the last witness, on the 30th of June, at Mr. Kent's, a dirty stained garment, in the latter part of the afternoon. I received it from a policeman. I can't say if it was Sergeant Watts. I did not keep it in my possession a minute. I did not like to touch it. I was the chief officer present. I said, "You see it is a nasty dirty chemise, so put it away." After a good bit of talk I gave it to Dallimore. Some said, "It's so-and-so's; don't expose the girl." I gave it to Dallimore, and I don't know that I saw it again till Monday. I can't charge my memory whether I saw it then. I would not actually swear that any medical man saw it. I showed Mr. Stapleton a stained garment. He did not see the nightgown till Monday, and, if he saw one in the yard in the cart, it must be the one in question.

Mr. *W. Stancomb*—I understood from you that Mr. Stapleton had seen it.

*Witness*—I understood he had seen it, but can't state positively whether he did or not. I showed him one of the Misses Kent's nightgowns. I am sorry I did not keep the shift to show it to you. Mrs. Dallimore had found the nightgown of Miss Mary Ann Kent on Saturday. The missing nightgown

was not missed till the Monday. It was on the Monday that I showed the nightdress to Mr. Stapleton. This that I saw was an old stained chemise, not the missing nightdress.

Sir *John Audry*—By “Don’t expose the girl,” did you refer to a matter of decency, or had you any other motive?

*Witness*—Solely and wholly out of respect for decency, nothing else; I did not believe that the shift had anything whatever to do with the child’s death; I considered it would be an indecent and improper thing to expose it publicly; I have seen many filthy garments, but never saw a filthier one than that in question; it appeared as though the person to whom it had belonged had worn it for a week or fortnight; I am satisfied that a married man and an experienced man would see that the garment in no way related to the crime; I told Dallimore to put it back where it was found.

Mr. *Ludlow*—You made up your minds to whom it belonged, but, not wishing to expose the girl’s dirty habits, you did not show it?

*Witness*—I am sorry I did not show it; I know it was neglect on my part; I don’t know how it was I did not mention it to the magistrates, but I was satisfied it in no way related to the murder.

Mr. *Ludlow*—You should have shown it to the magistrates, who would have referred it to a medical man, who would have reported upon it, and the matter would have dropped.

*Witness*—I had but one object in view, and that was to bring to justice the guilty party.

Mr. *W. Stancomb* said he had known Mr. Foley for many years. He was a parish-constable there before the county police was established, but afterwards he was made superintendent, and had been so upwards of twenty years. In his magisterial capacity he had acted in many cases in which Mr. Foley was police-officer, and, as far as he had known him, he had every confidence in his judgment; but the public, who did not know him so well, had no such confidence in him. In the present case he thought Mr. Foley had made a mistake in not keeping the garment and showing it to the magistrates.

Mr. *Foley*—I acknowledge my fault so far.

Mr. *W. Stancomb* said that as he had known Mr. Foley for so many years he had no reason to discredit what he said.

Mr. *Ludlow* confirmed Mr. Stancomb as to Mr. Foley’s capabilities as an officer, but added, that, as the public did not know his qualities, they did not appreciate them.

Mr. *W. Stancomb* did not think that in this case Mr. Foley had used his usual astuteness and judgment, in not mentioning to the magistrates the finding of the garment.

Sir *J. Audry* agreed that Mr. Foley had made a mistake, but his conduct had not been such as to shake the confidence the magistrates had in him.

Mr. *J. P. Stancomb*—That is, I am sure, the opinion of all the magistrates.

Mr. *Stapleton*, surgeon, said—I was shown a garment with stains on it



that was taken from Mr. Kent's. I saw a garment on three occasions. I was consulted only about the stains, and pronounced on them. I believe to the amount of assurance—I am satisfied—that it was the same garment on each occasion. I can say nothing of the shape, make, or texture of the garment shown me on the first occasion. That was on Saturday afternoon. There were stains on the garment. I can't say whether it was a nightdress. I am satisfied they were not stains of blood. There was no blood on that garment. The stains were such that an inexperienced person might have supposed were blood. I can't say anything about the garment, but as to the stains upon it. I feel no difficulty in deciding between such stains and blood. The character of venous or arterial blood will differ at various times. In twelve hours after drying the characteristic of them would be faint. On the Monday I was shown what I believe to be the same dress. The garment shown me on Saturday, I believe, had stains only on the back part. The garment described contrasts strongly with the one I saw on Monday, and I believe the one I saw on Saturday was not like the one described by Watts. A policeman showed me the garment on Saturday; Mr. Foley the one on Monday.

Mr. Foley recalled—I did not notice the paper the shift was wrapped in. P. C. *Dallimore*, of the Wilts force, corroborated Watts as to the finding of the shift, and adding it was very dirty. It appeared to have been worn a week or two longer than it should have been. It was a well-worn garment, and had been repaired near the arm. There was nothing remarkable in the make of it. By Mr. Foley's direction I kept it till Monday. It was near six o'clock when it was found. On the Monday morning I showed it to my wife, and afterwards took it to Road. I examined it for initials, but could not find any mark on it. There was no mark on the wrapping paper. Mr. Foley called Mr. Stapleton aside and showed him the chemise in my presence on Monday, after the inquest. Mr. Foley held one part of the garment, and I another, when Mr. Stapleton looked at it. The stain in front was small as compared with the stain behind. Mr. Stapleton examined it thoroughly, and was satisfied there was nothing on it to lead to the detection of the murder. Ultimately I put the chemise back near the place in which it was found. There were no strangers about when I put back the shift. At Elizabeth Gough's suggestion I examined a room over the kitchen, going through the scullery, soon after I had put back the shift, to do so. I did not mention to the servants anything about the shift. The place I examined was the roof over the kitchen. There was no way to get to the place but through a window covered with ivy. No one had been there before me. I should have put the shift where it was found, but I discovered some fire there. When another garment (Miss Kent's nightgown) was shown to Mr. Stapleton, I was present on Monday. That was before the inquest. He was shown the shift in the after part of the day.

Mr. *Stapleton*—I saw a dress on Saturday; and two hours after, as I was about to leave Road, I was shown a dress. On the Monday morning I was shown a dress, but never saw one afterwards. On no garment that

I saw was there anything that could be associated with the death of the child. I was anxious that the garment I had been shown should be retained in the custody of the police. I saw several things in the custody of the police. The police, as far as I have seen, have been anxious to do what was right, and obtain any possible evidence.

P. C. *Urch*, of the Somersetshire police, and stationed at Road, gave corroboratory evidence, adding—I thought the garment was wrapped in a piece of brown paper, and a piece of newspaper too. There were marks of blood on the garment before and behind. I believe they showed more plain in front. Where the smears were the marks were nearly as large as my hand. The marks of blood extended half a yard up. There were none above the waist. I did not touch it. It was not turned inside out.

Mr. *J. Fricker*, plumber, &c., of Road, was present at Road-hill House on the 30th of June, when the blood-stained garment was found. Had examined the closet without finding anything. The shift was wrapped in a piece of paper; thought it was a piece of newspaper. He corroborated previous testimony. There was not a great deal of blood on the garment. Thought the marks arose from natural causes. Those present were for putting it back again, but Mr. Foley said they had better not do so. There was nothing to make us believe that it had anything to do with the murder, notwithstanding all the suspicions that had been engendered.

P. C. *Heritage*, after corroborating previous witnesses, said—I left the garment in Mr. Watts's charge. I met Mr. Foley with a gentleman whom I believe to be Mr. Stapleton. The sergeant rolled up the garment quickly. I can't be positive about the time.

Mrs. *Dallimore* said—I saw the shift on the Monday, and believed it belonged to the cook, because it was short and dirty. I believe the stains to be from natural causes. It was dirty, ragged, and mended, and appeared to have been worn out at the bottom by kneeling on it. On the Saturday I took charge of Miss Kent's nightgown, and retained it till Monday. The shift was of a coarse material. The cook remarked to me that she made her garments dirty, because of the work she had to do. I am convinced that neither girl in the house had put on a clean shift that day, for I examined their linen. The shift appeared to have been dirty before the stains were on it, and to have been worn as long as possible afterwards.

*Sarah Kerlake*, Mr. Kent's cook, said—I had the charge of the scullery and the hot-dresser there. Lighted the fire there every morning, to scald milk, at seven, and the fire is let out at nine. Mrs. Kent spoke to me once of something being found in the boiler-hole. I never heard anything more about it till Mr. Saunders spoke of it at the Temperance Hall. I know nothing of the garment. It does not belong to me. I did not put it there, and don't know any one that did so. That day I was chiefly in the kitchen. We have an old charwoman to help us on Saturday. I don't think the scullery was cleaned on Saturday. On Monday Dallimore asked for a candle to search the room over the kitchen. I did not then find anything in the scullery wrapped in paper. The charwoman came to the house on Monday afternoon. The little boy was put into the laundry when he was found. The scullery door is opposite to the laundry

door. I can't tell if there were many persons in and out that day. It was before the charwoman came on Monday that Dallimore was there. I did not find anything there on Tuesday, or any appearance as if anything had been burnt there. I lay the fire just inside the door. If anything had been put in there I might not have noticed it. I generally light the fire with newspaper and wood.

*Sarah Cox* (Mrs. Kent's housemaid) said she knew nothing of the garment until she read of it in the papers, and did not know anything about the garment itself.

Mrs. *Holly*, the washerwoman, said she knew nothing of the chest-flannel found in the privy. It was not such flannel as poor folks wear, as they did not wear such expensive flannel. She never washed such a piece of flannel for any of the inhabitants of the house.

Mr. *Ludlow* said a letter had been received from Mr. Inspector Whicher, who had been engaged in endeavouring to elucidate the mystery. It would be read by the clerk; and in justice to Mr. Whicher he (Mr. Ludlow) thought it should be sent forth to the public.

The Clerk read the letter, as follows:—

*Metropolitan Police Detective Department,  
Great Scotland Yard, 27th November, 1860.*

ROAD MURDER.

SIR,—In reference to the recent disclosure relative to the local police having found on the day of the murder a blood-stained garment secreted in the boiler-hole in the kitchen of Mr. Kent's house, which circumstance, it appears was not made known by them to the magistrates, I beg to state also that it was never mentioned to me by any member of the police during the fortnight I was engaged with them at Road assisting in the inquiry, and in daily communication with Superintendent Foley and his assistants, who, it now appears, were present when the garment was found. If, therefore, the magistrates feel annoyed at the matter being kept secret from them, I beg to state that I was no party to it, for, as before stated, the fact was never made known to me.

Trusting that you will submit this letter to the magistrates at their meeting to-morrow, for if they should be of opinion that there has been any neglect on this point I wish them to know that I am in no way to blame,

I am, Sir, your obedient servant,

J. WHICHER,

Inspector of Metropolitan Detective Police.

*H. Clark, Esq., Clerk to the Magistrates, Trowbridge.*

A conversation then ensued between Mr. Stapleton and the magistrates, in which it will be observed that Mr. Stapleton, who assisted in the post-mortem examination of the murdered child, has formed opinions somewhat opposed to those which have been deposed to at the several inquiries by Mr. Parsons, the other surgeon engaged.

*Sir John Awdry*—Some one has suggested the possibility of the child having been suffocated by a pill-administered the night before his death; is there any possibility of that?

*Mr. Stapleton*—There was no mark of suffocation on the child's body visible to me; and I am of opinion that the child died from the cut in the throat instantly.

That the cut in the throat was the only cause of death?—There was no mark of suffocation perceptible to me, and I never had the opinion that the child was suffocated.

You are aware that another medical man has expressed the contrary opinion here? He stated here that there were dark marks about the mouth and nose, as if caused by pressure; and he thought pulsation must have been stopped probably in that way, in consequence of the blood not having come in jets.—I was at the post-mortem permissively only. I did not make it myself, and I am not responsible for its results beyond that which will attach to an observer under such circumstances; but I did observe all that was done with sufficient care to express the most decided opinion. When I returned from the post-mortem examination with Mr. Parsons to Mr. Kent, who was anxiously waiting to hear my opinion, I found him in tears, and sympathised with him on the ground that the child died instantly. Mr. Parsons assented to that statement, and made a strong observation to this effect to Mr. Kent, "The child died quite instantaneously, and suffered much less than you will," or words to that effect. I was therefore surprised, at the end of forty-eight hours, to hear that Mr. Parsons had so changed his opinion as to require him to say, and to justify him in saying, that the child had been submitted to a strong pressure for ten minutes, and I am not of that opinion. There was a slight trace of congestion; but I believe that was caused after the incision of the throat. The blood would not be all drained from the body, and I believe that, as the child's head was lower than most other parts of his body, the lips, nostrils, and eyes would, of necessity, present those signs of lividity spoken of.

You believe the blood drained from the trunk, and not from the head?—Precisely. What had remained in the body would drain into the head.

Then did you notice the cut on the finger?—That makes me of opinion that the child was conscious when it was made. I am of opinion that the cuts on the finger are most important, for they describe to me emphatically the mode of the child's death. The cuts are not on any part of the hand, but on a particular part of the hand—on the left, and not on the right hand; they occur, therefore, in the very place where I should expect to find such cuts—on the particular hand, and on the part of the hand. The hand, as you observe, is not carried in any way to the face, but in a particular way. The knuckle would come nearest to the knife or to the chin, and the child, on feeling the knife, whether awaking from his sleep, or involuntarily avoiding such a knife, would raise its hand and touch the knife in that particular spot—not anywhere, but on that particular spot where the cuts were. Were they on any other spot, I should suppose them accidental cuts on the hand; but on the ground of their position, I think it says a great deal; it

speaks emphatically as to the mode of death, and of consciousness when the cut was inflicted.

Did you observe the edges of the cut, so as to form a conclusion whether the child must have been living at the time it was inflicted?—I don't think they were cuts inflicted after death.

As to the stab, is there any appearance of that having been made during life?—I can't say.

Is it probable that it was given in an attempt to poke down the body when it did not fall?—I should not like to give an opinion.

Mr. *J. P. Stancomb*—It could not have been given so, as the stab was on the left side, and the child lay with its right side uppermost.

Mr. *Stapleton*—That appears to be an objection to the theory.

In answer to a further question, Mr. *Stapleton* said—I think the knife first touched the child on the left side of the throat, and it follows, of necessity, that the corresponding hand would be raised, and that that hand would touch or come nearest to the face, and that the particular part cut would do so. It is an extraordinary thing that the cut of the hand is on that spot, and on that hand.

Mr. *Ludlow* said that inquiry had taken place for the satisfaction of the public. At the same time, with regard to Foley, he (Mr. L.) was confirmed in what he had expressed concerning him. He certainly was wrong in not mentioning the matter to the magistrates, still they held that he had refrained from doing so from feelings of delicacy and decency.

Sir *J. Awdry* said that Foley seemed to be confirmed in his opinion that the garment had nothing to do with the murder, and he took upon himself the responsibility of keeping so unpleasant a thing from being publicly exposed. In consequence of the great public interest taken in the case, there was an anxiety for a greater amount of research than was generally looked for, and it was to be regretted that Foley did not mention the matter; still he (Sir John) could not but think that Foley came to the right conclusion, that the garment had nothing to do with the case. Therefore, some consideration was due for the feelings of those to whom the garment belonged.

The proceedings then terminated.

## APPENDIX No. V.

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### PROPOSAL FOR A SECOND INQUEST. — MR. RODWAY'S LETTERS. — "THE QUEEN *v.* SYLVESTER." — EVIDENCE OF THE CHIEF CONSTABLE OF BATH, &c. &c.

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[From the '*Trowbridge Advertiser*,' November 3, 1860.]

#### SECOND CORONER'S INQUEST.

THERE has probably never been a crime perpetrated in this country by which the public mind has been so deeply stirred as it has been by the assassination of the innocent child at Road House. Other murders may have produced as marked and as lasting an impression in particular districts, but there are circumstances connected with this appalling tragedy which have awakened a thrill of sympathy wherever its details have been made known. We are assured that letters containing suggestions have been received from the most remote districts, and that offers of pecuniary help in any effort to discover the perpetrator have been freely made. It may be a satisfaction to the public mind to state, as we are enabled on the best authority to do, that the investigation which has been going on will not be allowed to lapse, but that a further, and, if possible, more searching inquiry is likely soon to take place; an inquiry, too, which will not be open to the objections urged against the private examination by the justices, and that instituted by Mr. Slack, but which will be fully within the scope of our recognised legal system.

Nor is the legal gentleman referred to the only one who has been anxiously reconsidering the matter. The Wiltshire magistrates and the constabulary of the neighbourhood have been applying themselves to a critical review of the various theories which have been propounded. In consequence of the last-named inquiries two or three rumours have been current, naming parties who are likely to be arrested. We would caution our readers against too ready a credence of them; indeed, we have reason to expect that any further inquiry will assume a different shape. Looking to

the result of the charges against individuals already made, it is not likely that the magistrates will be advised (unless some much more conclusive evidence is brought to light) to issue any further warrants of arrest, and we believe we are right in assuming that the next investigation will probably be made through the coroner's court.

We are aware that many difficulties would have to be overcome before that court could be again set in motion, but it is hoped that they are not insurmountable. That the coroner's is the best court for the purpose no one will dispute. Its inquiry can be more generally directed than that of the magistrates' court, in which all the evidence must be applied to some individual charged. As, moreover, it does not impute guilt except by its verdict, no possibly innocent person can be wronged by it, nor need there be any deprivation, until the result has been arrived at, of the personal liberty of any party. The great obstacle in the way of calling upon the coroner again to act is the fact that there already exists an authorised inquisition or finding under his seal. The Court of Queen's Bench, no doubt, has authority to quash any verdict of this court; but then some ground is required to justify such a proceeding, and in the present case it could hardly be urged that the verdict of "Wilful murder against some person or persons to the jurors unknown" was not a finding according to the evidence. Whether the Court may be induced to hold that the finding was arrived at too hastily, and that the coroner ought to have gone further, can only be surmised. Should it not adopt such a view, the question will remain, Can a second inquisition be returned where the first has not been quashed?

No doubt the question is one of great nicety, but, if we are rightly informed, Mr. Slack has succeeded in finding an old case, which dates so far back, we believe, as the reign of Richard II., the decision in which would give warrant for such a course. A man of some authority had a servant die, and an inquest was held upon the body, and a verdict returned. He was not satisfied, and prevailed on the coroners of the county to hold a second inquest, by the examinations under which it was found that the servant had been poisoned, and a fresh verdict in accordance with that fact was returned. The party implicated appealed, and the case went to the King himself, of course the highest authority, but the finding was confirmed. There is no doubt on record a very much later case of double inquisition, in which the second inquisition was appealed against and quashed, but in that case the two findings were, we believe, in conflict, the first being "Justifiable homicide" and the second "Manslaughter," while, in giving judgment, the learned judges, and particularly Mr. Justice Crompton, favoured the impression that there may be circumstances under which a second inquest may be lawfully held. Mr. Slack, we believe, is giving the whole case a careful consideration, and we repeat our belief, which we admit is partly based on our confidence in his skill, that a further inquiry will yet take place. We can only hope that it may have the effect of bringing to justice the guilty party, and thereby appeasing the public anxiety.—*Bristol Daily Post*.

The 'Bath Journal' says:—"We are in a position to state, from a source

of the highest authority, that the investigation into this terrible and mysterious murder is not allowed to lapse ; but that some course, which shall at once be constitutional and searching, will shortly be instituted for continuing the inquiry, which hitherto has so unfortunately failed in discovering the perpetrator of the crime. The efforts of Mr. Slack did not terminate with the late inquiry resulting in the discharge of the nursemaid : and we believe we are right in saying that neither the magistrates nor the public have abated a jot of their anxiety and zeal for the discovery of the murderer. We hope that, with so much legal acumen and zeal brought into the case, the *laches* of the original inquiries may be remedied, and the mystery at present enshrouding this frightful crime be cleared up. We cannot, at present, say what precise form the future inquiry will take ; but that another public investigation will be instituted we believe is certain.

“ Letters and articles upon the case continue to be published in the newspapers ; but though the theories propounded satisfy the appetite of the public, excited, as it has been by the want of any positive evidence, they receive but little attention from those who have been really conversant with the case, and the inquiries concerning it. All the suggestions have been attended to, the theories acted upon, and every possible means taken to worm out the hidden mystery. At present all have failed. Let us hope that further investigation may, by eliciting some slight clue, still lead to the elucidation of the mystery ; although we confess that we are more inclined to believe that if the murderer be ever discovered it will be rather by some word incautiously spoken, or by some deed performed, which will afford an index to the, at present, undiscovered track of the assassin.”

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MR. RODWAY'S LETTER.

[From the 'Morning Post,' November 10, 1860.]

TO THE EDITOR OF THE 'MORNING POST.'

SIR,—At a time when the press, with few exceptions, seems to point at Mr. Kent as the murderer of his child, and is gathering about him a storm of public indignation which has destroyed the social position of his family, and now threatens his own personal safety, I am persuaded you will do him the justice of admitting into your columns any narrative or explanation having reference to his conduct ; and, as I learn that some persons have attributed my retirement from the case to a suspicion on my part of his guilt, I am anxious publicly to disavow any such suspicion, and to state what occurred under my notice. I may say, at the outset, that, although I have watched this case with anxious interest from the morning.



of the murder to the present time, and with the simple desire of detecting the culprit, I have failed to discover any evidence which can inculcate Mr. Kent.

On the morning of the 30th of June it was reported in Trowbridge that a murder had been committed at Road Hill House. Having known Mr. Kent for many years, and having occasionally acted as his legal adviser, and finding, on inquiry, that the rumour was well founded, I went to Road to inquire into the circumstance. On my arrival there, soon after eleven o'clock in the morning, I found Superintendent Foley, an experienced officer of police, with some assistants, in possession of the house. From him I learnt the leading particulars of the case, and that he had reached the house within an hour after the discovery of the murder; that after his arrival he had allowed no person or thing to pass from the premises without examination; and that he had made a strict search of such parts of the house as he had access to, and of all the outbuildings, yards, and shrubberies. At the same time he stated that he felt some hesitation in obstructing on the family privacy, and in adopting those measures of surveillance which the case required. I at once saw Mr. Kent. I found him in that state of grief and horror from which a parent under such an awful calamity would naturally suffer; he related to me with much agitation and distress what had occurred, and suggested that a London detective should be telegraphed for at once, and before any traces of the crime could disappear or be removed. I then mentioned the difficulty to which Mr. Foley had referred, when Mr. Kent desired me to inform him instantly that he must not feel under the slightest restraint in going into every part of the house, and in resorting to any other means which he might think necessary. I communicated to Mr. Foley Mr. Kent's desire that he should make a strict search of the house and the inmates. Mr. Foley stated that this permission removed a great difficulty, and he proceeded to make a minute and careful search, and sent to Trowbridge for a female searcher to examine the persons and apparel of the women. Mr. Foley did not, however, think it necessary to send for a detective, and in this opinion I to some extent concurred, believing that, as his arrangements were judiciously made, and would be vigorously carried out, it would be unwise to interfere with his plans. My first suspicion fell on the nursemaid, who, having the care of the child, and being in the same room, was primarily responsible for his safety. On seeing her I observed on her countenance traces of emotion and fatigue, and remarked to the superintendent that she appeared to have passed a restless night. He said that his first suspicion had also fallen on her, and that he had closely questioned her, but believed her to be wholly innocent of the crime and ignorant of its perpetrator, and that her grief and alarm at the event were sufficient to account for these appearances. I did not interrogate her at any length, but such questions as I put she answered frankly and fully, and without embarrassment. I accompanied her to the nursery. She pointed out the position of the bed and cots, and showed, by doing so, that the nursery door might be opened and shut so noiselessly as scarcely to attract the notice of a person lying awake in the room; but she was unable

to say with certainty whether, on her awaking in the morning, the door was entirely shut or only ajar. I then endeavoured to ascertain if the girl had any male companion, and my inquiries of the family and amongst the neighbours satisfied me that she had not.

On the floor of the closet, into the vault of which the body of the poor child had been thrust, was a pool of blood, and from its appearance I conjectured that the blood had soaked through the blanket in which the child was wrapped. My impression was that the child had been taken sleeping from his cot to the closet, and laid down in the blanket, still sleeping, on the floor; that the murderer's hand had been inserted within the blanket to inflict the fatal wound, and, this being done, the bleeding body lifted up and deposited in the vault, the stab in the chest having been caused in attempting to force the body down with the knife.

On leaving Mr. Kent, at the close of the day, he requested me to attend the inquest. The public having already come to the conclusion that the murder was committed by an inmate of the house, I suggested to Mr. Kent that the presence of an attorney on behalf of the family might probably be misconstrued into a desire on their part to conceal rather than discover the criminal; but he urged upon me that the magnitude of the crime and the detection of the murderer were considerations which led him to disregard any probable consequences. I therefore consented to attend.

On the morning of the inquest I saw the body of the child. I did not observe any marked lividity about the lips; but it may reasonably be supposed that the hand of the murderer was placed on the child's mouth to stifle the utterance of any cry. I noticed a slight cut on the left hand near the knuckle, not sufficient to indicate a struggle, but as if the child's hand had been raised and come in contact with the knife.

After the inquest I had several interviews with Mr. Kent for the purpose of consulting on the measures to be further adopted; but I could collect no materials for forming any decided opinion. I suggested to him what I considered to be the probable solution of this mystery; but I found that our views of the crime, and of the mode and direction of its investigation, widely differed; and as I could not adopt Mr. Kent's views, nor Mr. Kent mine, I abstained from further interference.

Upon the apprehension of Miss Constance by Inspector Whicher, Mr. Kent, at my suggestion, sought and obtained the advice of a professional relative of his in London, who came to Road and made arrangements for the defence of that young lady.

I feel bound to say that up to this time Mr. Kent had not only uniformly impressed me with a conviction of his innocence, but he had manifested on all occasions an earnest desire to co-operate with the magistrates and police in the discovery of the murderer of his child, and it was not until the arrest of his daughter that he assumed an attitude of defence; and who can be surprised that, under such an aggravation of his calamity, outlawed by popular prejudice, and suffering a persecution which is without a parallel in recent times, the wretched father should at length stand at bay?

On two or three occasions whilst the nursemaid was in custody I visited

Mr. Kent, and at no time did he betray the slightest apprehension that she could make any disclosure which could criminate him, or that his safety was affected by her detention. At two of these interviews he was abruptly called upon to attend the magistrates without being informed by the police for what purpose he was wanted. Such abrupt summonses would have been fearful trials to a guilty man; but on neither occasion did Mr. Kent betray the slightest agitation or embarrassment.

Two circumstances have been much commented on to the prejudice of Mr. Kent. I refer to his refusal to permit a plan of the house to be taken, and to the locking the police into the kitchen the night after the murder. Of the first it is a sufficient explanation to say that Mr. Kent simply resented an uncourteous intrusion; of the second I am not able to give an explanation myself, nor to furnish Mr. Kent's, for I have learnt this fact only from the public papers. Captain Meredith's explanation of this affair at the late Wilts Quarter Sessions at Marlborough seems, however, to have destroyed its suspicious character, and I have since been informed that the story of the kitchen door being locked is altogether a misrepresentation; that the door which Mr. Kent locked was not the kitchen door, but a door which he habitually fastened, leading from the passage adjoining the kitchen into the family apartments.

Experiments have been made to prove that the nursemaid could not see the child in the cot, even though she knelt up on the bed, and yet it has been assumed (their relative positions being the same) that the child could have seen from his own cot, over the cot of the other child, into the nurse's bed, and, by the dim light of a night-light, distinguished her presumed paramour. Arguments have also been founded on the presumption that the dog did not bark, but it has been ascertained that the dog did bark.

An opinion extensively prevails that two persons were concerned in the murder. In the face of so general an impression it is with diffidence that I express an opposite conviction. It was clearly *possible* for any adult man or woman to have accomplished this deed, and to me it appeared, on the morning of the murder, as clearly probable that it was the act of one person. When any atrocious deed is committed under morbid impulses or passions, such abnormal condition is alone deemed sufficient to negative the presumption of an accomplice; and so, when a crime, in its plan, perpetration, and concealment, exhibits signs of extraordinary cunning and secrecy, it may be presumed that the criminal had no confederate. The records of mysterious crimes will show that murders which have remained for a time in obscurity have generally been executed in solitude.

At an early period of the inquiry which lately terminated the skill and industry lavished upon it seem to have been directed to the illustration of a preconceived theory and to the prosecution of Elizabeth Gough. Her evidence was consequently excluded, and the selection of the witnesses appears to have been determined rather by the wants of the prosecution than by the necessities of truth. As an instance, I may mention that two medical men attended the *post-mortem* examination. They were both examined previous to the second apprehension of Gough.

One of them related the facts he had observed, and expressed an opinion that the child had been suffocated. The other affirmed other facts, which inevitably led to a different conclusion. The former only was examined before the magistrates. Why was this? The *manner* of the child's death is an important question, and no testimony which could be adduced on this point should have been excluded.

Of the origin of the accusation of Mr. Kent as the murderer of his child some explanation can be given. Within a few days of the murder a letter appeared in a provincial paper, bearing the signature of a county magistrate, which was generally supposed to point at Mr. Kent as the perpetrator of this deed. The writer of that letter is a gentleman to whom no unkind or unworthy motive can be attributed, but who doubtless, in his detestation of the foul crime, unreflectingly promulgated his first impression. If Mr. Kent be an innocent man it is impossible to conceive a more cruel and fearful wrong than has been thus unintentionally inflicted upon him; yet it has never appeared on what grounds this accusation was based, nor has any justification of so momentous a charge been offered either to the public or the unhappy family.

We have been told that, in the old and malignant pestilences, civilised men and delicately nurtured women became brutal in their natures and indifferent spectators of human agony; that right and wrong were undistinguished, and the bands of society untied. By the same law of our nature, the commission of murder, by its barbarity and by the contamination of its example, has a tendency to brutalise and debase, as well as to alarm, till the desire to discover and to furnish a culprit becomes a reckless and unreasoning pursuit after a victim, in which every human sympathy is blunted and the very sentiment of justice forgotten.

In conclusion, permit me to observe that the proceedings adopted in this case have throughout so infringed the constitutional privileges of accused parties that, if guilt should ever be established against either of the suspected persons, there must be an ultimate failure of justice; and to suggest whether it is politic to institute further proceedings in the absence of additional information. Can the late inquiry have had any other effect than to apprise the murderer of the sources of danger and the means of avoiding them? Mr. Sotheron-Estcourt gave testimony at the sessions to the persevering and judicious, though unsuccessful, labours of the magistracy of the district, and strongly intimated his opinion that discovery was not likely to be facilitated or hastened by a continuous public agitation—an opinion which is shared by many, and entitled to grave consideration.

I am, Sir, your obedient servant,

Trowbridge, Wilts, Nov. 9.

R. RODWAY.

[From the *Trowbridge 'Advertiser,'* November 24, 1860.]

A LETTER addressed by Mr. Rodway, Mr. Kent's late solicitor, to the 'Morning Post,' on this all-engrossing subject, has attracted considerable notice and comment. The letter gives a narrative of Mr. Kent's conduct in the early history of this mysterious event, and makes an appeal to the sober and reflective judgment of the public whether such conduct is not wholly incompatible with guilt.

The supposed weak points of this letter are ingeniously and energetically attacked by the 'Bath Herald,' a copy of whose critique we lay before our readers. We have also extracted from the 'Bath Herald' of Tuesday last a letter from Mr. Rodway in reference to that article. This last letter expresses an opinion on the conduct of the coroner's inquest, and states a fact hitherto unknown, and which cannot fail to exert an influence on unprejudiced minds, *viz.* that the writer called on one of the acting magistrates soon after the inquest, and, as Mr. Kent's solicitor, proffered assistance in the investigation of the crime.

The mystery remains as inscrutable as ever. Whether this is owing to the extraordinary subtlety of the criminal, or to a want of tact and discrimination in the pursuit and prosecution of the crime, we do not profess to determine; but it is a mortifying fact that after so lavish an expenditure of time, labour, and money, the results should have been so utterly insignificant; and the proposed new inquiry affords no hope or prospect of an elucidation. The poring over old statutes, the wonderful discovery of a writ *ad melius inquirendum*, the effect of this discovery on sage and learned men, and the application to the Queen's Bench to traverse again thrice trodden ground, in the hope that by means of this antique relic the mystery may be solved and the murderer discovered, are proceedings which to the uninitiated wear an appearance little less grotesque than the recent exhibitions at the Road Temperance Hall. If no new facts have transpired, we see no utility in another costly inquiry. The frequent repetition of profitless labour will excite impatience and ridicule. *Cui bono?* is now the general inquiry in reference to this particular proceeding, and we fear it will issue in no result beyond that of adding one more instance to the catalogue of deeds which exemplify the fable of the mountain in labour bringing forth a mouse.

#### CRITIQUE OF THE 'BATH HERALD.'

THE appearance of a letter from Mr. Rodway, Mr. Kent's late solicitor, in the 'Morning Post' of Saturday, has naturally attracted much attention. We propose to analyse it, as the information or reflections which it contains can scarcely fail to be important, or at least suggestive.

The general bearing of the letter is to the exculpation of Mr. Kent, whom the writer affirms to be, both on the part of the press and the public, the

chief object of suspicion as the actual murderer. We have before said, and now repeat, that for this result Mr. Kent has only himself to blame, such has been the extraordinary course which he has pursued—a conduct unaccountable except on one or other of two most fatal conclusions—either that he is the actual culprit, or, in his anxiety to screen one dear to him, an accessory after the fact. Such is the awful dilemma to which he is reduced, and there is nothing in this letter to parry the alternative.

We will notice its salient points *seriatim*. Mr. Rodway, in his capacity of lawyer to Mr. Kent, arrived at Road House at 11 A.M. on the morning of the murder. Superintendent Foley and his men had been *about* the house ever since half-past 8, and had “allowed no person or thing to pass from the premises unexamined.” They had also searched the outbuildings, yards, and shrubberies, but had not entered the house, fearing “to obtrude on the family privacy”! Such was the delicate and servile deference Mr. Foley exhibited when having to deal with a gentleman, though his house was the scene of a murder! If it had been a labourer’s cottage he would have acted differently. He since confessed to drinking in the house with Mr. Kent; we desire to know how often. We trust the County Bench will express their sense of his conduct. Here was two hours and a half lost, and so much time given to the murderer, if an inmate of the house, to destroy traces of his guilt!

Mr. Rodway’s first suspicions fell on the nurse, as being actually on the spot, having the care of the child, and primarily responsible for his safety. Her countenance exhibited signs “of emotion and *fatigue*.” Superintendent Foley had with singular nimbleness already arrived at the conclusion that “she was wholly innocent of the crime;” and further, that she was “ignorant of its perpetrator.” No wonder that Mr. Foley scouted the idea of sending for a London detective, seeing that his own intuitions were so wonderfully acute and rapid. Whereupon Mr. Rodway says, “I did not interrogate her *at any length*.” We think that the family attorney ought to have interrogated her at great length, and in the most rigorous manner. But he seems to have seen through Mr. Foley’s eyes. How comes it that Mr. Rodway offers no explanation or comment on the extraordinary fact that at no time, before or after, did Mr. Kent interrogate the nurse as to the events of the night? Instead of idly and ridiculously referring to a county magistrate’s letter in some provincial paper as the origin of the general suspicion of Mr. Kent, let him reflect on his ex-client’s conduct throughout, and he will therein find the real origin of the accusation.

Mr. Rodway accompanied the nurse to the nursery. “She pointed out the position of the bed and cots, and showed, by doing so, that the nursery door might be opened and shut so noiselessly as scarcely to attract the notice of a *person lying awake* in the room. Indeed! one is at a loss how to answer so extravagant a supposition. Suppose the noise so inconceivably small that even in the dead of the night a person lying awake would not hear it—the noise, observe, of a person entering the room, taking a child out of its cot, unfastening the blanket, and then leaving the room—most incredible supposition—what says Mr. Rodway to the sense of sight? It

was a midsummer night, the 29th of June, when there is no real night—moreover, there was a night-light burning! Is it likely that a person lying awake could neither hear nor see the stranger? Really Mr. Rodway ought to pause before he commits to paper such extravagant ideas!

We now come to the critical point of the inquest, and we request attention to every word.

“On leaving Mr. Kent, at the close of the day, he requested me to attend the inquest. The public having already come to the conclusion that the murder was committed by an inmate of the house, *I suggested to Mr. Kent that the presence of an attorney on behalf of the family might probably be misconstrued into a desire on their part to conceal rather than discover the criminal*; but he urged upon me that the magnitude of the crime and the detection of the murderer were considerations which led him to disregard any probable consequences. I therefore consented to attend.”

Exactly so. Mr. Rodway's was no doubt the fair and legitimate conclusion. But how does he reconcile this with his after statement, that Mr. Kent

“manifested on all occasions an earnest desire to co-operate with the magistrates and police in the discovery of the murderer of his child, and it was *not until the arrest of his daughter* that he assumed an attitude of defence: and who can be surprised that, under such an aggravation of his calamity, outlawed by popular prejudice, and suffering a persecution which is without a parallel in recent times, the wretched father should at length stand at bay?”

We maintain that Mr. Kent stood at bay from the very first: that his sending his lawyer to attend the inquest was strictly a defensive act; Mr. Rodway himself informed him that it would be so considered. He told him it would look like “a desire to conceal rather than discover the criminal!” But let us leave it to Mr. Rodway's own conduct at the inquest to determine in what light his presence there was to be regarded. When this gentleman saw what a farce the inquest was as conducted by Mr. Sylvester, how scandalously he was excluding evidence, and how bent he was on closing the inquest at one sitting, without even an attempt to execute the one and only end of it—the fixing the accusation on some one—for a child of four years old could hardly be a suicide—how came it that Mr. Rodway did not admonish the coroner of his duty and insist on the adjournment of the inquest? He is bound to give some further explanation to the public; for whatever was his motive, his conduct on this occasion was that of one endeavouring to obstruct, not to promote, the discovery of the criminal; if not by active exertions, yet by silence and patient connivance at this foul prostitution of that valuable instrument for the discovery of crime—the Coroner's Inquest. Mr. Rodway was not asked to make any public statement, but, having chosen to do so, he owes it to himself to complete it by an *exposé* of his motives for apparently lending himself to so abortive an investigation.

On other points Mr. Rodway showed himself easily satisfied by shallow excuses. He justifies Mr. Kent's refusal to allow a plan of his house and

premises to be taken, on the ground that he simply resented an "uncourteous intrusion." But surely this was no time to stand stiffly on etiquette! If both parties were eager to discover the criminal, then the person who wanted a plan taken and Mr. Kent were "in the same boat," and the latter might be expected to welcome the former as a friend, and not to exclude him from his premises as an intruder. Who can fail to observe the same defensive attitude throughout?

As to the locking of the policemen into the kitchen, Mr. Rodway says frankly, "I am not able to give an explanation myself, nor to furnish Mr. Kent's." Why not then leave it there, instead of mystifying the reader as to *what* door was locked? The truth is, that the policemen were locked out from the interior of the house, and from whatever was going on there, though they were free to visit the yard with a savage dog unchained.

As a specimen of weak reasoning commend us to the following argument of Mr. Rodway:—

"Experiments have been made to prove that the nursemaid could not see the child in the cot, even though she knelt upon the bed, and yet it has been assumed (their relative positions being the same) that the child could have seen from his own cot, over the cot of the other child, into the nurse's bed, and, by the dim light of a night-light, distinguished her presumed paramour."

Experiments have been made which prove that the nursemaid could not see the child in the cot, unless she actually stood up on the bed; but surely the child might have seen a man passing to the nurse's bed, or leaning over it, and then have cried out at the stranger. We presume that the man, if there was one, was not all the time actually lying on the bed. He must have passed to it and passed from it, and possibly was leaning over it awhile. Besides, the child might have happened to awake at the moment from a disturbed dream, and have cried out, which would have equally brought the mother to his relief. Mr. Rodway was surely very thoughtless to express such a flimsy and easily refuted idea.

But now we come to graver matter. The inquest having proved so abortive—Mr. Rodway having acquiesced in what we may call the burking of the inquiry, a consultation was naturally held as to what was next to be done:—

"After the inquest I had several interviews with Mr. Kent for the purpose of consulting on the measures to be further adopted, but I could collect no materials for forming any decided opinion. I suggested to him what I considered to be the probable solution of this mystery; but *I found that our views of the crime, and of the mode and direction of its investigation, widely differed; and as I could not adopt Mr. Kent's view, nor Mr. Kent mine, I abstained from further interference.*"

Mr. Rodway then, finding that agreement with Mr. Kent, both as to the nature of the crime and the mode and direction of the investigation, differed most widely, retired from his post as the family adviser. The phrases we have italicised are indeed momentous and oracular phrases. Mr. Rodway ought to have said nothing, or he ought to say more. Let him explain



what the difference in question amounted to. Did it amount to this, that, whereas Mr. Rodway wanted a real and thoroughgoing effort to discover the murderer, Mr. Kent wanted only a sham and make-believe investigation? The difference was so complete as to lead to a change of lawyers, and the substitution of Mr. Dunn for Mr. Rodway. The latter gentleman owes it to himself to explain wherein this complete difference of views consisted. Mr. Kent was evidently determined to be his own lawyer, or to take some more compliant adviser than Mr. Rodway.

#### MR. RODWAY TO THE 'BATH HERALD.'

SIR,—I received from your office a copy of the 'Herald,' of the 13th inst., containing a critical analysis of my letter to the 'Morning Post.'

I am flattered that you should deem my letter worthy of notice, but the justice of your remarks, and the pertinency of your criticisms, I am content to leave to the judgment of your readers. There are, however, two or three topics in your article, which, in justice to the coroner and to Mr. Kent, I cannot pass in silence. You are pleased to call the inquest a *farce*, and to say that the coroner *scandalously excluded evidence*, and was guilty of a *fool prostitution* of his office. These are charges more fit for the consideration of the Queen's Bench than for newspaper controversy; and they are as uncalled for as they are unjust. The conduct of that inquiry was, in my opinion, so fair and free from reproach that any remonstrance or admonition would have been an impertinence; and the best proof that the coroner *then* exhausted all the information which could be obtained on the subject is to be found in the fact that the subsequent investigations of astute detectives and policemen, experienced and judicious magistrates, assisted by gentlemen of eminent legal talent, have all failed in adding one single fact of any importance to the evidence adduced at the inquest.

The coroner having obtained all the evidence then procurable, and sufficient to enable his jury to return their verdict, I think he acted with foresight and wisdom in taking the verdict, closing the inquest, and delivering over the case at once to the magistrates and police; the chief constable of Wiltshire being there present, and responsible at once upon the delivery of the verdict of murder for the adoption of those further measures which that verdict involved. Had he adjourned the inquest, he would, in all probability, have been accused, by the parties who now condemn him, of keeping it open for the sake of obstructing justice.

Another assertion of yours, that *Mr. Kent assumed a defensive attitude from the commencement*, is equally unjust and untrue. Mr. Kent appeared very anxious for a thorough investigation, and soon after the inquest I called on one of our magistrates, whom I thought well qualified to deal with this important and intricate case; and though I did not formally tender my services, yet he must have known that, as Mr. Kent's solicitor, I was willing and anxious to give any information and assistance towards discovering the criminal.

In speaking of the differences between Mr. Kent and myself, you say,

“Mr. Rodway ought to have said nothing, or he ought to say more.” One of your quotations from my letter—“*I could collect no materials for forming an opinion*”—supplies a sufficient answer to this expostulation. There is still an utter absence of materials for forming an accurate opinion; and as the revelation of mere impressions is not likely to further the ends of justice, and may wrong innocent persons, it is more prudent to withhold them.

When the tide of popular prejudice has turned, as I believe it will turn, and men come calmly to review the wild and wanton vagaries, and false and scandalous libels, which have been heralded through the country by a portion of the press, they will not fail to be taught by this example that the public press is capable of being converted into an instrument of private torture. When I reflect upon the indignities to which this unhappy family have been exposed, and the manner in which their agony has been mocked and insulted, I feel that our common nature is dishonoured.

It is, however, a gratifying fact that amid this general persecution one noble-minded and generous man, well known in the circles of law and science, has from a distance visited this desolate household to express his sympathy and sorrow, knowing them only and for the first time through their misfortunes; and if the world knew the grateful tears which had been shed over this one act of human charity, there would surely be some relenting in its remorseless attacks.

I am, Sir, your obedient servant,

Trowbridge, Nov. 17, 1860.

R. RODWAY.

[As the Court of Queen's Bench will this week be called upon to pronounce an opinion on the sufficiency of the Road inquest, it is useless to return to the subject now. The affidavits of the jurymen will show how dissatisfied and indignant they were at the manner of conducting it. We admire Mr. Rodway's discretion in passing over *sub silentio* our comments on some extravagant assertions of his, and we are happy to find that he does not now repeat them. In speaking of the differences between Mr. Kent and himself, Mr. Rodway says—“I could collect no materials for forming an opinion;” but Mr. Rodway *did* form a very decided opinion—to wit, that Mr. Kent's ideas, both as to the nature of the crime and the mode and direction of investigation, were so wild and absurd that he could not, with any regard to conscience or self-respect, consent to act upon them; whereupon he threw up his brief, and left Mr. Kent to find some compliant counsellor. As Mr. Rodway will not tell us what those impracticable ideas were, we will ourselves inform the public. Mr. Kent seriously maintained that the murder was committed by some tramp, or possibly by a discarded servant; but, at all events, by no one connected with Road Hill House. The investigation might range far and wide, provided it kept clear of the only place where the criminal was likely to be found. Mr. Rodway refused to go on this wild-goose chase, and he speedily ceased to be Mr. Kent's solicitor.—*Ed. B. II.*]

## THE QUEEN v. SYLVESTER.—APPLICATION FOR A NEW INQUIRY.

COURT OF QUEEN'S BENCH, WESTMINSTER, SATURDAY,  
NOVEMBER 24.*(Before Lord Chief-Justice COCKBURN, Mr. Justice HILL, and Mr. Justice BLACKBURN.)*

THIS was an application for a writ *ad melius inquirendum* touching the death of Francis Saville Kent. As it was supposed that several nice points of law would be raised, this, together with the interest excited in the public mind relative to the mysterious circumstances of this celebrated case, caused the court to be crowded during the hearing of the application by members of the bar and others more generally interested.

The Attorney-General and Mr. Henry Welsby appeared in support of the application.

The Attorney-General said he rose for the purpose of moving the Court in a case which had become one of great interest and public notoriety, and had received the denomination of "The Road Murder." The object of his application was that the inquisition returned by the coroner, made on July 2nd last, might be quashed, and a rule be granted for the issue of a special commission in the nature of a writ *ad melius inquirendum* or *in melio inquirendo*, to be directed to special commissioners to be named therein, to proceed and make, by the examination of witnesses, all such inquiries touching the death of the deceased child as the coroner ought to have made upon the view of the deceased, and that the usual and proper directions might be given on that behalf. He moved for a rule absolute in the first instance, and he would take the liberty of suggesting what he apprehended would be the form and tenor of that rule. Although there were many examples of writs *ad melius inquirendum*, they seemed generally directed to supply some omission made by the jury; but the grounds on which he made the application were—legal misconduct on the part of the coroner, in gross misdirection of the jury in matters of law, and in withdrawing from the jury a very important part of the legitimate inquiry which the jury were desirous of prosecuting, but which the coroner by his intervention prevented; the other ground was that the inquisition itself, for want of the essential formalities, was absolutely null and void. Although he might possibly content himself with the last ground to which he had adverted, he thought it right that the whole subject of the application should be before the Court, and he did not think their lordships could well follow him unless he put before them—as briefly as possible—the exact position in which the coroner and jury were at the time of the inquest. The child that was murdered was a boy nearly four years of age, described as a fine, healthy, strong child. He was the youngest child of a gentleman of the name of Kent, following the office of Inspector of Factories, and who

resided at a place called Road Hill House, distant about two or three miles from the manufacturing town of Trowbridge, in the county of Wilts. The murder appeared to have been committed some time during the night of the 29th June last or in the early morning of the 30th June. The murdered child was found in a privy in the garden, wrapped in a blanket, which appeared to have been abstracted from the crib in which the child slept. Below the child was a piece of flannel. The child appeared to have been caught in its descent down the orifice of the privy by what was called the splashing-board, which projected a little above the vault or receptacle of the privy, and he was found lying upon that board covered by the blanket, and with his throat cut in so complete a manner that every cartilage—every structure of the throat—was divided down to the vertebræ of the neck. But it did not appear that there was either in the privy itself, or on the blanket, or upon the flannel lying beneath the child, that quantity of blood that might have been expected if death had been produced by cutting the throat whilst the circulation of the blood continued; for, as all knew, if the carotid arteries of the throat are divided while pulsation is going on, the pump of the heart sends the blood through the arteries with such force that it would spirt out in such large streams as to cover any surrounding place within a few feet of the child. Nothing of that kind appeared to have been found, for, though blood was found, it was that kind of clotted or coagulated blood which would issue out in heavy thick drops from a wound which seemed, according to the evidence, to have been inflicted after the pulsation of the heart had ceased. But that was not all the mangled appearance of the body. On the side there was a deep stab inflicted, where some instrument—probably a knife—had penetrated through the cartilage of the ribs with such force as to have divided the diaphragm, and so forcibly was that blow inflicted that it had removed the heart from its right position. But from that stab no blood appeared to have flowed. Therefore, it would seem to indicate that the stab had been inflicted after the throat had been cut, and after the blood-vessels had been emptied. That, according to the evidence, was the position of the body. The condition of the house appeared to have been as follows:—It had been carefully fastened when the family retired to rest, particularly the drawing-room, the window of which opened upon the garden. The door of that room had been locked. In the morning it was found that the window of that room was partially opened, that the shutters behind the window were partially closed, and that the door of the room had been unlocked; but there was no appearance of any entry from without—no indication of any violence. On the contrary, everything showed that the door had been unlocked, the shutters unclosed, and the window opened by some one within the house, and restored to the positions in which they were found, also by some one in the house. Those were the circumstances as to the condition of the body and the house which were presented before the jury at the inquiry. In the house itself it appeared from the evidence that there slept on the night of the murder Mr. and Mrs. Kent, the parents of the child. They occupied one room, and in that room a little girl, about five

years of age, also slept—one of their daughters. In another room slept the elder sisters, young women of 25 and 26 years of age, who occupied one bed. In another room slept Miss Constance Kent, aged about 16; in another a lad—son of Mr. Kent—aged about 14 years; and in the nursery slept the nurse with two children, one, almost a baby, in a little cot by the side of the nurse, but the poor boy who was murdered, in a crib a little way removed from the bed of the nurse. The other inmates of the house were two servants—cook and housemaid—who slept in one room. In that state of circumstances the jury were convened on the 2nd July, and they held the inquest at a place called the Temperance Hall, a little distance from Road Hill House, and, as the evidence was not long, he would take the liberty of reading it *in extenso*. One great object he had in troubling the Court with these depositions was to satisfy their lordships of the gross insufficiency of the inquiry, as well on that ground as on other grounds—the gross insufficiency of the inquiry, and the palpable neglect of the proper subjects for inquiry exhibited by the coroner. (The Attorney-General then read through the evidence of Elizabeth Gough as taken at the inquest.) To every one reading that deposition, or hearing it read, the most striking and remarkable passage, obviously suggestive of most important inquiry, was the singular passage in which the nurse said, “The impression of his body still remained, and the bed-clothes were placed exactly as if I or his mother had done it.” The blanket having been removed and the child wrapped in it, whoever removed the child must have restored the clothes with a woman’s precision and neatness to the proper order in which they would be placed before the bed was opened. But how singular and extraordinary was that! If the child was awake when it was removed, certainly the person removing him with a murderous intent would hardly have remained to place the bed-clothes in order. If the child was taken away by one person from the bed, and held, perhaps, in the blanket, it would not have been possible for that individual so occupied with one hand to have placed the bed-clothes in order. Two persons, therefore, must have been concerned in the matter as far as that part of the deed was concerned; or, if one person only was employed, that person must have returned to the bedroom in order to have replaced the clothes in the manner in which they were found. They did not, however, appear to have induced in the mind of the coroner any feeling that it was necessary to make further inquiry. No attention whatever was given to it, nor was any attention given to the piece of flannel found beneath the body apart from the blanket in which the child was wrapped. The next deposition he would read was that of Sarah Cox. (The deposition was read, as were also those of Thomas Benger, Stephen Millett, the parish-constable, and Mr. Parsons, the surgeon.) He paused here to lay before the Court an account of what took place, after that evidence had been taken with respect to the desire of the jury, and the way in which that desire was met by the coroner. On that point he had some important affidavits; the affidavits of Mr. Happerfield, the post-master of Road, and of Mr. John Foley, the superintendent of police for that part of the county. They said—“We

were present at the inquest held at the Temperance Hall, at Road aforesaid, on the 2nd of July last, before George Sylvester, Esq., coroner, on the body of Francis Saville Kent, deceased." Foley added—"At such inquest I accompanied the coroner and jury to view the body, which was then in my charge in the laundry at Road Hill House, the residence of Samuel Saville Kent, the father; also to inspect the premises, and particularly to examine the drawing-room window of the house, and the privy where the body had been found; and I say that there were no marks of violence on the locks or fastenings of the drawing-room window or door, or on the window-shutter; and several of the jurors, after such examination, expressed a decided opinion that the deceased must have been murdered by some inmate of the house." Then both the deponents said—"After viewing the body and examining the premises, as aforesaid, the coroner and jury re-assembled at the Temperance Hall." Foley added—"On the way thither from Road Hill House I asked the coroner what witnesses he would require from the house, and he answered he should only require the nurse-maid, who had charge of the children, and the housemaid, who fastened the drawing-room window on the night prior to the murder." Both of the deponents said—"That on the re-assembling of the coroner and the jury at the Temperance Hall the two servants (and the other witnesses named above) were called and examined, and after their examination the coroner stated that no more evidence was necessary; but he heard some of the jury apply to their foreman to have some of the family examined. The foreman spoke to the coroner, and said he was requested by some of the jury to ask him to allow some of the family to be examined, and he added that, being foreman of the jury, he communicated the wishes of the jury; but that he did it very reluctantly, and he could not see any earthly good in any part of the family being examined, and that he considered it their duty to spare the feelings of the family as much as possible. The coroner said he concurred in the foreman's views, and said that the feelings of the family ought to be regarded. Then confusion arose among the jury, and several of the jurors said it was the wish of the jury that the family should be examined, and some added—'We insist on its being done;' and the coroner, in reply, said—'I can see no good than can arise from it; but if you insist, and are determined to examine any part of the family, I shall adjourn the inquest to the house; but, before doing so, I should like you to say what part of the family you would like to be examined.' Thereupon some of the jury spoke up, and said—'Miss Constance and Master William, the two younger of the family;,' but others said—'Try them all; show no respect to one more than to another.' And we say that, upon that, the coroner got up and took his papers and walked off, leaving the jury in the room. The jury remained behind, and expressed much dissatisfaction at being obliged to leave, and they declined to go until they were informed that the coroner could compel them to go, and then they very reluctantly left the hall." Foley added—"I went to Road Hill House with the jury. We went into the kitchen, and Miss Constance Kent and her brother William were called and examined; and I say that no

notes were taken in my presence of the examination, and it was a very short one." It appeared to be quite clearly established by other witnesses that no notes were taken, "and the examination of each did not, in my opinion, occupy more than three or four minutes; and I say that the jury and coroner stood in the kitchen all the time." Then both deponents said—"After the examination mentioned in the last paragraph the jury reassembled at the Temperance Hall, and the coroner addressed the jury, and told them the only verdict they could come to was an open one; and we say that amongst other things the coroner said to the jury that it was not the place of the jury to find out who murdered the child, but how the child met its death; that their inquiry was to find expressly the cause of the death; it was the duty of the magistrates to investigate and find out the perpetrator of the crime, and no doubt they would do so after the close of the inquest." The words attributed to the coroner were more fully deposed to by other affidavits, namely, that he said to the jury it was not the place of the jury to find out who murdered the child, but how the child met its death. Then deponents went on to say—"Upon hearing the views of the coroner, as set forth in the last paragraph, some of the jurors got up and spoke aloud, and objected to the closing of the inquest without further inquiry; and especially Mr. Edward West, one of the jurors, rose up and expressed his objection, and, addressing the coroner, put his hand on his breast, and, in an impressive and excited manner, said that he felt that they had not done their duty, or words to that effect. We further say, the coroner directed the jury, that, upon the evidence, they could return no other verdict than that the child had been murdered by some person or persons unknown; and we say that the jury did not lay their heads together and decide on their verdict, nor, to the best of our belief, did the foreman or any of the jury speak up and return such verdict as the verdict of the jury, but that the coroner filled up a printed form of inquisition, and read it over and signed it, and requested the jury to sign it, which they did, but we say they did so with manifest reluctance." He would trouble the Court with one or two corroborative affidavits upon the most important points of that testimony. One of the affidavits was that of Mr. Francis Wolfe, of Devizes, superintendent of police, and James Morgan, of Road, who described himself as a baker and farmer, and who was also constable of the parish of North Bradley, within which parish Road-hill House was situated. He need not trouble the Court with their description of the finding of the body. In the third paragraph Morgan said, "The jury examined the premises, especially the window and the door of the drawing-room, which, it was said, had been left open by the murderer, and I also examined the shutter, but there was no mark of a violent breaking in; and the jury expressed a decided conviction that the murder must have been committed by some inmate or inmates of the house." Deponent then went on to describe the examination of the witnesses whose depositions had just been read. "The jury expressed a wish to examine the family, but the coroner said he did not think there was any occasion for that, and that the jury would not get any

more information than they had already, for it was perfectly clear how the child came by its death—that he was wilfully murdered. Several of the jury said they should like the whole of the family to be examined, and then Mr. Parsons, the surgeon of the family, interposed, and said that Mrs. Kent was not in a fit state to be examined. The coroner expressed a strong disinclination to examine any further witnesses, and said he could not possibly see what good would arise from it, and added, ‘I think we ought to spare the feelings of the family as much as possible;’ but, on the pressure of the jury, the coroner at length asked the jury who they would like to be examined, and Mr. Henry Martin, who was on the jury, then said it was the wish of the majority of the jury to examine the two younger branches of the first family, and some other jurors added a wish to examine the other members as well, saying, ‘Let us have the whole.’ Then, during the discussion, Mr. Rodway, who had previously been seated by the side of the coroner, went out, and was absent a few minutes, and he then returned, and said Mr. Kent was quite willing for any of his family to be examined. The coroner then asked the jury if they would object to go to Road-hill House.” Then followed the account of the objections of the jury, very similar to that contained in the previous depositions. The deponents then went on to report what had been read to their lordships as to the examination of Miss Constance Kent and Master William, namely, that it lasted but three or four minutes, and that no notes were taken by the coroner; “that the jury and coroner then returned to the Hall, and there the coroner proceeded to explain to the jury the nature of the evidence, and pointed out to them that it was the most extraordinary murder that had ever been committed within his knowledge; that there was no doubt from the evidence that the child had been wilfully murdered, but there was no evidence before the jury to show by whom, and their duty would be to return their verdict on the evidence taken, that it was done by some person or persons unknown. There was then a general murmuring amongst the jury, who we understood expressed their unwillingness to return such a verdict.” Then Morgan added, “Upon the coroner expressing his opinion that the jury should return an open verdict, Mr. Martin rose up and said, on the part of the jury, that it was the opinion of the major part of the jury that the murder was done by some of the inmates of the house; and the coroner said that was for a person to prove, and *it was not the duty of the jury to find out who did the crime*; that it was the duty of the magistrates to find out who did it, and that there was no evidence before the jury as to who had committed the crime, and that the duty of the jury was to return a verdict upon the evidence before it, to the effect that the murder was done by some person or persons unknown. Another of the jury, named West, rose up and said it would not be satisfactory to his own feelings to return a verdict in accordance with the above direction of the coroner, and I saw him at the same time place his hand on his heart in an impressive manner.” Then he added, “Another of the jury, in a loud voice, said to the coroner, ‘We ought to have further witnesses for the satisfaction of the neighbourhood and the country at large.’ The coroner,



In the course of his remarks, repeated to the jury that they must return their verdict not on suspicion, but on the evidence before them, and on that alone, and that evidence went to show only that the murder had been committed, but by whom there was no evidence before them to show; and that the jury, on such evidence, could return no other verdict than that it was done by some person or persons unknown; and he added, 'The grand object of the jury was to find out how the child came by its death, and that it must be left to the magistrates to find out who perpetrated the crime, and that, no doubt, they would immediately attend to that.' The Rev. Mr. Peacock, foreman of the jury, was seated on a low platform, about a foot higher than the rest of the jury, and was not so close to the others of the jury as the rest of the jury were to each other; and, although I was present nearly all the time, I never saw him communicate with his brother jurors, and I did not see him, or any other juror present, return any other verdict except by signing the inquisition, as mentioned in the next paragraph. And I, Morgan, further say that the inquisition prepared at the Temperance Hall by the coroner was passed to the jury for their signatures, and they signed it, but much dissatisfaction was shown on the part of the jury, and I heard one of the jury, named Marks, say aloud, as he signed his name to the inquisition, that he never signed anything so against his inclination before; and I believe that others of the jury evinced similar disinclination to sign, and, to the best of my judgment, I believe they were all dissatisfied." The only other affidavit he would read was that of a gentleman who attended the inquest as a reporter for a newspaper—Mr. Edward Timothy Penny—who stated he attended as a reporter, and was present during part of the time of the first witness's (Elizabeth Gough's) examination, and thenceforward to the close of the inquest. He added—"After the examination of Elizabeth Gough, and of Cox, Benger, Millett, and Parsons, the coroner stated to the jury he did not see how any further evidence could help them—that it would only be a waste of time to examine the inmates of the house, for they would only tell them what they had already heard, or used words to that effect; and the jury unanimously, with the exception of the foreman, the Rev. Mr. Peacock, objected to the closing of the inquiry without further investigation." He went on to say—"After considerable discussion the coroner reluctantly acquiesced in the strong wishes of the jury to examine the two younger children, but the coroner afterwards said, 'We will examine them at the house; we won't have them brought here;' at which great dissatisfaction was shown on the part of the jury, and the coroner went away from the Hall at which the court was being held, and directed the jury to follow him to the house, and with much reluctance they did so." Then he describes the examination of the younger children, and says, "To my thinking it was of a very cursory and superficial kind. The coroner did not take notes, and he put several of his questions in a leading form, and appeared to me to take it for granted that the witnesses knew nothing. The jury and coroner all stood in the kitchen whilst the examination was conducted, and I believe the time occupied did not exceed five minutes." He then, in a subsequent part of his

affidavit, described what had already been deposed to in the other affidavits.

The *Lord Chief-Justice*—With regard to the examination of William and Constance, does it appear that any of the jury suggested to put questions, or desired that questions should be put?

The *Attorney-General*—Not upon the inquisition. By permission of their lordships he would read from the return the coroner had made of the examination of those two young persons. As the Court had observed, four or five witnesses joined in the statement that no notes were taken; the fact, indeed, being that notes could not have been taken, because they were all standing in the kitchen whilst the children were being examined. (The *Attorney-General* then read the return by the coroner of the examination of Miss Constance Kent and Master William Saville Kent.) Those were the depositions that appeared on the inquest. Their lordships would find from the evidence which he had read that two things were most clearly established,—that the coroner had prevented that further and fuller investigation of the facts which the jury desired to make; that the anxiety of the jury, who, in that respect, were better lawyers than the coroner, was directed to ascertain who had done the deed, and that the coroner shifted the inquiry by telling the jury it was not their duty or his to make that inquiry, but that their duty was limited to an investigation of the cause of death, about which he told them there was no doubt. Independent of this, as he had informed their lordships, there was another objection, in itself conclusive, in point of law, as to the form. It was this, that the inquisition had been drawn—the record of it—on paper, and not on parchment. Now their lordships knew, however immaterial that might appear to be, if there was any doubt as to the other grounds, it was a rule of law that that record should be drawn up upon parchment. That had been thought so material that, when the legislature in a recent Act interfered to do away with the formality in ordinary cases, they exempted from the repeal of the enactment cases of murder and manslaughter, and accordingly in two or three recent decisions the Court had held that, if the record of the inquisition was not drawn up on parchment in cases of murder and manslaughter, the inquisition was absolutely null and void. He referred to the 6th and 7th Vic., cap. 83, sec. 82. The point had been fully discussed in the *Queen v. Walley*, reported in the 19th *Law Journal*, page 14. It was also referred to in the *Queen v. Gregory*, and the rule was most distinctly recognized in the language of the second section of the statute. The latter part of the section stated, “except only in cases of murder or manslaughter, for, or by reason of, any such inquisition, which being duly sealed or written upon parchment.” Those words exempted those inquisitions from a number of technical objections, and amongst others that of being written upon paper and not upon parchment, but it always excepted the cases either of murder or of manslaughter. Trifling as that objection might appear at first sight, he was the more desirous of insisting upon it there, because it furnished quite sufficient ground for

the whole object of his present application, for on that ground alone the Court would be compelled to quash the inquisition.

The *Lord Chief Justice*—Suppose a person had been charged by the verdict of the jury with wilful murder, and the inquisition had been drawn up on paper; if that person had been put on his trial could the inquisition have been sustained?

The *Attorney-General* said it certainly could not in such case be raised as evidence upon the trial.

Mr. *Justice Blackburn*—You seem to assume that, supposing this objection well founded, the Court must, without the power of exercising their discretion, quash the inquisition. I don't say that it is not so, but don't assume so without giving us authority.

The *Attorney-General* argued that, taking it for granted that the objection he raised be supported by authority—of which he had little doubt of satisfying their lordships—that it followed, as a rule of law, that the coroner could proceed only *super visum corporis*, and also that no one but the coroner could proceed *super visum corporis*. He argued further, that it was a rule well established that it would be an idle thing to attempt to proceed *super visum corporis*, because, by reason of the length of time that had elapsed since the death of the child, the body would be in such a state of decomposition that it would furnish no means of evidence or conclusion; but that, on the contrary, the examination might be disastrous to the health of the neighbourhood, or to the persons engaged in it. If the Court directed a further inquiry, he argued that they could not direct it to the coroner, as he could only proceed *super visum corporis*, and that, therefore, the writ must be directed to special commissioners, who should be authorised by the order of the Court to substitute for the *visum corporis* the testimony and examination of witnesses. He believed that the Court would find, upon the authorities he would submit to them, that, taking only the technical objection which he had raised, the rule ought to be granted; that upon that objection alone the inquisition must be quashed. Upon that it followed there must be another inquiry, and that, by special commissioners; and, lastly, that the special commissioners should substitute the testimony of witnesses for the examination of the body.

The *Lord Chief Justice* asked whether the *Attorney-General* could state any authority for quashing the inquisition on the sole ground of its not being recorded on parchment?

Mr. *Justice Hill* said it was laid down as a proposition of law, that, when one inquisition of law was quashed, the coroner could not hold a second without leave of the Court.

The *Lord Chief Justice*—Then you say we must send it back, not to the coroner for him to renew his inquiry without view of the body, but we must send it to special commissioners?

The *Attorney-General* said he thought he should be able to establish that. If their lordships would bear in mind the propositions he had laid down, that the inquiry could not be again conducted by the coroner

except *super visum corporis*, their lordships would find it laid down in the case of the *Queen v. Bonney* that, if a writ *ad melius inquirendum* was granted on the ground of *mala praxis* or *mala se gessit* on the part of the coroner, the new inquiry must be made before special commissioners. (The Attorney-General quoted several cases in support of this ruling.) He argued that it was clearly established in law that the first inquisition must be quashed before a second could be ordered; and he further contended that if the grounds for quashing the inquisition were other than misconduct on the part of the coroner, or if circumstances required or justified, as in many cases of poisoning they would do, that the body should be exhumed and re-examined, the writ *ad melius inquirendum* should be directed to the coroner: but if there had been *mala praxis* on the part of the coroner, or if circumstances rendered it unnecessary or unadvisable that the body should be exhumed, that then the writ must be directed to special commissioners.

The *Lord Chief Justice* said he did not see how the authorities quoted by the learned Attorney-General interfered to prevent the Court directing the writ to the coroner as a special commissioner, as well as to any other person.

The *Attorney-General* said he did not imply so much as that, but in that event the inquiry would not be conducted by the coroner in his capacity as coroner, but as a special commissioner, and there was this inconvenience, that in that course there would only be one commissioner. Again, as legal misconduct of a very gross kind was attributed to the coroner, why should he be the commissioner to re-conduct the inquiry? Would not such a course be useless? (The Attorney-General then referred to the case of the *Queen v. Clerk*, reported in the *Salk.*, p. 377.) As to the fact of the body being in an unfit state to be again examined, he could adduce the affidavit of Mr. Superintendent Wolfe, who, in consequence of an order from the Home-Secretary, caused the body of the deceased to be exhumed. The deponent stated that, on that occasion, the effluvia was so great that his health suffered for several days in consequence.

*Mr. Justice Hill*—Granting that the inquisition ought to be quashed, is it obligatory upon the Court to quash it upon the technical objection you raise, or has the Court any discretionary power?

The *Attorney-General* said he understood it was obligatory upon the Court.

The *Lord Chief Justice* said the Court agreed with the Attorney-General that the inquisition was bad because it was recorded on paper and not on parchment. But was there any instance in which the Court had granted the inquisition on that ground simply?

The *Attorney-General* referred to the case in the *King v. Walley*, reported in the 19th *Law Journal*.

The *Lord Chief Justice* said that that was a case of *felo-de-se*, and that the person entitled to the felon's goods, on forfeiture, complained of *mala praxis* on the part of the coroner, and that the inquisition was quashed on account of that misconduct.

The *Attorney-General* said he had no case precisely analogous to the one before the Court; but he would answer their lordships by referring to the particular exemptions contained in the statute.

The *Lord Chief Justice* said that, if the Court were not bound by the authority of precedents to quash the inquisition, independently of any discretion to be exercised on their part, it became a question whether they ought, in the interests of public justice, to take upon themselves to do so; and it might demand an ulterior consideration as to whether there was further evidence to be adduced, and whether it was likely that the position of the parties who would be called forward as witnesses, they being themselves objects of suspicion, and with reference to whose guilt the inquiry was to take place, whether they ought to be subject to further inquiry. The moment it ceased to be a question of absolute duty on the part of the Court to quash the inquisition, that moment the matter would become one of discretion, and the Court would have to take a larger area of consideration.

The *Attorney-General* contended that it was a peremptory rule of common law that the inquisition ought to have been written upon parchment, and that, therefore, the Court was bound to quash it upon that account. Supposing, however, the Court to have discretionary power in the matter, how would that discretion be exercised? He did not think the Court would look beyond the area of the inquisition; he thought they should look to the depositions of the witnesses at the inquest, and inquire whether the inquest had been conducted in a satisfactory manner. If the Court found that such was not the case, but that the inquest was conducted in such a superficial manner that facts which appeared on the depositions obviously to demand the most careful inquiry were not gone into, should the Court then have discretionary powers, he argued that it would become almost a matter of peremptory duty, upon the evidence which he had read, to quash the inquisition. In support of this ground he quoted a judgment of Lord Denman, in the matter of *Culley*, reported in 5 B. and Adolphus, page 230. There was nothing which had in earlier times so seriously attracted the attention of the legislature, nothing upon which the legislature in the very earliest times had expressed itself in a more satisfactory manner, than on the subject with which they were dealing—the duty of a coroner. It would appear from the affidavits he had read that the coroner really forgot at the time what were the first and most elementary duties of his office. He would contrast the charge of the coroner with the language employed in the statute of Edward I., which defined the coroner's duties. The coroner told the jury that they had no duties to discharge except that of inquiring into the mode or the manner of death. The words of the statute of Edward I., on the other hand, were most explicit and clear, to the effect that the jury were to inquire into all the most minute circumstances attending the death of a person who was apparently murdered, or whose death was otherwise unaccounted for.

The *Lord Chief Justice* said, however clear the statute of Edward I.

might be, the practice of the last century or two showed that all those minute findings had not been regarded.

The *Attorney-General*—Perhaps not to that extent, but still in common law it remained a duty for the jury to inquire into the particular circumstances of each case, more especially when they were surrounded with so much mystery as, unhappily, still involved the case under inquiry.

The *Lord Chief Justice*—We should certainly go along with you thus far. We should be inclined to say that the coroner was guilty of very serious misconduct in telling the jury it was beyond their province to inquire into everything beyond what was the nature of the death, and that it was not the part of the jury to inquire by whom that death had been occasioned. There is no doubt he made a very grievous mistake in that respect.

The *Attorney-General*—Nor was it an ordinary mistake, the direction being used in a peremptory way to stop the mouth of the jury.

Mr. *Justice Blackburn*—But your complaint is not that. On the evidence before the coroner the jury could not have found any other verdict than an open one. Your real complaint is that the coroner refused to call further evidence. It is by no means clear to me that in that the coroner did not exercise sound discretion.

The *Attorney-General*—That may or may not be.

The *Lord Chief Justice*—The question is whether a mistake in point of law on the part of the coroner is sufficient ground for the Court to quash the inquisition. Where there had been corruption on the part of the officer, or on the part of the jury, no doubt the Court ought to interfere to quash the inquisition; but I am not aware of an instance in which the Court has quashed an inquisition upon the ground of a legal mistake on the part of the coroner.

The *Attorney-General* said that simple error of judgment possibly would not be attended with the consequences named, but an inquisition might be in itself so gross an error as to call upon the Court to say that the coroner exercised misconduct. Where the misdirection was not only so gross that it involved culpable ignorance, but was attended by other consequences—where it stifled and circumscribed the inquiry—then he apprehended the Court would say that the office of the coroner had never been discharged, and that there had been no true inquest.

Mr. *Justice Blackburn* said that the *Attorney-General* appeared to assume that it was the duty of the coroner to sustain the inquest till it had exhausted every means of ascertaining who was the murderer; he wished to see an authority for that.

The *Attorney-General* reminded his lordship that there was this peculiarity in this case, namely, that the jury were satisfied—he thought with good reason—that the dead body was either brought murdered out of the house, or that it was brought out by some inmate of the house for the purpose of being murdered.

Mr. *Justice Hill*—That is the very point that has been pressing on my mind—that when the jury asked for further evidence it was thought they

had expressed an opinion that at least some of the inmates of the house must have committed the murder. Then they asked for those inmates to be brought up and interrogated, and it strikes me as repugnant to English law—I only ask for information, if I am wrong you will correct me—to ask persons to come up, for this purpose: to say, Here are six or seven inmates of a house, one or more of them must have murdered the child; “Now, each of you must come up and account for yourselves during the night.” That is what presses on my mind; therefore I should be very loth to join—I am only expressing that which is pressing on my mind—in any decision which would compel this to be done. I should be loth, unless compelled, to agree to any motion to require those persons who are suspected to come up and to account for themselves during the time.;

The *Attorney-General* said he quite agreed that, in an inquiry of that kind, it would be desirable to take care that it did not assume the character of a direct criminal charge. Apart from the arguments which he had adduced to show misconduct and misdirection on the part of the coroner, and which, he thought, were such as to justify him in asking the Court to quash the inquisition, he once more placed before the Court the argument that there was a valid reason in law for quashing the inquisition—viz. that it had been drawn on paper instead of on parchment. If, however, in addition, he had shown that the mode of conducting the inquiry was most objectionable, the Court ought not, on the evidence before them, to accept the verdict; and instead of it being a matter for the Court to exercise its discretion upon, the Court should be almost glad that it had grounds for setting aside the inquisition, and directing another inquisition to take place, that should be a fulfilment of the rules of law, and consult the interests of justice—that should not remain a mockery, but should in some manner fulfil all the requirements which ought to be observed in the most sacred manner in all inquisitions of that kind, and more especially in an inquisition upon a case attended with such extraordinary and mysterious circumstances as that which was now before the Court. He had felt it his bounden duty to bring these considerations before the Court. He submitted that the inquest was not conducted in a satisfactory mode, and he humbly trusted their lordships would feel it incumbent upon them to direct a new inquiry, and to direct that that inquiry should be made in a manner which, at all events, would answer the demands of that first and most sacred principle and rule of law, upon cases where a dead body was found under circumstances which proved that an atrocious crime had been committed.

The *Lord Chief Justice*, after deliberating a few minutes with his brother judges, said—We are of opinion that in this case there should be a rule, but that it should be, not a rule absolute, as Mr. Attorney has desired, in the first instance, but a rule to show cause—calling on the coroner to show cause—why this inquisition should not be quashed, and a writ issued *ad melius inquirendum*. And the ground upon which I think that the rule should be a rule to show cause, and not a rule absolute, is simply this:—Mr. Attorney has satisfied my mind with reference to the statute

he has cited, and the authorities as to the form in which the coroner's inquisition is to be taken, that this inquisition is bad, as being on paper and not on parchment. That must still leave the great question open; as although we might, at the instance of the inquiry, feel ourselves called upon, though no one is prejudiced by this inquisition, to quash it, because, though no individual is prejudiced, the interests of public justice might require that a more formal and regular inquisition should be returned; yet, inasmuch as the exercise of our discretionary authority (for I am clearly of opinion that it is a discretionary authority) must materially depend upon how far this inquisition, although irregular in respect of its being drawn up on paper instead of upon parchment—whether this inquisition, substantially upon the merits, is a rightful result or not—upon that would depend whether we should, in the exercise of our discretion, issue a writ *ad melius inquirendum*, and that must necessarily depend upon the facts and matters which have been brought before us. These affidavits may possibly admit of that result; at all events, it will not be just or prudent on our part to assume that they are perfectly correct and true until an opportunity has been offered of answering them. We think we should not—especially as in this case the judicial conduct of the coroner is called into very serious question, and the result of our determination in this case must necessarily very materially affect his character and position as coroner—we should not do justice or fairness to him any more than with reference to the correct exercise of our discretionary authority upon this matter to take upon ourselves to quash this inquisition and direct a writ of *ad melius inquirendum* without affording him an opportunity of answering matters which have been disclosed in the affidavits brought forward by Mr. Attorney. I think, therefore, with regard to the due exercise of our discretionary authority, in regard to the general interests of justice, and also with regard to what is due to this officer, whose conduct is thus seriously impugned, we cannot do more than grant a rule calling upon him to show cause why this inquisition should not be quashed, and a writ *ad melius inquirendum* be issued.

Rule accordingly.

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[From the 'Times,' November 26, 1860.]

It is a curious illustration of the occasional obliquity in the operation of our law that the Attorney-General was driven to a purely technical reason for reopening the Inquisition into the Road Murder. For some months past it has been a pretty general opinion that a precious opportunity was wasted during the three days immediately following the event, and that the interests of justice were sacrificed at the inquest to consideration for the feelings of the family. Every subsequent investigation, except the mischievous proceedings of Mr. Saunders, has necessarily been conducted on the hypothesis of guilt on the part of some individual, and



nothing has been gained but a provisional acquittal of two persons. An inquiry in the nature of a fresh Coroner's Inquest, even at this eleventh hour, was felt to be the only method of superseding conjecture by something like a genuine induction. Yet it seems very doubtful whether such a measure is consistent with the genius of our common law. The neglect of the coroner to receive evidence which might easily have been got, his misdirection of the jury on a point of law, and his alleged refusal to take anything but an open verdict, were grounds for quashing the original inquisition, but not for issuing a new one. Fortunately, an argument hardly appreciable by common sense, but conclusive in law, was discovered in aid of the application. "This inquisition had been taken, and the record drawn up, on paper, and not parchment." This defect was fatal. The profound conviction throughout the country that the case ought to be reheard, and the ascertained fact that, either by accident or misconduct, the former inquiry had miscarried, would have been urged in vain in Westminster Hall. But the texture of the material on which the verdict was returned saved us from this scandal, and the object which all desired appeared to be secured. But reason travels too fast for the law. Though the parchment objection was valid for the purpose of upsetting the old verdict, it availed nothing for that of procuring a writ *ad melius inquirendum*. Here, however, the merits of the question, which had been set aside while the other point was being determined, were allowed to reappear, and so far influenced the minds of our Judges that a rule was ultimately obtained. In justice, however, to the coroner, whose judicial position must be seriously affected by the issue, it was not granted absolutely, but in the form of a rule to show cause. Even if the coroner did fail to do this successfully, the new Commission can scarcely commence its labours for a considerable time.

The details of this extraordinary case are so familiarly known, and every theory of it has now been so carefully tested, that we are quite startled by the meagreness of the evidence taken on the first inquest. The nurse, the housemaid, the man who found the body, and the surgeon were the only witnesses called. A few questions, occupying three or four minutes, were put, at the urgent request of several jurymen, to Constance and William Kent; but, as we understand the Attorney-General's statement, their replies were never reduced to the form of depositions. According to the affidavit of Superintendent Foley, some of the jury repeatedly expressed a wish to have all the inmates of the house examined, but were strongly dissuaded by the foreman, "who was a clergyman, and considered it their duty to spare the feelings of the family." The coroner, we are told, exhibited the greatest impatience of too searching a scrutiny, barely consented to the partial examination of the two children, and said, expressly, "it was not the place of the jury to find out who murdered the child, but how the child met its death." A proposition more contrary to law can hardly be laid down; indeed, it is obvious at a glance that in many cases the two questions as to the cause and the agent cannot be separated. We must make great allowances for the apparent obtuseness of the parties

engaged in the inquiry when the scent was yet fresh. Those elaborate and ingenious conjectures which have since been canvassed in every family circle in the country had not then been invented, and suspicion could not be expected on the first blush of the matter to light on the direction which it has since pursued. But it is certainly inexplicable how the coroner could have so misapprehended the scope of his responsibilities as to let sympathy for an afflicted family defeat the ends of justice, or how any acute and experienced man could have refused to follow up any of the clues which the evidence, scanty as it is, offered for his guidance. The questions connected with the smoothing of the bedclothes, the removal of the blanket, the loss of the flannel, the nurse's delay in alarming Mrs. Kent, the state of the drawing-room window, the absence of sufficient blood to account for death by stabbing or cutting,—all these and similar difficulties raised at the inquest were surely calculated to compel a vigorous scrutiny. The hypothesis of some one having broken in from outside was so early discredited by the position of the shutters, and that of the murder being committed by a person secreted in the house—a possibility never yet satisfactorily eliminated—found so little favour, that the jury were thrown back on the guilt of some one of the inmates by an exhaustive process. It is scarcely credible that after this idea had once been started, and was in every one's mouth, the coroner, as Foley, Wolfe, and Morgan positively swear, should have considered it opportune to caution the jury against suspicions, and should have required them to sign a printed form of verdict, filled up by himself, "which they did, but with manifest reluctance." We must not prejudge the answer which he may offer to these allegations; but it is sad to think that the one fact pregnant with significance, and capable of being ascertained—viz. the precise cause of the death—never was, and, of course, never can be, placed beyond doubt. Nor can it be expected that the witnesses' recollection of another set of circumstances equally affecting the conduct of the members of the household on the morning of the murder can be so trustworthy after the lapse of several months as it would have been on the 2nd of July.

We must not, therefore, be too sanguine as to the results of a Special Commission, if it should now be granted. The instrument of the murder is probably by this time beyond the reach of detection. The consciences of those who may be privy to the secret are not likely to have become more sensitive or their invention less fertile in the course of the numerous proceedings which have already taken place. Every futile investigation is a gain to the guilty party; it shows him what gaps should be stopped and what contradictions avoided, while the chance of breaking down the evidence for the prosecution by comparing statements made at different times becomes greater at every step. It is too late to draw a *cordon* round the mysterious house or to sift the light chaff of village gossip for the few valuable grains which it may contain. Nothing remains but for justice laboriously to retrace its steps, availing itself of the vast and various materials already accumulated, but adopting precisely the same method which

should have been followed from the first. Except for the strange discovery of the missing nightgown, all mention of which had been so unaccountably concealed, the value of the results hitherto attained is chiefly negative. Certain avenues have been explored, and found to lead to nothing; but the great field of possibility remains open. Detectives have done their utmost; but it is well known that detectives begin by assuming the guilt of some one, and then try how far their hypothesis will fit the circumstances. There is still room for the application of a more scientific process, and it may be that the facts, more calmly and impartially interrogated, will tell their own story. At all events, this is our last chance, and, if we are to be baffled after all, let us at least know that we have done all to repair a signal failure in our judicial system.

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[From the 'Trowbridge Advertiser,' December 1, 1860.]

THE Attorney-General, on Saturday last, applied to the Court of Queen's Bench for a *Rule absolute* to quash the coroner's inquisition, and to grant a new inquiry before special commissioners.

This rule the Court refused, but granted a *Rule nisi* to give the coroner an opportunity of answering the charges of misconduct alleged against him.

The grounds upon which the application was made were, that the coroner had returned his inquisition upon paper instead of parchment, and that he had misdirected the jury upon a point of law, and omitted or refused to take the evidence of certain members of the family whom the jury wished to examine.

It would appear from the argument that the Court has a discretionary authority to quash the inquisition for want of form, but that the exercise of this authority will in the language of the Lord Chief Justice materially depend upon how far this inquisition, substantially upon the merits, is a rightful result or not.

The substantial objections are—the coroner's misdirection of the jury and the exclusion of evidence.

In regard to the alleged misdirection of the coroner in stating that it was not the province of the jury to inquire *who* the murderer was, we have examined the reports of the inquest, and we can nowhere find that any such proposition was laid down by him, or that he used any language capable of being construed into such a proposition. We give the following quotation from the coroner's summing up, as reported at the time: "*It would, I know, have been a source of satisfaction to you, as it would have been to me, to have traced this crime to the perpetrator of it, that you may have had the satisfaction of being the means of sentencing that person or those persons to the condign punishment they so richly deserve.*"

With reference to the other point, the exclusion of evidence, Mr. Justice Blackburn, in addressing the Attorney-General, is reported to say, "Your real complaint is that the coroner refused to call further evidence; it is by no means clear to me that in that the coroner did not exercise sound discretion;" and Mr. Justice Hill says, "When the jury asked for further evidence, it was thought they had expressed an opinion that some of the inmates of the house must have committed the murder; then they asked for those inmates to be brought up and interrogated, and it strikes me as repugnant to English law to ask persons to come up for this purpose; to say, Here are six or seven inmates of a house, one or more of them must have murdered the child; 'Now each of you must come up and account for yourselves during the night.' I should be loth, unless compelled, to agree to any motion to require those persons who are suspected to come up and to account for themselves during the time."

And the Attorney-General himself says in answer, "that it would be desirable to take care that an inquiry of this kind did not assume the character of a direct criminal charge."

It would be premature to predict the issue of this application, but, however much we may desire a new and more effectual inquiry than any hitherto made, we shall rejoice at the final discharge of *this* rule, because we think it unjust that a long-tried public servant should be made to bear the brunt and odium of all the failures in this remarkable case.

It should be recollected that the coroner was called upon to act without time for reflection, that he had no legal assistance, and that the case was surrounded with mystery and difficulty. We think that under the circumstances he discharged his duty not only honestly and faithfully, but very creditably. And we ask our readers what has been done since which can justify any complaint against the coroner? Have not magistrates of mature experience, unwearied zeal, and sound judgment failed? Have not these magistrates been assisted by the advice of lawyers, the skill of metropolitan detectives, the labours of the district police, and by suggestions from every quarter of Great Britain? Have they not been engaged for five months in this investigation, and what is the result? Absolute and total failure. If, then, the combined experience, judgment, and skill of magistrates, lawyers, detectives, the police, and the press have all been baffled by the cunning of the murderer, with what reason or justice can the competency of the coroner be called in question? Has not a fact (possibly material, probably immaterial) been just divulged, which was concealed from the coroner at the inquest, and has been concealed from the magistrates for more than four months? Is the coroner responsible for this?

Might there not have been another inquiry, might there not have been fifty other inquiries, without quashing the inquest? Why, then, seek to quash it? Can any one be examined upon a new inquiry who has not already been examined? Have not all the household voluntarily come forward for examination, and will they not come forward again, if required? Why, then, should the inquest be quashed?

We do not know at whose instance this application was made to the

Court, but we have no hesitation or reserve in stating that, both in itself and in its management, it is a proceeding the indiscretion of which is only exceeded by its injustice.

The mystery, doubtless, will be solved by and bye; but this mode of procedure only retards the discovery.

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COURT OF QUEEN'S BENCH, WESTMINSTER, JAN. 30.

(*Sitting in Banco, before Lord Chief Justice COCKBURN, Mr. Justice WIGHTMAN, Mr. Justice CROMPTON, and Mr. Justice HILL.*)

THE QUEEN v. SYLVESTER.

IN this case the Court at the end of last Michaelmas Term had granted a rule, calling upon George Sylvester, one of the coroners for the county of Wilts, to show cause why an inquisition taken before the said coroner at Road on the 2nd of July, 1860, on view of the body of Francis Saville Kent, should not be quashed, and a writ of *melius inquirendum* awarded.

Sir *F. Kelly* (with whom was Mr. H. T. Cole) now appeared to show cause against the rule, and said the case was of very deep interest and importance; but, after having repelled the imputations which had been cast upon him by the affidavits on which the rule had been granted, the coroner would have no desire that any other course should be taken than what the Court should deem necessary for the discovery of truth and the administration of justice; and if, in the course of showing cause against this rule, anything could be suggested which would be of the slightest effect in bringing to light the facts of this case, the coroner would be most ready to take advantage of that course. The rule was obtained on two very distinct grounds. The first was, that, he would not say by the misconduct of the coroner, but in consequence of his great ignorance and incapacity, there had been a failure of justice; and the second ground was, that the inquisition was bad, because it was taken on paper, and not on parchment. Perhaps he should but assist the Court in the argument, and shorten the time necessarily occupied, if he stated the first ground in the language which appeared to have been used by the Attorney-General in moving for the rule. The Attorney-General said the ground of the application was that of legal misconduct on the part of the coroner, and gross misdirection of the jury in matter of law, and miscarriage in withdrawing from the jury a very important part of the legitimate inquiry, which the jury were desirous of prosecuting, but which the coroner by his intervention prevented. That being the general nature of the charge, he (Sir *F. Kelly*) said he had better state what was the chief and leading defect and mistake in point of law which was imputed to the coroner; and that was, that he directed the jury throughout the inquiry that their duty was limited to ascertaining the cause of death, and that it

was not their duty to inquire as to the person by whom the murder was committed. Then there were certain general charges, that he refused to direct the inquiries which were requested by the jury, or to make them in that searching manner which his duty required. He (Sir F. Kelly) undertook to satisfy the Court that there was not the slightest ground for either the one or the other of these charges; and, in so doing, he should make some general reference to the affidavits upon which the rule had been granted, and then come to the coroner's affidavit. The general nature of the case, as proved in the evidence, was that a child of tender age was found dead under extraordinary circumstances, and which tended to the conclusion that the murder was committed by some inmate in the house where the child had lived. The child was put to bed at the usual hour on the night of the 29th of June, in a cot in the bedroom where the nursemaid slept; and in the morning the child was found in the privy, with its throat cut and with another wound on its body, under circumstances which might raise some doubt whether the wounds had been inflicted before death, or after death had been occasioned in some other manner. It likewise appeared that the child was missed in the morning by the nurse; that there was still the impression in the bed where the child had lain, and the bedclothes had been laid over it. The windows and door of the drawing-room, which the housemaid swore were fastened on the night preceding, were found unlocked in the morning, and partially open, showing that some one had passed out of the house, while there were circumstances which showed that no one had passed into the house from the outside. Those circumstances not unnaturally led to the suspicion that the murder was committed by some one who was an inmate of the house. Sir F. Kelly then referred to the affidavits upon which the rule was granted, and the depositions taken before the coroner, to show that, very early in the inquiry, the jury came to the conclusion that the child was murdered by some inmate of the house. He said it was important for the Court to bear that fact in mind—viz. that this was the opinion loudly expressed at the inquest by the bystanders as well as by the jury. The learned counsel then read the affidavits of Happerfield and Foley and also the affidavit made by Morgan, imputing misconduct to the coroner in conducting the inquiry, and which we set forth *verbatim* in our previous report, but which it is unnecessary here to repeat, as the substance of them will be sufficiently brought to mind by the affidavit in answer now made by the coroner. Sir F. Kelly then proceeded to observe that the gentleman for whom he appeared, and whose conduct had been impugned in the affidavits upon which the rule had been granted, now came before the Court to repel the imputations cast upon him, and he (Sir F. Kelly) said he should satisfy the Court, not only by the coroner's own statements, but by the statements of witnesses who were beyond all suspicion, that there was not the slightest ground for one of the charges made against him. He said he felt he should not be doing justice to the coroner in this important case if he did not read over *in extenso* the whole of that gentleman's affidavit, which he did accordingly. The following is an outline of the more material parts of the coroner's affidavit:—He stated

that he was 72 years of age, and had been in practice as a surgeon for 50 years, and retired from practice two years since. He had been one of the coroners for Wilts for upwards of nineteen years, and during that time had presided at 2400 inquisitions, and had never had the slightest complaint made against him as to the manner in which he had conducted the duties of his office until the present occasion. He said that up to the time of this inquest he was in no way connected with Mr. Kent or his family, and his only knowledge of him was, that about seven or eight years ago he was called in by Mr. Shorland to attend Mrs. Kent in consultation with him, which he did only once, and received his fee in the usual way. He said that after opening this inquest, on the 2nd of July last, at the Red Lion at Road, he proceeded with the jury to view the body and to inspect the premises, and that before any evidence was given many of the jury expressed very decided opinions that the child had been murdered by some of the inmates of the house, and that opinion was also expressed in the presence of the jury by the spectators, who appeared strongly prejudiced against Mr. Kent and the members of his family. After viewing the body the coroner adjourned the inquest to the Temperance Hall at Road, as that was a more convenient place, and the hall was crowded by gentlemen, villagers, and others, including reporters. During the inquiry many of the jury and bystanders became very excited, so much so that, when some of the evidence seemed to raise a suspicion that the deceased had been murdered by some of the inmates of the house, some of them called out "Hear, hear!" and the coroner said he had much difficulty in repressing such expressions and causing the inquiry to be conducted with decency and decorum. He said it was not true, as stated in the fourth paragraph of the affidavit made by Thomas Noad and others, that he (the coroner) examined each of the witnesses very briefly, but they were amply and fully examined, and that in the depositions returned to the Court the substance and effect of what they deposed were fully and fairly given. The said witnesses were also cross-examined by Captain Meredith, the chief of the county police, by Mr. Kent's solicitor, and by many of the jury, who were always asked whether they had any questions to put to the witnesses, and they were never allowed to retire before the jury had said they had no further questions to put. After the witnesses had been examined the coroner said he asked Morgan, the constable, whether he had any other evidence, and he said "No;" and thereupon the coroner told the jury that they had heard all the evidence which he considered it necessary to take, when he was interrupted by the foreman, the Rev. Mr. Peacock, who said the jury wished other witnesses, some of the inmates of the family of Mr. Kent; that, as foreman, he gave expression to their wishes, but he himself did not think anything further would be elicited by so doing. The coroner said he then told the jury that he did not think any additional light could be thrown upon the mystery, but one of the jurymen said the opinion of the majority of the jury was that the two younger members of the family, Miss Stance and Master William Kent, should be examined; upon which he (the coroner) said that, if any practical good were likely to arise from it, it

would be proper to examine them, but he could not see that any such result would be arrived at, and therefore it would be inflicting unnecessary pain upon the family, which it was desirable to avoid. One of the jury then said it would be highly proper to examine them, and they were there to give satisfaction to the public as well as themselves; upon which the coroner said he had no objection to their being examined as the jury wished it, and he suggested an adjournment to Road-hill House for that purpose. Some of the jury objected to any distinction being made between the children and the other witnesses, while others cried out in an excited manner, "Try them all, show no respect to one more than another," which expression was applauded by the bystanders. At that time the hall was crowded as well as the passages and street outside; great excitement prevailed; the family of Mr. Kent, and especially the two children—Constance and William—were spoken of loudly in terms of execration, as being the murderers; and the coroner said he thought it his duty not to expose these children to insult, and accordingly he adjourned the inquest to Road-hill House, which was only a few minutes' walk distant, and he said he did that from no other motive than the protection of the children and the due administration of justice. Sir Fitzroy Kelly here observed that it was for the Court to determine the question, but he said that when once suspicion was expressed by the jury of the guilt of those two children he was rather surprised that the coroner should have allowed them to be examined at all. He did not think that a person stigmatised as a murderer, and execrated as such, ought to be examined upon oath.

*Lord Chief Justice Cockburn*, after conferring for a moment or two with the other judges, observed that the course of justice never had been to summon and examine suspected persons; but if they chose to come forward and be examined they might.

*Mr. Justice Crompton* said that even if the suspected person came forward voluntarily he ought rather to be warned.

*Sir F. Kelly* said the coroner had examined everybody who tendered himself, and he could not have summoned Mr. Kent, for it was believed that he was guilty of the murder. The coroner pledged his oath to the statement that in proceeding to examine the two children at Road-hill House he was actuated by no other motives than the protection of the witnesses and the due administration of justice. The coroner went on to state that at Road-hill House the two children, Constance and William, were examined by him, and questioned by one or more of the jury, and by Captain Meredith, but nothing whatever material being elicited he did not consider it necessary to put his examination in the form of a deposition, to be signed by the said children, particularly as they were under suspicion; but he afterwards appended the same to the depositions returned to this Court. He said that neither of the said witnesses was allowed to retire until the jury had said that they had no further questions to put to them. The coroner stated that at no time, from the beginning to the end of the inquiry, was any application made to him by the jury, or by any other person, to examine any other witnesses from the house of Mr. Kent;



nor was any application made to him by the jury, or by any other person, to adjourn the inquiry for the purpose of obtaining further evidence, or otherwise. He said it was not true, as was stated in the affidavit of Hap- perfield and Foley, that any of the jurors objected to closing the inquest without further inquiry; nor was it true, as stated by Bennett, that either of the jurymen stated that it was necessary for their satisfaction that the whole of the inmates should be examined; nor was it true, as stated by Chivers in the affidavit of Noad and others, that any ap- plication was made to him (the coroner) to have Mr. Kent examined before the jury. The coroner further stated that his reason for not sum- moning and examining Mr. Kent or the other members of the family was, that strong suspicion existed against them, and that from the first they were looked upon as criminals by the jury, who were impressed with the conviction that some one or more of them were the murderers of the child, and he thought it undesirable to subject them to examination under such circumstances. The coroner further stated that throughout the inquiry he was most anxious to ascertain, as far as he could by legal means, under what circumstances the child came by his death, and also by whose hands; that he had no object but to ascertain the truth, and was not actuated by any fear or favour, but solely by a desire to do his duty, and that he had always considered it as part of his duty as coroner to ascertain by whose act the death was occasioned, as well as the cause of death. The coroner further stated that it was not true, as was stated by Morgan in his affi- davit, that he told the jury that it was not their duty to find out who did the crime, but that that was the duty of the magistrates; nor was the statement true which was made to the same effect in the affidavit made by Noad and others, and by Bennett in his affidavit. The coroner further stated that Bennett was a reporter, and the author of a report of the inquest which appeared in the 'Bath Chronicle' on the 5th of July, 1860, and he brought before the Court a copy of that paper, and said that not one word of what Bennett, in his affidavit, had attributed to him (the coroner) ap- peared in the published report.

*Lord Chief Justice Cockburn* asked the learned counsel to read the report alluded to, and

*Sir F. Kelly* read the concluding portion of it, and made some comments upon it, and particularly upon one portion where the reporter said, "The jury fully concurred with the coroner, and returned a verdict of 'Wilful murder against some person or persons unknown,'" which, he said, was incon- sistent with the allegation that the jury were dissatisfied with the conduct of the coroner. The learned counsel then proceeded with the affidavit of the coroner, who said that portions of his summing up had been picked out, which, taken singly, might bear the construction put upon them, but, taken together, they would not bear that construction; and that the sub- stance of what he had said was that, though they might have some sus- picion that the child was murdered by some person, suspicion was not proof, but they must act on the evidence, and that under the circumstances they would probably agree with him that their proper course was to return

an open verdict as being the most likely course to lead to the discovery of the criminal. The coroner concluded by stating that he saw no reluctance on the part of the jury to close the inquiry, as stated in Bennett's affidavit; but, on the contrary, they seemed to concur with him in opinion and unanimously returned a verdict of wilful murder against some person or persons unknown, and that such concurrence was especially noticed in Bennett's report as published in the 'Bath Chronicle.'

*Lord Chief Justice Cockburn* said the charge was that the jury wanted further evidence, and that the coroner told them that it was no business of theirs to find out who committed the murder, but the magistrates would see to that.

*Sir F. Kelly* admitted that if that charge had been true it would have been a grave error on the part of the coroner; but there was not one word of truth in it, as was shown by the absence of anything of the sort in the report. Unless the coroner was to examine witnesses only because they were suspected, the learned counsel contended the evidence of the nurse and housemaid was sufficient, and it was improper to examine Miss Constance and her brother William. The coroner, however, examined them at the urgent request of the jury; but the result showed that nothing was likely to be elicited from them to throw any light upon the matter. The learned counsel then read an affidavit made by Mr. J. W. Stapleton, of Trowbridge, surgeon, who stated that he was present during the whole of the inquest, and confirmed the statements of the coroner in many particulars, particularly as to the conduct and clamour of the crowd, and that every facility was afforded by the coroner for a full inquiry, and that no application was made to him by the jury or others to adjourn the inquiry for further evidence, or any complaint made of the coroner's conduct. He also denied that the coroner had ever told the jury that the discovery of the murderer was no concern of theirs, but, on the contrary, he expressed his full sense of the duty both of himself and the jury to find the murderer if possible.

*Lord Chief Justice Cockburn* said it was impossible the coroner could have given such a charge, except from a corrupt motive.

*Sir F. Kelly* admitted that, and with reference to the charge of taking the children's evidence at Road-hill House, instead of having them brought to the Temperance Hall through an excited crowd, to the danger of their lives, he contended that that was the most groundless charge that was ever brought forward. The learned counsel then read the affidavit of Mr. R. Rodway, Mr. Kent's solicitor, in which that gentleman confirmed a great portion of the coroner's affidavit. In the fifth paragraph he stated that when the jury wished Miss Constance and Master William Kent to be examined he told the coroner and the jury that he was sure Mr. Kent, however painful it might be, would submit himself and every or any member of his family to examination, and that he offered to fetch any person who might be supposed able to give any information, or whom the jury might wish to question; and that, when the jury determined on examining Miss Constance and Master William, he rose from his seat to fetch

them, but before he left the platform the coroner stated his intention to adjourn the inquest for the examination. He also confirmed the coroner's statement as to the alleged misdirection of the jury, and expressed his belief that the coroner had done everything in his power to promote the inquiry and to discover the murderer, and that no complaint was made of his conduct by the jury. The learned counsel also read an affidavit made by A. M. Noad, a commander in the navy, and of a physician, Dr. Fleming, and of Mr. Parsons, the surgeon, in corroboration. The last affidavit read was made by the Rev. Edward Peacock, foreman of the jury, who stated that, to the best of his judgment, the inquiry was conducted by the coroner with perfect fairness and good faith, with calmness of demeanour, courtesy, and judgment, and that he made no attempt to hinder inquiry as to the probable perpetrator of the murder. He stated further that in his judgment the adjournment to Road-hill House to examine Constance and William Kent was judicious and proper, and he believed, from the temper of the people collected outside the Temperance Hall, that the relations of the murdered child were liable to be insulted; and he concluded by expressing his opinion that an open verdict would best further the ends of justice, as the evidence seemed to point to no one in particular, and that the coroner acted wisely in concluding the inquiry, and so leaving the matter in the hands of the magistrates. The learned counsel (Sir F. Kelly) said that upon the affidavits which he had read it was perfectly conclusive that the coroner did not attempt to limit the inquiry, as had been stated, and he said the affidavit of Mr. Peacock, the foreman, a gentleman and clergyman, put that beyond a doubt. The fact was that the jury were exasperated in their minds, and had lost their reason and their faculties, and fancied that the coroner had used language which he never had used.

*Lord Chief Justice Cockburn* referred to the fact that Mr. Kent was not examined, although it was stated he was willing to be examined.

The *Solicitor-General* referred to William Child's affidavit, from which it appeared that he wished Mr. Kent to be examined.

Sir F. Kelly said Child never expressed that wish to the coroner, and it was stated in one of the affidavits that after Constance and William Kent had been examined he expressed himself satisfied.

*Lord Chief Justice Cockburn* here referred to Mr. Rodway's offer that Mr. Kent should be examined.

Sir F. Kelly referred to the affidavit of Mr. Rodway to show that, after that offer was made, the jury determined to examine Miss Constance and Master William Kent, and he said that no request had ever been made by the jury that Mr. Kent should be examined. The learned counsel said that was the whole of the case, and he would ask the Lord Chief Justice, who was himself the chief coroner for all England, whether, if he had presided at this inquiry, he would have yielded to the solicitation of the jury to examine Miss Constance and Master William? He (Sir F. Kelly) thought his Lordship would not. Would his Lordship have taken the jury to the house, or would he have had the children brought through an

excited multitude to be examined when suspicions were openly expressed by the multitude and hinted at by the jury? He contended it would not have been in accordance with the criminal law of this country that Mr. Kent should have been summoned and examined. If he had come voluntarily it would have been proper to examine him, but he did not, and there was nothing but the expression of the solicitor to show that he was willing. The learned counsel then proceeded to contend that the Court would not set aside a coroner's inquisition merely because there was a difference between the coroner and his Court, but there must be some misconduct, some *mala praxis*, something illegal and punishable, before the Court would interfere; whereas, in the present case, it was not shown that anything which could and ought to have been done was not done. It was now seven months since the inquest had been held, and nothing had since been discovered which it could be suggested might have been brought out on this inquest.

The Court here retired for about twenty minutes, and, on their Lordships' return,

Sir *F. Kelly* proceeded to discuss the second ground, as to whether the inquisition was void, as being on paper and not on parchment. He referred to the statute, the 6th and 7th Victoria, cap. 83, sec. 2, and was about to argue this point, and to show that the exception in the statute applied only to inquisitions of murder or manslaughter against some particular person, and not to one of this kind, where no person was named, when

The *Solicitor-General* rose and said, it would probably save time if he stated that, if the Court should be of opinion that the inquisition ought not to be quashed upon the ground of the alleged misconduct, he should not ask the Court to quash it upon the merely formal and technical objection that it was taken on paper and not on parchment.

*Lord Chief Justice Cockburn* said it was a question whether the objection was not answered. The intention of the statute seemed to be to place the inquisition of a coroner upon the same footing as an indictment, but the objection would not apply to the case where the coroner's jury found an open verdict.

Mr. *Justice Wightman* said he thought it was hardly necessary to determine the point.

Mr. *Justice Crompton* said it had been suggested by Mr. Justice Hill that the statute only applied, by its express words, where a judgment could be pronounced upon the inquisition.

*Lord Chief Justice Cockburn* said the substantial question was whether the application had not been answered by the affidavits; and his Lordship, without hearing Mr. Cole, called upon the other side to support the rule.

The *Solicitor-General* (with whom was Mr. Welsby) then rose and said that, in the absence of the Attorney-General, who was prevented by illness from attending, he (the *Solicitor-General*) and his friend Mr. Welsby would make such observations in support of the rule as occurred to their minds.

The case had assumed very much the aspect of a contention between the Crown and the coroner, but the Court would give him credit when he said that the object of the Attorney-General in moving for the rule (though it involved the conduct of the coroner) was what he was made to regard, upon the information laid before him, as the furtherance of public justice. He (the Solicitor-General) only expressed the opinion of the Attorney-General, that he should sincerely rejoice if the coroner had succeeded to-day in removing the imputations of misconduct and miscarriage of justice cast upon him by the affidavits upon which the rule was obtained. There being no question of law on the construction of the statute, he (the Solicitor-General) should at once advert to the matters of fact. It must be admitted that there were some facts stated in the affidavits on which the rule was moved to which an answer had been given on the part of the coroner, and the effect of that answer, taken in connexion with the affidavits, it would be for the Court to determine. A very grave imputation was cast upon the coroner in the conduct of this inquest—viz. that he had stated to the jury in terms that it was no part of their affair to ascertain by whom the crime was committed, or who was the perpetrator of this crime. It was true that twelve jurymen, and eight others, making twenty in all, deposed to the fact of the coroner having distinctly propounded that proposition. It was not to be supposed that all those twenty people had been guilty of wilful and corrupt perjury. But he (the Solicitor-General) suggested that, there having been a good deal of excitement generally, and not only a difference, but some exasperation, between the coroner and the jury, there might have been such an amount of confusion as might have affected both the expressions of the coroner and the apprehension of the jury. The language of the coroner might not have been properly open to the construction put upon it; and he thought that was rendered almost certain by the affidavit of Mr. Peacock, the foreman. Mr. Peacock was a gentleman of education and a clergyman, and had made an affidavit on moving for the rule; but to-day he had made an affidavit, in which he said that in his judgment the said inquiry was conducted by the coroner with perfect fairness and good faith, with calmness of demeanour, courtesy, and judgment, and that the coroner made no attempt to hinder inquiry as to the probable perpetrator of the murder; that in his (Mr. Peacock's) judgment the adjournment to Road-hill House to examine the children was proper; and that in his opinion an open verdict would further the ends of justice, and that the coroner acted wisely in concluding the inquiry, and so leaving the matter in the hands of the magistrates.

*Lord Chief Justice Cockburn* observed that, if the jury had found a verdict of wilful murder against one or other of the family, that might have led to their being put upon their trial upon insufficient evidence. To prevent that, the coroner might have used language which the jury misunderstood.

The *Solicitor-General* said he thought the jury must have misapprehended the coroner. It was said that some of the jury desired that Mr.

Kent should be examined; but that was denied. It was said, too, that the jury were reluctant to find an open verdict; but that, too, was denied. The report also stated that the jury fully concurred with the coroner. Therefore, upon these facts, which were denied by the coroner, he (the Solicitor-General) could not press the case. But there were some facts which the coroner had not denied. The learned Solicitor-General said he should call the attention of the Court to the facts of the case.

*Lord Chief Justice Cockburn* said the Court was fully possessed of them.

The *Solicitor-General* then would only remind the Court that the child was put to bed at seven or eight o'clock in the evening, that it was seen at eleven at night by the mother, who kissed the child, and from that time till about five in the morning no account was given of the child before the coroner. Evidence was given of the door and window being open, through which the child, alive or dead, had been carried, and in the report in the 'Bath Chronicle' there was a statement made by Parsons, the surgeon, which was not returned in the depositions by the coroner.

*Lord Chief Justice Cockburn* thought the Court could not go into that.

The *Solicitor-General* said the evidence showed the murder must have been committed by some one in the house.

*Lord Chief Justice Cockburn*—That was what raised the propriety of examining the inmates.

The *Solicitor-General* said that, as the murder must have been committed by some one in the night, in the house, it was the duty of the coroner holding the inquest, on the view of the body, to inquire by whom the crime was perpetrated, as was laid down in the statute *De officio coronatoris*, which had been referred to by the learned Attorney-General.

*Lord Chief Justice Cockburn* said if the coroner had done what that statute directed he would have done what no coroner in England did. The practice was well known, and his Lordship asked whether the neglect of the coroner was anything more than a want of discretion. It was not *mala praxis*.

Mr. *Justice Crompton* suggested that the course taken by the coroner was the best in point of discretion, for if any one had been charged with the murder he would have been acquitted at the last winter assizes.

*Lord Chief Justice Cockburn* said the solicitor for Mr. Kent told the coroner that Mr. Kent was willing to be examined. The not examining him was a matter of discretion, and this Court could only set aside the inquisition for *mala praxis*.

The *Solicitor-General* said there were persons in the house of mature age who might have stated what they had heard or seen. The main question was whether the not examining Mr. Kent was not such gross misconduct as amounted to *mala praxis*; for, if the Court thought it was not, the foundation for this motion failed. He (the Solicitor-General) would only submit that when Mr. Kent, by his solicitor Mr. Rowday, expressed his readiness to be examined, the coroner's not examining him

amounted to legal misconduct; but, if the Court thought otherwise, he should not seek to press the matter further.

*Lord Chief Justice Cockburn* said, even supposing it did amount to legal misconduct, what end was to be answered by issuing a new inquisition?

*Mr. Justice Hill* said there were other tribunals to inquire into the case.

*Lord Chief Justice Cockburn* said the only object of such a fresh inquisition would be to examine a certain number of suspected persons. The number was limited; but suppose there had only been two, would it be consistent with the practice which obtained in this country in the administration of criminal justice to issue an inquisition to examine either of them?

*Mr. Justice Wightman* asked the learned Solicitor-General whether, as an officer of the Crown, he could ask to have such a commission issued to examine and cross-examine the parties.

The *Solicitor-General* said the murder in question might have been committed by some stranger who had secreted himself in the house; and all the persons in the house might have been examined with the nurse and housemaid.

*Lord Chief Justice Cockburn* said there was another difficulty. The writ had never gone except when some person was prejudiced by the first finding; but he was not aware of any trial for murder or manslaughter upon a *melius inquirendum*, or whether a judgment for murder could be sustained upon one.

The *Solicitor-General* submitted that the Crown had a sufficient interest; the interest of the Crown in the administration of justice was sufficient.

*Mr. Justice Wightman* referred to a case where the Court had refused the writ where the first finding was "Died by the visitation of God."

*Mr. Justice Crompton* asked what the course of proceeding would be on a commission.

The *Solicitor-General* said the commissioners would examine witnesses, but without a jury.

*Mr. Justice Crompton* said it would, then, be merely to collect evidence.

*Lord Chief Justice Cockburn* said it would be introducing an inquisition to collect facts to be afterwards used against any party.

*Mr. Welsby*, who was on the same side with the *Solicitor-General*, declined to add anything.

*Lord Chief Justice Cockburn* said it was not necessary to give any elaborate judgment on this case, as the view of the Court had been sufficiently expressed during the discussion. The only ground on which the application rested was the allegation of misconduct on the part of the coroner, in the single instance of his not accepting the offer spontaneously made by the solicitor of *Mr. Kent*, and not examining *Mr. Kent*. His Lordship said he thought the coroner would have exercised a sounder discretion if he had accepted the offer; but it was not for a mere error in judgment that this Court would set aside an inquisition found by a coroner's jury, and issue a commission *ad melius inquirendum*. If there

had been judicial misconduct of a nature to justify the Court in setting aside the inquisition, it would still be a question whether that should be done, and a new inquisition issued, when it was seen what the object was—viz. to examine those among whom the guilt of the crime necessarily rested, to ascertain from their separate depositions which of them had committed the crime. That would not be a proper exercise of the jurisdiction of this Court, to issue such an inquisition to obtain evidence against them, for that was an object which the law would not sanction.—Rule discharged.

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[From the 'Times,' February 1, 1861.]

THE more we hear of the Road Murder the less credit do the measures taken for its discovery reflect upon our legal machinery. In spite of Sir Fitzroy Kelly's assertion to the contrary, fact after fact has been elicited since the inquest, each of which might have proved material if investigated at that time, but now reveals itself too late to be used effectually. The last effort to reopen the inquiry has just failed. After the charges against two of the suspected parties had been dismissed by the magistrates, and a commission had been refused by the Home Secretary, public expectation was centred on the motion for a writ *ad melius inquirendum*, as the one chance that remained of undoing past mismanagement and recovering the lost scent. The Attorney-General was able to avail himself of a technical objection to the inquisition on the ground that it was recorded on paper instead of parchment. Had such an argument prevailed to stifle the merits of the case the public would have been justly indignant; as it was, it was hailed as a fortunate coincidence, and few doubted that the rule for a new inquest would be made absolute. It is impossible to read the proceedings on the argument of this rule without perceiving that it was discharged for reasons scarcely less formal than those which had chiefly led to its being granted, but which were properly waived by the Solicitor-General on Wednesday. The extreme to which the "litigious" theory of our criminal law is carried is well illustrated by the fact that an inquiry involving considerations of public policy, and perhaps the detection or non-detection of a crime which half the country regards with unparalleled horror and interest, is virtually sacrificed to the obligation of protecting individual interests. "The Queen *v.* Sylvester" was the legal title of the case. From the first it "assumed very much the aspect of a contention between the Crown and the coroner," being narrowed to the question whether the latter had been guilty of gross misconduct in the execution of his office; and this question was at last admitted to turn entirely on the omission to examine Mr. Kent. All this may be very right, and lawyers may prove in many different ways that the ends of justice could not other-



wise be attained. We merely draw attention to the fact, that, as the feelings of the Kent family were alleged in the Attorney-General's affidavits to have had more weight with Mr. Sylvester than the paramount duty of discovering the murderer, so now the high interests of criminal justice become, from the legal point of view, altogether subordinate to the imputation on that gentleman's official character.

Nothing can be more curious or more creditable to professional courtesy than the spirit in which the Solicitor-General received Sir Fitzroy's suggestion, that "the jury were exasperated in their minds, and had lost their reason and their faculties, and fancied that the coroner had used language which he never had used." Had the whole thing been arranged before, it could not have gone off more amicably. The language referred to was to the effect that the jury had nothing to do with the perpetrator of the murder, but should confine their verdict to the cause of death—language so flagrantly erroneous in point of law that the Chief Justice declared that the coroner could not have used it "except from a corrupt motive." Upon this vital issue of fact the Solicitor-General remarks—"It is true that twelve jurymen and eight others, making twenty in all, deposed to the fact of the coroner having distinctly propounded that proposition;" but Mr. Peacock, the foreman, "a gentleman of education and a clergyman," had denied in general terms any attempt on the coroner's part to "hinder inquiry as to the probable perpetrator," without contradicting, so far as we know, the categorical statement of the twenty men; and so the charge was allowed to fall to the ground. To speak frankly—"There might have been such an amount of confusion as might have affected both the expression of the coroner and the apprehension of the jury." To this "confusion" we probably owe the continued concealment of this deed of darkness, yet it appears there is no legal means of rectifying it. As to the other imputations,—of partiality in not examining all the members of Mr. Kent's household except a boy and a girl, and in examining these at home, and of neglect in not calling witnesses who were ready and willing to give evidence, as well as in slurring over the depositions of those who were called,—the coroner disposes of them by denying in terms almost every one of them, and in this it is fair to add he is supported by the affidavits of several other gentlemen. The substantial defence is that, having obtained sufficient evidence, he could not have pushed the inquiry further without examining suspected persons, and thereby prejudicing the course of justice, already endangered by the excitement of the neighbourhood. But, further, Mr. Sylvester turns round upon the jury, and accuses many of them of expressing "very decided opinions that the child had been murdered by some of the inmates of the house," "before any evidence was given." This assertion, though not improbable in itself, does not strike us as by any means conclusive in the coroner's favour; for it indicates a motive, such as might well have prevailed with an undecided mind, for shelving one part of the case prematurely, and thus encroaching on the functions of the jury.

Those who took the pains to follow up any of the stories of mutilation

so current during the late Indian mutiny will not be staggered by any degree of slipperiness in matters of fact. Where there is plenty of time to tone down written affidavits to a nicety, and no cross-examination is permitted, it is extraordinary how nearly statements may approach to being contradictory, without the least taint of perjury on either side. What actually passed at the Road inquest is now—thanks to the lawyers—as inscrutable as the murder itself, and will probably remain so to the end of time. But there is one assumption which, inasmuch as it was not repudiated by the Solicitor-General, and was apparently endorsed by the Chief Justice, is a fair subject of criticism. It is, that when a strong suspicion of criminality attaches to a limited number of persons, they are all to be treated as “suspected,” and, therefore, exempted from examination. It was believed from the first that the murder must have been committed by some member of Road-hill House; *ergo*, Mr. Kent could not be put into the witness-box, though he tendered himself through his solicitor; none of the servants were called except the nurse and housemaid—a strange selection on this theory; and Sir Fitzroy actually apologizes for the examination of Constance and William Kent, because “they had been spoken of loudly in terms of execration as being the murderers.” If this doctrine is to prevail, the policy of a murderer is clear. He has nothing to do but to get the witnesses of his crime hooted by a crowd, and he will not only divert suspicion from himself, but stifle the evidence against him at the inquest. That which constitutes the peculiarity of the Road murder is the strong presumption that it was committed by some member of a particular household, all of whom are still at large, and might have quitted the country months ago. It is this which justifies the public demand for an exceptional inquiry; but it is this also, as it now turns out, which arrested the investigation before all the traces of guilt could have been destroyed, and which is now made the chief argument against a new inquest. It is unconstitutional “to examine those among whom the guilt of the crime necessarily rests, to ascertain from their separate depositions which of them has committed the crime.” Perhaps so; but let us remember that, if the number of possible murderers is circumscribed, so is that of the witnesses whose evidence could throw real light on the crime: in fact, the two classes are co-extensive, and we submit that the coroner was bound to regard such parties rather in the latter light than in the former. It is procrastination which has defined the “suspected” persons, while it has deprived us of the testimony of several whose innocence has long been all but established. It is true that where human life is at stake no delay can be too long: “*De morte hominis nulla est cunctatio longa.*” But this reflection, while it may sustain the public in their determination not to leave this mystery unravelled, cannot console us for having lost the first and best opportunity of probing it to the bottom.

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[From the 'Examiner,' February 7, 1861.]

THE LAW'S PROTECTION OF THE ROAD MURDERER.

As the worst offenders against religion had their asylum in sacred edifices, so the worst offenders against justice have their protection, their sanctuaries, in our Courts of Law.

The murderer of the child Saville Kent must read the decision of the Court of Queen's Bench refusing a new inquest with feelings of satisfaction and gratitude. He or she, or both, as it may be, will know how to appreciate the protection which indulgent law throws about crime. They will see with all due thankfulness that the aim of justice is not to discover guilt, except by certain methods not always applicable or successful; the law of the land being like the sportsman's law, which forbids a fox to be killed except after a chase, a pheasant to be shot on the perch, a partridge sitting, or a hare in its form. So the law abhors the idea of discovering the criminal's guilt from his own evidence. This short cut to the truth might dispense with many a run after the fox, and in the run the law finds its profit and technical pleasure; the pursuit of justice, not the attainment, being the great object. The coroner, it must be confessed acted strictly in accordance with these principles. He proceeded with the wariness of a magistrate who might unluckily stumble on the truth if not very careful to limit his inquiries. He denies, indeed, that he laid it down as a principle that it was no part of the business of the Court to discover the murderer; but whether he said so or not—and twenty persons aver that he did, while the contradiction rests only on his authority and that of the Rev. Foreman, who is charged with the same bias—his conduct certainly accords exactly with the dictum in question, that the detection of the criminal was not the object of the proceeding. In conformity with this principle the suspected were not to be examined, and all in Road House were suspected, or might be suspected, by the coroner in virtue of his office. Some one in the house must have killed the child, but in examining any of the inmates it might have happened that the criminal might have betrayed himself or herself, which is a thing that our law abhors incomparably more than the guilt itself. The fact is that our law is old, and retains the feelings appropriate to occasions that have long passed away for ever. There was a time when confession used to be extorted by torture, and to put an end to that horrible practice the maxim against self-crimination was wise and good. But when the danger ceased that evidence might be extorted by the thumb-screw or the boot, the reason for the maxim ceased also, and, in depriving ourselves of the evidence of a party suspected, we now deny ourselves often the very best evidence. For, after all, what evidence is so good as that which the criminal either wittingly or unwittingly gives against himself? The criminal confesses in the condemned cell, and the public mind is relieved that there is no doubt of the justice of his conviction and sentence; but

would it have been less satisfactory if the very same evidence had been had before the verdict? And then are started the objections to the French system of judicial interrogation; but it is one thing to fence in the accused against self-betrayal, and another to bait him with questions bringing the prisoner and judge into a conflict confounding the one and irritating the other.

It is admitted that the coroner did not exercise a sound discretion in refusing to examine Mr. Kent, who tendered his evidence; but that is not, in the view of the Court, the gross misconduct of which it can take cognizance. The results, forsooth, prejudiced nobody. Who has reason to complain of it? certainly not the murderer. The Solicitor-General, however, who has conducted this case so as to raise the question whether he was for the coroner or for the Crown, was here moved to aggravate his voice like a sucking dove, and timidly to suggest that the Crown had an interest in the administration of justice defeated by the coroner's inefficient discharge of his duties. But then the question is raised, what good will come of a new inquest? and it would be hard to say, if conducted by the same wisdom. The Court, however, refused the inquiry, not because nothing would come of it, but the very contrary, lest it should lead to the discovery by a process condemned by the law.

“If there had been judicial misconduct of a nature to justify the Court in setting aside the inquisition, *it would still be a question whether that should be done, and a new inquisition issued, when it was seen what the object was—viz. to examine those among whom the guilt of the crime necessarily rested, to ascertain from their separate depositions which of them had committed the crime.* That would not be a proper exercise of the jurisdiction of this Court, to issue such an inquisition to obtain evidence against them, for that was an object which the law would not sanction.”

So that, had the coroner's misconduct been as gross as alleged, or worse, the Court would, nevertheless have refused the new inquest, because it might have led to the discovery of the crime through the evidence of the parties suspected. Now the practical tendency of this decision, which makes nothing of the ends of justice, and everything of abortively narrowed means, is to be tested by imagining the feelings with which it will affect the murderer or murderers. How they will breathe again and rejoice that the Judges stand between them and justice! Here is their safeguard in the Court of Queen's Bench. Guilt ceases to tremble, and rests in peace. Amongst the miraculous organs of murder is its tongue, as was lately most signally illustrated in Mullens's case, but it is for the Court of Queen's Bench to guard that organ against any slip that might betray it. Murder has indeed a handsome share of protection under the law, and somewhere about Road they know it, and are duly thankful.

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[From the 'Wiltshire Independent,' Thursday, February 7, 1861.]

THE application to the Court of Queen's Bench having proved abortive, the inquiry set on foot by Mr. Hughes, Chief of the Bath Police, and Mr. Inspector Norris, of the same force, will, it is understood, be forthwith actively resumed. They have already spent much time, thought, labour, and money in their investigation; and though, whilst the highest law court of the kingdom was deliberating on the question of re-opening the inquiry so hastily closed by the coroner, they considered it decorous to abstain from taking any decisive steps, they have not been inactive, but have obtained some important information corroborating the views they originally took of the case.

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[From the 'Trowbridge Advertiser,' February 16, 1861.]

QUEEN v. SYLVESTER.

MR. SYLVESTER has received the following gratifying letter from the Committee of a public institution at Sheffield:—

*Foreign Affairs Committee, Sheffield, Feb. 6th, 1861.*

SIR,—This Committee has had under consideration from time to time the proceedings against you relative to the Road murder; and I am desired to convey to you the thanks of the Committee for the determined stand you have made on behalf of the law, and in opposition to government by public opinion and trial by newspapers instead of trial by jury. Never was a more determined attempt to put public opinion and newspaper scribblers above the law than in your case; never a more impudent and disgraceful thing than the application to the Court of Queen's Bench for the rule to be made absolute, in the first instance, without hearing you; and never a more signal triumph than you have had, when the law and the testimony swept away every vestige of the huge pile of public opinion so laboriously erected during some months past.

You have not only succeeded in triumphantly vindicating your own character, but have rendered an eminent public service; and for having so done you are entitled to the thanks of the public. I have the honour to be, on behalf of the Committee, your obedient servant,

ISAAC IRONSIDE, Chairman.

*George Sylvester, Esq., Coroner, Wilts.*

The Queen's Bench has unexpectedly refused the rule for the prayed-for writ of *ad melius inquirendum* in the Road murder case. While regretting the result, and that one last chance was not given for the clearing up of this marvellous mystery, we cannot but admit that the Court came to a right conclusion on the particular question to be determined. The writ

was demanded on the allegation that the coroner had grossly neglected his duty, and so conducted the inquest that justice was thereby defeated. The affidavits on which the rule was obtained certainly disclosed a case which, unanswered, would have made the interference of some superior authority indispensable. But we are bound to admit that those assertions were answered fully and satisfactorily, and that Mr. Sylvester, the coroner, succeeded in completely vindicating his conduct in the inquest.—*Law Times*, Feb. 2, 1861.

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[From the 'Warminster Miscellany,' January 1, 1861.]

ATHENÆUM SOIRÉE.

THE engagements of the evening commenced with an address from the President, C. Bleeck, Esq., surgeon.

Ladies and Gentlemen,—At the earnest request of several members of our Committee I have consented to take the chair here to-night. There is one matter on which I cannot refrain to speak, as it is one which has had for us, in this locality, a more vivid, and, alas! a more painful interest than anything I have yet spoken of—I mean “The Road Murder.” Understand me, I do not seek to gratify a morbid curiosity by discussing the details of that atrocious crime, the startling and stunning effect of which upon the public mind has never been exceeded since the death of the young Prince Arthur in the days of King John.\* I do not stand here to accuse, or even to attempt to exonerate, any of the different persons upon whom suspicion has fastened as the perpetrators of the deed; but I do solemnly protest, in right of the principles of English law, of Christian brotherhood, and of universal justice, against the unmanly, cruel, and wicked persecution which has been directed against those assumed to be the guilty parties, whilst not one tittle of evidence has been produced against them, but the assumption of their guilt has rested on a bare idea. The many-headed multitude which has yelled at and hooted the wretched father has most grossly insulted that noble and sublime principle of English law, that “every man shall be presumed innocent till he has been proved to be guilty.” Yet here, in this case, so far from any one person being proved to be guilty, suspicion itself is divided between several individuals, all of whom could not, most certainly, have shared in that awful and mysterious murder. This eagerness to accuse, convict, and punish, all in a breath, may or may not argue a sound and healthy state of moral instinct on the part of the multitude,—of that I say nothing; but I will say, without fear

\* The speaker here read Hubert's description of the popular excitement occasioned by the report of Arthur's murder. SHAKESPEARE—*King John*, Act 4, Scene 2.

of contradiction, that it evinces a want of charitable and kindly feeling, and also an absence of that Christian virtue which "thinketh no evil." Though I premised that I should not attempt to exonerate any one of the suspected, I will, however, say that I have known Mr. Kent for nearly twenty years, and that he has often been a guest at my table, and I have once or twice visited him, but never at Road House. I always considered him a man of mild temper and humane disposition, and I never suspected him to be a profligate, nor do I still believe that he is one. *I shall be grievously surprised if he ever proves to be a murderer.*

THIS testimony is to be estimated not only by the position and credibility of Mr. Bleeck, though these considerations are of great weight. Its value is much increased by its being addressed by a professional man, in his own town, to a public assembly, in spite of the unpopularity and odium involved in any defence of Mr. Kent or expression of sympathy with him. Mr. Bleeck simply and fearlessly did what he believed to be his duty, without any solicitation. It shows what is thought of Mr. Kent by a gentleman who knows him well.

Mr. Hughes, the chief constable of Bath, gives testimony equally emphatic and unqualified. It has a different source of value from that of Mr. Bleeck. It is official, and is the result of hostile and wide policial inquiry. On the 28th of February Mr. Stapleton wrote the following letter, through Mr. Rodway, to Mr. Hughes :—

*"Trowbridge, Feb. 28, 1861.*

"DEAR RODWAY,—I should be very glad of any testimony by which Mr. Kent could be cleared from this horrible stigma. It is said that for a long time he has led a life of habitual debauchery, and that his female servants were the constant objects and victims of his pursuit. I have just learnt that Mr. Hughes, the chief constable of Bath, has thought it his duty to inquire into this matter; and that he has seen and questioned twenty or thirty of the discharged servants, who unanimously declare that Mr. Kent's conduct in this respect was free from stain, and that he conducted himself towards his female servants rather with austerity than with familiarity.

"It occurs to me that Mr. Hughes would readily communicate to you the result of any inquiries he may have made; and that, at the same time, he would give you some details as to the evidence which he has obtained from those servants, which may tend to throw light on the real value of this accusation. If Mr. Kent lived as is reported, his friends ought to know it; if the accusation is slanderous, they should be able to contradict it. I shall be very glad, therefore, if you will communicate with Mr. Hughes.

"Yours faithfully,

"R. Rodway, Esq."

"JOS. W. STAPLETON.

To this letter Mr. Hughes replies as follows :—

“ *Central Station, Bath, March 4, 1861.*

“DEAR SIR,—In reply to yours of the 2nd instant I have to inform you that, with reference to the rumoured familiarity of Mr. Kent with his female servants, myself and Inspector Norris of this force have made the most minute and searching inquiries with reference thereto, and have examined upwards of twenty witnesses (servants and others), and they all most emphatically assert that there is not the slightest foundation for any such rumour. From all I could glean on the subject, I feel convinced that his conduct towards his female servants was the very *reverse of familiar*, and that at all times he has treated them rather with undue haughtiness than familiarity.

“ You are quite at liberty to make what use you please of this letter.

“ I am, dear Sir, your obedient servant,

“ W. HUGHES,

“ *R. Rodway, Esq., Trowbridge.*”

“ Chief Superintendent.



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Mrs.

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(begins on reverse) (2)

In 1852 Mrs. Kent died.

In Aug. 1853, 15 months later

Mr. K. married Miss Pratt.

Mr. K's daughters, incl. Constance,  
acted as bridesmaids.

Maryanne was now 20, Elizabeth  
18 & Constance 8.

In June 1854, Mrs K. 2<sup>nd</sup> had  
a still-born child.

In June 1855 was born

Mary Amelia, and

in Aug. 1856, Francis Sarille

Kent, who was

murdered: June 29 1860.  
and a daughter b. c. 1858.

Family that day was Mr & Mrs. K.,

3 daughters & 1 son by 1<sup>st</sup> marriage  
& three children by 2<sup>nd</sup> marriage.

Mrs. K. was then pregnant.

Constance & W. ran away, July  
1856.)

①

Mr. Kent married Miss Maryanne Windus  
in 1829. <sup>She was 21.</sup> Their first 3 children  
were:

Thomas, died 1831

Maryanne, alive at time of murder

Elizabeth .. .. .

In 1835 was born:

Edward Windus Kent, a sailor  
who was shipwrecked and thought lost  
in 1854. He did die in Havana  
in 1858.

In 1836, Mrs. K. showed signs of  
insanity.

In 1837, was born Henry S., died 1838

In 1839, Ellen; died 1839.

In 1841 John S.; died 1841.

In 1842. Julia; died 1842.

In 1844 was born CONSTANCE  
EMILY

In 1845 William S.

Miss Pratt came as governess  
c. 1843-4.

















