

DEVON LAMMAS ASSIZES

MURDER. – The trial of John Radford alias Bright, (on Thursday), for the murder of Sarah Down, excited considerable interest, and the Court was crowded to excess. The prisoner, on being arraigned, pleaded “No Guilty,” in a firm voice, and with apparent indifference.

Mr. Tonkin conducted the prosecution, and having briefly the jury in possession of the train of evidence proceeded to call witnesses. The following was the principal evidence adduced: -

Mary Down, of East Worlington, sister to the deceased stated, that she returned from work with her sister on Friday evening the 11th July, and they went into Mrs. Cole’s at Moor end, where the prisoner and Samuel Melhuish were drinking. Bright asked her to drink, but she refused, telling him to ask “the right” to drink, meaning the deceased: the prisoner replied, that she that would drink should be his wife. A little before ten, witness asked deceased if she was going, and she told her to go on, and saying she would overtake her. Witness went away, and did not see her sister again till Sunday after she was taken out of the water.

Mrs. Coles stated, that on the 11th July the prisoner and Samuel Melhuish were drinking at her house. On witness saying she wished Sarah Down was come (to assist her as a nurse). the prisoner asked “Do you look for her?” and on witness saying she did, he looked very earnestly and added “That’s the thing – she is going to be my wife; I’ll not go home till I’ve seen her.” She came soon after with Mary Down, and staid some time. Mary Down went away before ten, leaving her sister there; about a quarter of an hour after, Bright, Melhuish, and the deceased left the house together. The deceased had brought with her a basket and a jug; and on going away the prisoner carried the basket, and she the jug. She was in good spirits.

Samuel Melhuish corroborated the statements of the foregoing witnesses, and added that he parted from them outside Mrs. Cole’s door.

William Phillip, and *James Down* deposed that they met the prisoner with the deceased on the road between Cole’s house and East Worlington, on the above evening.

William Edworthy, of East Worlington, said that on Sunday the 13th, he found the body of the deceased floating on the water, in the river as Smith’s Ham.

Richard Hodge, of Witheridge, stated himself to be the brother-in-law of the deceased. In consequence of what he heard he went to Bright’s house, at

Worlington, about one o’clock on Sunday morning the 13th, and called him; he came down stairs partly dressed and opened the door. In answer to witness’s questions, he said he left the deceased on Friday night a Gatton-gate, and had not seen her since; the prisoner was in a very trembling state, and could scarcely utter a word. Witness told him there was a strong suspicion against him, and he must go with him to a constable, to which he replied he would go to any place. Outside the door, witness asked him if he would go to Witheridge to be delivered into custody, or search for the deceased; he chose the latter; as witness was a stranger to the village, he desired the prisoner to lead the way; witness’s brother-in-law was with him; prisoner led them to the Town Moor Brakes, and then to a bottom where was a lake which emptied itself into the river. On the way witness asked him if she ever told him she was with child by him, and he said she never did. Before they come to the lake, witness again put the question to him, and the prisoner said, “On Friday evening, as I was coming from Stones and she from Horseford, we met in the turnpike road, and she asked if I had heard the report about me and her, that she was with child by me; I said, “Nonsense, you be not, and I won’t father it.” When they (prisoner and witness, &c.) came to the lake, prisoner proposed going upwards, away from the river, and witness refused, saying he would try the great river; as they were talking about it some one came and said the body was found – The prisoner said nothing, but appeared like a man struck dead – he shed tears; and they went towards Smith’s meadow, and witness asked him where he had put the basket, because the deceased’s sister was poor, and could not afford to pay for what was in it; he said it was in Mr. Smith’s lincage, in the same field where the body was found; the prisoner saw the body taken out of the water, and cried as before, without uttering a word. Witness asked him if he had ever had any angry words with the deceased and he answered “No, never.” Witness then asked him how he could think of killing her, if he never had any angry words with her; He replied – he never thought of it till the very minute he did it. Being asked how the apron string came tied round her neck, the prisoner replied, that she did it herself to keep the rain off her shoulders; he said he never struck her, and could not account for the mark on her face. On his cross examination by Mr. Fraser, this witness said there was a slight wound on her

cheek, which bled when she was taken out of the water.

Henry Burgess, constable of Witheridge, being sworn, deposed as follows:- The prisoner was put into my custody on Sunday 13th July as he was sitting by the fire-side crying very much, I said to him, "My man, I am afraid this is a very bad job, you seem to think a good deal of it." I asked if he hurted the woman, and he said he was with her. I observed, "I think you are guilty of what you are here for, " – and he threw abroad his hands, exclaiming, "Oh! I never thought of it till the very moment I did it- I was very drunk, or I should not have done it."

Mr. Thomas Cross, surgeon, of Thorverton, examined the body of the deceased, and was of the opinion that she died from drowning. There was a slight discharged of blood from the nostril, and a small mark near the right ear; she was about six weeks or two months gone with child.

Mr. Fraser (the prisoner's counsel) here entered upon an ingenious cross-examination, with a view to ascertain from natural causes whether it was not probable that the deceased met her death, or some blow tending to it, before she was immersed in the water. The witness said that mark near the ear might have proceeded from a stunning blow, but repeated his opinion that she died of suffocation or drowning.

John Down, a little boy aged 16, said he found the basket [here produced] in the lincay in Smith's Ham, and that it was Sarah Down's. *Mary Down*, being desired to look at the basket and jug, identified them as her sister's.

Mr. Fraser here submitted two objections to the indictment – one that the deceased might not have met her death by drowning along, as it did not appear in evidence that drowning was the sole cause; the other objection was respecting the venue, the indictment not stating that the deceased "then and there" met her death.

Mr. Justice Best said he would consult Mr. Justice Burrough on the two points, and accordingly left the Court for that purpose. In about ten minutes his Lordship returned and said "Mr Fraser, I have had an opportunity of consulting my learned Brother, and he is of opinion there is no foundation for either of the objections."

The case for the prosecution being closed, the prisoner was asked for his defence, and replied, in firm voice, "I leave it to my Counsel, Sir". – The Judge having summed up, the Jury turned round to

consider their verdict, and in two minutes returned a verdict of *Guilty*.

The Judge then addressed the prisoner in nearly the following words: - "John Bright, after a long and most painful trial, you have been by a considerate and intelligent Jury convicted of the dreadful crime of murder. It is seldom that this crime is capable of aggravation; and a Rev. Gentleman has already told you that the judgement of Heaven is denounced against it in the sacred volume, which declares that "Whoso sheddeth man's blood, by men shall his blood be shed." If any case of murder can be capable of aggravation, your's is that case; for it appears, from what passed early in the evening, that you led her to suppose you would make her your wife – one cannot doubt that you were the father of her child; and thus, by one wicked act, you deprived one human being of existence whom you out to have protected, and prevented another from coming into life with a similar claim on you. The practice has been that only one day shall intervene between the conviction and execution of a murderer, and it is therefore my duty to order that your sentence be carried into effect on Saturday – Probably circumstances may occur to prolong your existence a little longer; but let that encourage no hope. All your prospects on this side of the grave are closed, and you have now only to prepare for an entrance upon another world. Whether you will find mercy there, I leave to your almighty Judge. I can only recommend you to employ your few remaining days in penitence and prayer. The mercy of heathen is inexhaustible if sought for a right – endeavour, therefore to reconcile yourself to God, repent of your crimes, and humbly ask forgiveness in the name of your Redeemer. Nothing now remains for me but to pass the awful sentence of the law, which is that you be taken to the prison from whence you came, and on the Saturday next to the place of execution, there to be hanged by the neck till you be dead, and your body to be delivered to the surgeons for dissection; and may Almighty God have mercy upon your soul!"

Immediately on his return to gaol he was visited by the Rev. Mr Chave, the Chaplain, to whom he on Friday had confessed, that he had resolved on the death of the unfortunate woman for seven or eight days before; the opportunity offered as they were walking by the river side on the night stated in the indictment, and when they came opposite the deepest water, he gave her a sudden push, by which she was precipitated into it; then without waiting to

ascertain her fate, the murdered made the best of his way home. He denied having struck her, and still says the apron was tied round her neck by her own hands as a protection from rain. He appeared sincerely penitent. We understand that the Judges have discretionary power to postpone execution till after the close of an assize; by the exercise of which the unhappy man was respited 'till Monday.