



Crime and Punishment

Collingbourne Ducis

Murder in Wiltshire

At Devizes, John Smith was indicted before Lord Denman, for wilfully killing Eleanor Lawrence on Wednesday, the 9th of August last, and perhaps throughout the annals of crime there is not recorded a more extraordinary instance of cold-blooded and brutal murder than the details of this case exhibited.

The prisoner is an entire stranger to the country, and had shortly before the murder called at a blacksmiths shop at Ludgershall, in quest of work. The blacksmith had no work to give him, but very generously refreshed him with some bread and cheese, and then he pursued the turnpike road to Everley. At some distance it happened that the deceased, an inoffensive pauper from Collingbourne Ducis, who had been into the fields with dinner to a woman who had been reaping, was getting into the road just as the prisoner came up. This poor creature, in all probability, he never saw before in his life, and perhaps not a single word passed between them, yet without the slightest apparent motive he deliberately and violently murdered her! She was found shortly afterwards immersed in blood and quite insensible – indeed she never spoke again. There were four or five cuts over the forehead, one an inch and a half deep, her skull was extensively fractured over the right ear, sufficient in itself to cause death and her left ear was nearly torn off. Leaving the victim in this state, he proceeded to Everley where he called upon the Rev. Mr. Hadow at whose head he hurled 2 large stones.

Evidence given by Mr. Hadow.....

An attempt to prove the prisoner insane utterly failed and the jury returned a verdict of guilty.

Having been formally arraigned the prisoner protested his innocence.

His Lordship, amidst the most profound silence then proceeded, with an impressive solemnity to pass upon him the sentence of death, not holding out the slightest hope to him this sentence would be mitigated. After hearing his doom, the prisoner walked from the dock with the greatest composure, indeed he preserved the appearance of the most stolid indifference during the whole trial.

Morning Post March 19 1849 (Reprinted from Devizes Gazette)

Salisbury Assizes

Crown Court Monday before Lord Denman

Mr Slade and Mr Hadow were counsel for the prosecution; Mr Chaloner Smith defended the prisoner.

Mary Annett. – I am a single woman. Eleanor Lawrence lived with me. On Wednesday, the 9th of August, at twelve o'clock, she came to me in Mr Pike's reaping-field, with my dinner. She stayed with me twenty minutes. She then returned towards Collingbourne. In about an hour and a half I was called. I went along the field to the turnpike-road, where I saw Lawrence lying on the road with the blood running from her head. The bonnet was off and she was insensible. She was conveyed home. I saw her until her death, which took place on Friday morning, at one o'clock. She was insensible all the time. She was 34 years of age.

Cross-examined. – She was in an ill state of health, and received parish relief. She was in the turnpike-road, and could see us reaping in the field.

John Bruce. – I was reaping in the field, and could see the turnpike-road in which the body was afterwards found. I recollect Eleanor Lawrence coming at ten minutes to twelve. We were afterwards called by Mr Urch. We found Eleanor Lawrence lying on her back. Her face was all over blood; it had run about the ground in clots as big as my hand. There were several wounds about her head and face. we were lying down in the field at dinner, so that no one could see us.

Wm Urch. – I am a manufacturer in Somersetshire. I was travelling along the road in my gig. I saw a woman lying by the side of the road: her bonnet was off. My horse was frightened. I called to her, but she made no answer. I thought she must have been murdered. I looked about, but could not see any one. I went on a short distance, and saw some reapers. I called to them, and they came to me. They said they knew the woman. I told them to life her up. The head and face were much bruised: her mouth, nose, eyes, and ears were bleeding.

Thomas Blake. – I was one of the reapers. I heard screams coming from the direction where the body was afterwards found: they continued for a minute or two: they were loud, and very clear. I supposed they were from a female. My sister and some other girls had left me a short time before, and I thought if there was any thing the matter, they would have come back and let me know. I thought the girls were playing: they had only left me ten minutes.

Henry Ryder. – I am a surgeon, and was sent for to look at this woman soon after two o'clock. I found her by the side of the road. She was insensible. There were a number of wounds on her head and face. She was carried home, and I accompanied her. I tried to give her tea; but she could not swallow. The wounds were inflicted by a sharp stone. The left ear was nearly torn off. I afterwards made a *post-mortem* examination. Death was caused by a fracture of the skull, which was beaten in. It must have been done by a blow from a stone or a kick from a heavy shoe.

Cross-examined. – Some of the wounds might have been occasioned by a fall on the ground; but the fracture could not have been so occasioned.

Edw. Harborough. – I am the parish surgeon of Collingbourn. I had attended the deceased for twelve months. I was sent for on this occasion, and dressed the wounds. I believe the fracture to have been the cause of her death. Great violence must have been used. A fall could not have occasioned the injury.

Chas. Crouch. – I am a blacksmith at Ludgershall. I saw the prisoner there that morning: it is about a mile and a quarter from the spot where the body was found. He asked me if I could give him any work. He had a bundle with him. I told him I could not give him any work. He asked me if I could give him some grub? I gave him some bread and cheese. He asked me to direct him in the road to Marlborough. I told him to go through Collingbourn, and he went in that direction. I took particular notice of him. He appeared sensible. I had a great deal of conversation with him about trade and the harvest. He appeared to me to be perfectly sensible.

Cross-examined. – He was a perfect stranger to me. He seemed like an odd-looking man. He told me he was a Worcestershire man.

Re-examined. – He looked odd in his clothes; but there was nothing odd in his language.

Sarah Macey. – I live at Everleigh. I saw the prisoner in the road that morning, going towards Everleigh, at twenty minutes past one. He was running as fast as he could, and looking occasionally behind him. I was sitting on the bank. He looked much frightened. He had a yellow cap on his head: he had no bundle with him. His appearance frightened my daughter, who was with me. I was attracted by his strange manner.

John Chamberlain. – On the 9th of August, at half-past one, I saw the prisoner at the Crown at Everleigh. He asked me to drink with him. He had on a blue shirt and a cap, but no jacket or bundle. He was not in liquor. He spoke like an ordinary person.

Cross-examined. – I was only in the room with him five minutes.

The Rev. George Hadow. – I am the Curate of Everleigh. I live about half a mile from the Crown Inn, at a lone house: I was at home about two o'clock that day. The prisoner came and asked me for work. I said I have no work for you: you seem to be a blacksmith. He appeared much excited, and was breathing hard. I put several questions to him. Where do you come from? What's the matter? What have you been doing? He made no answer, but was trembling all over as if he had been running very hard. He immediately hurled two stones at me, which he had behind him. He wounded me in two places on my arm. I rushed into my study, as I thought I was going to be murdered. I went out again, but he was gone. I ordered a man to go in pursuit of him. I took my horse, and rode into the Devizes-road. I asked some reapers if they had seen such a man? I soon came up with the prisoner, who was coming back again. My servant had headed him. He said "I suppose you want me." I said "Yes, I do, and I am determined to have you." He said "You do, do you?" and pulled a stone out of his pocket, and threw it at me. He hit me three times, then ran away. Woodruffe and my servant Mortimer came up, and we pursued him, caught him, and secured him. I asked him if he intended to murder me? He said, "Yes: I did not care what I did." Woodruffe asked him if he was not ashamed of himself? He said, "No, for I have committed a murder already to-day." I asked him where, and he said, "You will soon hear of it." The stones he threw at me were not common to the neighbourhood. I saw Eleanor Lawrence. There was a mark on her throat of three fingers.

Cross-examined. – He was a perfect stranger to me. He hurled the stones at my head with the greatest possible violence. Upon searching him, I found a knife in his pocket. He has been tried and sentenced to seven years' transportation for his attack upon me: he was not then defended by counsel.

Re-examined. – He appeared perfectly sane at his trial. He first pleaded guilty, but withdrew his plea on the recommendation of the Judge. He asked no question of any witness.

Joseph Woodruffe. – The prisoner came towards me in the road. When he saw me, he turned back. I saw him throw the stones at Mr. Hadow. I afterwards took him, and asked him if he was not ashamed of himself, for he might have murdered the gentleman. He said, "I would not care if I had; I have committed murder to-day already, and that made me do it." I asked him where; he said, "You will soon hear where, and you may as well take me as any one else." He appeared quite sensible.

Henry Beames. – I live at Ludgershall. On the ninth August I found a fustian jacket on the turnpike-road, between two and three. I gave it to my father.

James Clarke. – On the 11th of August I received the jacket, which was handed to the superintendent.

Charles Boucher. – I was shown the spot where Lawrence had been found, and I searched about and found a bundle 388 yards off in a field by the side of the road. It contained a leathern apron, a shirt, and two handkerchiefs.

Charles Crouch. – I believe this bundle to be the one the prisoner had with him when he called at my house on the 9th August.

John Stagg. – I had the prisoner in custody on the 10th August for the assault on Mr. Hadow. Barry came up, and desired to have the prisoner taken back on a charge relative to a woman who was found beaten near Collingbourn. The prisoner said, "I knocked her down: I did no ravish her." Barry said, "You ought to be ashamed to tell it." The prisoner said, "I done it: I'm tired of living." I took him back to Pewsey. I said, "I wish it had been known before: it would have saved us the journey." The prisoner said, "I wonder you did not hear of it before. I met the woman on the road: I threw a stone at her, and knocked her town. I then kicked her about the head, and ran away. If I had not gone to the parson's house, I might have been some miles away. If you had asked me, I should have told you all about it: I meant to have done so before we had parted." He afterwards asked me if the woman was dead. I asked him what woman, but he made no answer. He subsequently said, "It was my own tongue that done me."

Edward Barry. – I am inspector of police. I overtook Stagg and the prisoner, and I heard the latter say that he had done it, and was tired of living. We passed the spot where the woman was found. The prisoner said, "Do you think those are my foot-marks? If you do, take off my shoe, and measure it." The jacket which was found was proved to be one similar to that worn by the prisoner, who acknowledged it to be his.

John Andrews. – I am the surgeon of the gaol where the prisoner has been since August. he has been in a sane state of mind, and has a perfect knowledge of right and wrong. Another medical gentleman, Mr. Lush, saw him for a quarter of an hour.

Cross-examined. – I have seen the prisoner about twice or thrice a week. My attention has been more particularly directed to him than to other prisoners. A person may be in a sane state at one time, and mad at another: that is called monomania. It is only discoverable when the particular subject upon which there is a delusion is touched upon. A person may be perfectly collected until the delusion is brought forward. All the time the delusion exists a party cannot distinguish between right and wrong. There is a disease called insane impulse, the predominant character of which is to commit acts of violence – a sudden, irresistible desire to destroy human life; or, in the case of Ladies, to commit a theft, in the higher ranks of life.

By Lord Denman. – It is never thought so in the humble class of life, is it?

It is not, my Lord; but in the higher classes there can be no reason for committing theft.

Lord Denman. – No desire to possess that which does not belong to them?

Crime is committed without any discoverable motive. Persons may know that they are doing a wrong act, but the impulse is so strong that they cannot resist it. Their will is not under their control.

Re-examined. – I have not seen anything in the prisoner's conduct to induce me to believe that he has laboured under monomaniacal delusions, instinctive madness, or insanity. I have not had any personal experience with such matters, but I have read of them in books written by Dr. Prichard and Professor Winslow.

Mr. Smith delivered an eloquent and dispassionate address to the jury on behalf of the prisoner, reading to them the observations of Dr. Prichard and Professor Winslow, calling their attention to M'Naughten's case, and then urging that as it was impossible to ascribe any motive to the conduct of the prisoner, or at all to explain or imagine what could have led to the act, they must come to the conclusion that he had committed this dreadful crime being at the moment in that state of mind which rendered him an irresponsible being. There was the absence of motive, the want of premeditation, the absence of any settled plan of escape.

Lord Denman, in summing up, observed, that the defence of unsoundness of mind was to be proved by the prisoner, and the question was whether he had proved it to the satisfaction of the jury. It rested upon him to make out that the act was done when he did not know what he was about. They all knew that doctors were in the habit of making theories; but the jury were to say whether those theories were right, and whether there was any proof that the prisoner was under the influence of any such morbid affection as to render him irresponsible for his acts. He did not find that a delusion of any kind had been shown. He thought it was with great rashness that persons instituted doctrines as excuses for the worst passions, and affirmed that such influences were irresistible. He was not aware that medical men were more capable of accounting for the state of the mind than other persons. To say that a man was irresponsible, without positive proof of any act to show that he was labouring under some delusion, seemed to him to be an assumption of knowledge which none but the Great Creator himself could possess. He did not himself see any one thing to prove a diseased state of mind, except the violence of the act itself; and he could not help observing that the surgeon of the gaol had not found any symptoms of disease. Their duty was to employ their understanding upon the facts, and state upon their oath what had occurred to their minds. Any other rule of conduct would condemn them, and would cause general insecurity to society.

The Jury considered for a few minutes, and then returned a verdict of Guilty.

Lord Denman then passed the sentence of death upon the prisoner, telling him that he must not look for mercy on this side of the grave.

The prisoner, who was a man of most repulsive appearance, walked from the dock with the greatest composure; indeed, he preserved the appearance of the most stolid indifference during the whole trial. Henry Whale pleaded guilty to two indictments – one for burglary after a former conviction, and the other for cutting and wounding Jane Chilcot, with intent to do her grievous bodily harm. He was sentenced to be transported for fourteen years.

Salisbury and Winchester Journal 17 March 1849



Fremantle Prison built in 1831

Henry Whale - Convict

Henry Whale left Portland, England, on July 22nd, 1850 on board the 523 ton barque "Hashemy". There were 131 passengers and 100 convicts. The ship arrived at the Swan River, Western Australia, on October 25th, 1850. Henry was transferred to Fremantle prison. He died in Western Australia in 1861.

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Convict Records	
Surname	Whale
Christian Names	Henry
Reg No.	174
Term	14
Age	23
Trial Place	York (NOTE: Incorrectly transcribed on website database) - Wilts. Assizes at New Sarum
Day/Mth/Year	1849
Criminal Offence	Cutting & Wounding
Comments	aka White
Occupation	Sawyer
M/S	Single
Height	5'2"
Hair	Dark Brown
Eyes	Hazel
Face	Round
Complexion	Dark
Build	-
Distinguishing Marks	One cut on hand near thumb, right; 2 scars, 1 above and 1 below right knee
Fremantle Prison	
Religion	Protestant
Death	c. 1861
Ticket of Leave	15 Mar 1852
Conditional Pardon	3 Feb 1857
Death Registration	
Surname	Whale
Given Names	Henry
Age	35
Father	Unknown
Mother	Unknown
Place of Birth	Unknown
Registration District	-
Registration No.	1868
Registration Year	1861