

December 11 1875

Staffordshire Winter Assizes

THE WOLVERHAMPTON CHILD MURDER

Frederick Musson (23), boatman, and **Anna Maria Hillman** (21), boatwoman, were charged with the wilful murder of **Elizabeth Lowke**, on the 31st October, 1875, at the parish of Bushbury. Mr Underhill and Mr Owen were for the prosecution. The prisoners had no counsel retained on their behalf, and at the request of the learned judge Mr Plowden undertook the defence.

Mr Underhill having opened the case, the following witnesses were called:-

Joseph Lowke, a boatman in the employ of the Shropshire Union Canal Company : He had known the male prisoner about eight years, and the female prisoner two years. Witness was a widower, and had, a few months ago, three children. He parted with the deceased child to the prisoners on an understanding that it was to nurse an infant of the prisoners, and in return was to be fed and clothed. The little girl was between seven and eight years of age. The last time he saw her alive was on the 23rd of October, at the side of the Wolverhampton Locks. When the child first went to prisoners she was well and hearty. On the 23rd of October, seeing the child had a black eye, he asked her how it had happened, and she said she had fallen from the side bench of the cabin against a cupboard door handle. The next time he saw her was after she was dead. When witness saw the child, he said to the male prisoner, "I wish I had known last night, I would have come down". Both the prisoners began to cry, and Musson said the child had gone to bed well and hearty. He also said that on the previous Sunday the horse had trodden on the child's foot, but she went on playing, and he did not think anything was the matter with it. Cross-examined: During the four months the child was with the prisoners he never had any complaint of ill treatment. If he had he should have fetched her away. The child was weakly at her birth, being, in fact, a seven months child.

Emma Stokes and Eliza Proctor deposed to seeing the woman strike the child.

Sarah Johnson, the wife of **John Johnson**, a boatman in the employ of the Shropshire Union Canal Company, knew both the prisoner and the deceased. About five weeks before the death of the child, witness was in her boat, under the High Level Station Bridge at Wolverhampton and on a Sunday morning she saw Musson beating the deceased with a horsewhip, like the one produced (an ordinary carter's whip). The child was on the bed in the cabin, Prisoner doubled the whiplash and struck the child heavily about six times, and afterwards, when the child got off the bed, he struck her again. The female prisoner asked him not to beat the child any more. Subsequently she saw deceased washing herself, and her neck and shoulders were covered with weals, and blood was running down her neck. The child had a black eye at the time. - This witness was subjected to a long cross-examination, but nothing was elicited favourable for the defence.

William Powell said he knew the prisoners by sight. One day he saw the male prisoner striking the child with a whip: he had the lash doubled, and beat the girl about the head and neck. The child cried. About a quarter of an hour after he saw the little girl standing in the hatches of the boat, perfectly naked. It was about a quarter past six in the evening, and was a cold night. He heard voices of a man and woman in the cabin.

Joseph Smallwood, a boatman, said he knew the prisoners, and had seen how ill the child looked, and noticed marks on its body. He told Musson at Ellesmere Port that he had better take great care of the child until he got to Wolverhampton. He said, "I will"; and witness said to him that if anything happened to the child he (prisoner) would get into trouble about it.

Anne Bedford spoke to an instance of ill treatment which occurred on the 30th of October.

Frederick Beasley, a toll collector on the canal, said he had noticed the sickly appearance of the child. He was fetched by the male prisoner about four o'clock of the morning of the 31st October. The child was lying dead on the side bed of the cabin. He noticed marks on both eyes, and asked the prisoner Hillman if it was dirt. She said, "No" - it was caused by her falling. The marks on the eyes led him to think the injuries had been recent. On the 1st of November witness saw the child again. There were the eyes blackened, the breast was all cuts and bruises, and the stomach was black and blue. On the right side was a wound that he could have laid his thumb in, and there were two smaller wounds under. Along the ribs and above the largest of the others were three long wounds about as thick as the whiplash produced. On the right shoulder, at the back, was a bruise as large as the palm of his hand. Nearly at the bottom of the back was a substance as large as his fist, which moved when it was touched as though filled with water; from the right knee to the foot were thirty to forty marks - wounds, in fact of some sort - the flesh being cut away. There were other discolourations, and from the lower part of the body there had issued clotted blood. He should describe the child's appearance as "one mass of bruises and cuts". By witness's advice, Musson went for a policeman, but came back and said he could not find one, on which witness told him that he would get into trouble over it. Musson replied, "What do you think I shall get".

By Mr Plowden : He was certain the marks could not have been caused by decomposition.

Tom Mander, a boatman, and his wife **Mary**, also gave evidence as to the ill treatment of the child.

Charles Millington, a clerk in the employ of the Canal Company, said he knew the prisoners. About a quarter past four on the morning of Sunday, the 31st of October, the male prisoner came to his office and asked him if he would go to his boat and look at a girl, who he said was in a fit, or had fainted away. He said he had got up to start, and had put his hand on the child's face, and it was cold. Witness went with him into the cabin of the boat and saw that the child was dead. At that time the body was covered, except the face. He noticed that the right eye of the child was very much discoloured. The witness then proceeded to corroborate the statements of the witness Beasley; and at the conclusion of his examination the Court adjourned until ten o'clock this morning.

December 13 1875

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THE WOLVERHAMPTON CHILD MURDER – THE SENTENCES

Mr Baron Amphlett took his seat at the Shire Hall, Stafford, at ten o'clock on Saturday morning, and the charge against **Frederick Musson** (23), boatman, and **Anna Maria Hillman** (21) for the wilful murder of Elizabeth Lowke, was at once proceeded with.

Police-constable Edward Clayton deposed to arresting the male prisoner. Witness had examined the deceased's body, and found it covered from head to foot with cuts and bruises.

Police-constable Reuben Billett stated that on the Monday after the death of the child he charged the female prisoner with beating and ill treating the child, and in reply she said, "I have never beaten or ill treated the child in my life". On the following Thursday he searched the prisoners' boat, and found the whip produced. When taking the two prisoners to the police cells, the male prisoner said, "What do you think they will do?" Witness replied that he dare not say. The male prisoner then said, "That's my whip you have got, but not the one I generally drive with". The female prisoner was crying at the time, and made a statement that she was not married.

Inspector Hackney said that on searching the prisoners' cabin he found the apron produced, with a number of blood stains upon it. He showed it to the prisoners, but they made no reply.

Mr John Cooke, surgeon, practising at Tettenhall, said that, by the direction of the coroner, he examined the deceased child's body. It was very much emaciated, and was cut and bruised and discoloured all over, from head to foot. He then gave a minute description of the separate wounds. Some parts of the body were very much inflamed. The scalp was puffy. From the appearance of the bruises and wounds he should say they were caused by blows, and undoubtedly a number of them could be caused by the whip produced, both by the lash and stock. Some of the individual wounds on the foot might have been caused by a horse treading upon it, but none of the other wounds could be assigned to such a cause. At that time he could not give his opinion as to the death of the child, but afterwards he made a *post mortem* examination of the body. The internal organs were quite healthy. On examining the head he found the scalp very much inflamed. There were two small collections of blood and matter, and several patches of clotted blood in the substance of the skull cap. On removing the skull he found a layer of dark coagulated blood extending over the right hemisphere of the brain. The brain tissue was healthy. He assigned the cause of death to the coagulated blood on the brain, which would result from repeated blows on the head. The blows must have been inflicted within twenty four hours before death. The blood on the brain would produce coma, in which state the child would remain until death. Undoubtedly the other injuries on the body would help to hasten death; but the clotted blood on the brain was the primary cause of death. This witness underwent a searching cross-examination, but nothing of any importance was elicited.

Mr Underhill having summed up the evidence for the prosecution, Mr Plowden, in addressing the jury for the defence, asked the jury to dismiss from their minds everything which they might have heard or read about the case. It was, he said, a misfortune in this country when serious charges were brought against any person, at the very first rumour certain zealous persons clustered round the scene to acquire information, which rapidly found expression in the public press. These expressions were contributed for the alleged purpose of discovering crime, but he was very much afraid they were more for the purpose of pandering to a morbid curiosity. Not only were facts – pretended facts – stated, but were overstated, and commented upon, and opinions formed, hastily arrived at by unskilled minds, and the impartial judgement of a constitutional tribunal was recklessly and hurriedly invaded, and thereby prejudice was excited, and by feeding upon itself acquired a shape of importance which it was almost impossible to subdue. He made these statements, as he had reasons for thinking they applied with peculiar force in this case. He hoped they would stifle this insidious voice, and whatever verdict they found would be on the evidence alone. The learned counsel then dwelt upon the definition of murder, and said that the jury must be satisfied that at the time the blows were given – assuming that such was the case – the person giving those blows had a knowledge that they would probably cause death. He put it forcibly to the jury whether the evidence on behalf of the prosecution sustained that view, and, reviewing the evidence, contended that it had failed to do so.

His Lordship summed up the case in a careful and lucid manner, and having reviewed the evidence at considerable length, said, in conclusion, that if from the evidence they could not come to the conclusion that the weapon was not used with that recklessness which implied malice, then they would be justified in finding a verdict on the lesser charge of manslaughter.

The jury then retired, and after half an hour's absence, returned a verdict of "Manslaughter", at the same time censuring the father of the deceased for his neglect towards his child.

His Lordship, addressing the prisoners, said that after a very careful consideration, the jury had returned a verdict against them of manslaughter only, but their offence as nearly approached murder as it possibly could. He did not hesitate to say that if the jury had taken a different view of the evidence, and found them guilty of murder, he should, as far as he had any influence on that question, have left them both for execution. Considering the enormity of the crime towards that child, for he had no doubt their violence caused its death, and Musson had promised to be a kind father to the child, he (the judge) must pass a most severe sentence upon them, not only as a punishment, but as a warning to people who undertook the charge of a child of that kind. The sentence of the Court was that they be kept in penal servitude for twenty years.