



Murder Trial of William (Henry) Hillier

Salisbury, Wiltshire Summer Assizes Crown Court, Monday (Before Mr. Justice Grove)

Charge of Drowning a boy at Wootton Bassett

William Hillier, alias Henry Hillier, 41, baker was indicted for wilfully killing George Smith, a boy seven years of age, by drowning him at Wootton Bassett, on the 12th June.

Mr. Ravenhill and Mr. Pryor Goldney prosecuted, and Mr. Saunders defended.

The facts of the case were stated by Mr. Ravenhill, who said that the defence of insanity would probably be set up, but if his friend did not set it up the proof of that insanity must be shown most clearly by him to exist. It could never be permitted that when a man had committed a crime he should say, "I am insane; I did not know what I was doing." It must be shown, as his Lordship would tell them, that the prisoner was not in such a state of mind as to tell the consequence of the act he was committing.

Elizabeth Smith, mother of the boy drowned, and wife of Aaron Smith, of Tottenham Wick (about three miles from Wootton Bassett), stated that the deceased left home at about 10 minutes to eight on the morning of the 12th of June, for the purpose of going to school, and that was the last time she saw him alive.

Dr. Theophilus Parker said he was called in to see the deceased soon after ten o'clock on the morning of the 13th of June and, in his opinion, drowning was the cause of death. There were no marks of violence on the body, but some bruises which he thought were caused by the body passing down the stream and coming into contact with certain inequalities. He saw the prisoner on the morning of the 13th, and asked him questions respecting his birth, age, and dwelling-place, his answers to which were perfectly sane. From his conduct in witness's presence he appeared perfectly sane, but there was no conversation between them material to the question of sanity or insanity.

George Watts, stationer at Wootton Bassett, said he kept the post office, against which he saw three boys at half-past nine on the morning of the 12th June. One of them, named Hunt, came in for a stamp whilst the other two remained outside. The prisoner was also outside, and when Hunt got outside and was apparently putting on the stamp, he said, "That stamp is not put on right; if it should come off they will have more to pay." He then took the letter and put the stamp on properly. He afterwards said, "When shall I meet you?" and one of the boys said, "After school."

Frederick Gough, a boy nine years old, living at Tottenham, said he went to school with deceased and Richard Hunt. They first went to the Post-office, and passed "The Waggon and Horses," where they saw the prisoner, who followed them, and after Hunt had left the Post-office the prisoner said he would give them some halfpence to go fishing with him. Witness asked him how long he should be, to which he replied that he should be about an hour, and witness said they would be late for school. Prisoner asked

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when they should meet him, and witness replied "At dinner time." They then went to school, and after coming out of school at 12 o'clock, they went to see the prisoner, whom they saw after they had waited about five minutes. They then went to Warman's Brook, and the prisoner said he would give them 6d and a new fish line to get in the water after a shut knife which his little boy had let fall in. When they had got into some fields on their way to the water, prisoner told them to pull off their clothes, and they did so, leaving their clothes on a bridge. They then walked 100 yards down by the stream with their clothes off, and the prisoner said "There's the place." They sat on the bank with their feet in the water, whilst the prisoner stood looking at the water. He asked them if they could swim, and they told him that they could not. On their way down to the stream prisoner asked Smith, (the boy drowned) if he could swim, and he replied that he could not. Prisoner said that the water was not very deep. Whilst Smith was sitting on the bank with his feet in the water the prisoner came behind, caught hold of him under the arms and threw him into the middle of the stream, which was running "main fast." When he did so he said "There he is". Witness and the other boy then ran away, but looked back and saw the prisoner standing up leaning over the water with his arms stretched out, and he remained in the same position for a minute or two. They reached their clothes and had part of them on, when the prisoner ran after them and pursued them a short distance beyond the bridge. They afterwards went to school and witness expected Smith to come, but he did not come. In cross-examination witness stated that nothing angry took place.

Richard Hunt, the other boy with the deceased at the time of the occurrence, gave corroborative evidence.

John Rawlins, Wootton Bassett, said he took the body out of the water at a point where it was five feet deep, or rather more. The depth of the stream varied from three feet to four feet or five feet. The current was very swift, and he thought that a boy seven years of age, who could swim, would not have been able to stem it, if put in where the water was three feet deep.

Richard Jefferies, farmer, of Wootton Bassett, gave evidence, and the next witness was P.S. Hobbs, who stated that the boy was found about 25 yards from the spot pointed out to him as being the one where he was thrown in, and where the water was five feet deep; Witness was present when the prisoner was charged with throwing the boy into the brook, and he replied that he knew nothing about it. Prisoner appeared perfectly collected. When the prisoner was in Wootton Bassett two years ago, complaints were made of his getting boys to the brook, saying that a knife was in it, and witness told him that if he heard anymore complaints he should apprehend him. Witness was told that four or five days previous to the boy being drowned he induced a son of Dr. Parker to jump into the water, and on the Thursday previous he asked two boys named Walker to get a knife out.

Other witnesses were called and gave evidence showing that the prisoner had endeavoured to get other boys to go into the water, and also that he had acted in an improper manner towards boys. One of the witnesses, (a boy named Edward Glee) said that the prisoner asked him, on the morning of the day on which the deceased was drowned, to get a knife out of the brook, but he refused to do so.

P.C. Webb said he apprehended the prisoner on the 13th of June at Broad Hinton (4½ miles from Wootton Bassett) where he was hoeing potatoes in his garden. He asked him if he was at Wootton Bassett the day before, and he replied that he was not. Witness took him into custody and charged him with causing the death of a boy by drowning, to which he answered, "I never drowned any boy, or seen any boys near the water yesterday." He looked as if he had been lying out all night; he had straw in his hair. He answered questions put to him.

And after the whole of the witnesses for the prosecution had been called, Mr. Saunders addressed the jury for the defence, and said that the prisoner might have desired the boys to find the knife and had no intention to do mischief to the deceased, but did that which was not uncommon with thoughtless people – pushed him into the water. If the man thoughtlessly pushed the boy into the water, seeing that it was not a necessary consequence that he should be drowned, it would not amount to murder. (The Judge interposed to state that if a man committed an act amounting to felony, and had no intention at all to commit murder, but killed a man, it would amount to murder, but if he committed a wrong act not a felony, and unintentionally killed a man, it would amount to manslaughter.) - Mr. Saunders said that according to

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his opinion the prisoner put out his hand to render assistance to the deceased, but there were circumstances which he thought would convince the jury that the prisoner was not in a sound state of mind.

Ann Lawrence, wife of George Lawrence of Calne, said that the prisoner was her brother-in-law, and had always been curious. Witness's uncle, John Taylor, hung himself, and his two sons were in a lunatic asylum. A sister of witness had attempted to get into a well and destroy herself. The prisoner had never done any regular work, and about seven years ago he met with an injury, (a rupture) which prevented him from being able to do hard work. Prisoner was not married, and had no children.

Henry Beesley, mason, of Calne, said the prisoner went by the name of "Caggy", and the boys called after him. He had continually seen him throw boys into the water, and he would sit at a bathing-place and watch for hours to get a chance of seeing a boy naked and pushing him into the water.

Dr. Campbell, of Calne, who attended the prisoner some time ago, said he was of opinion that he was naturally weak minded, and far below the average. He had come to the conclusion that he was mentally deficient, first from the fact of his being bodily incapacitated, and secondly, from his morose, sullen and taciturn demeanour. Witness certified prisoner's own sister as insane. In reply to the Judge, the witness said that supposing witness, acting under a delusion, did a wrong act, he would, in his opinion, think he was doing right. He believed that if the prisoner were next week put in a condition similar to that which he was in when he threw the boy into the water, he would do the same as he had done.

After the whole of the witnesses had been examined, the counsel on both sides addressed the jury, and His Lordship summed up at some length, pointing out that what the jury had to consider was whether the prisoner, at the time he threw the boy into the water, knew it was a wrong act.

The jury consulted for about a quarter of an hour, and then returned a verdict of "Not guilty, " on the ground of insanity.

His Lordship ordered the prisoner to be detained in strict custody till Her Majesty's pleasure was known.

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