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## NORFOLK & NORWICH ASSIZES

### THE NORWICH MURDER CHARGE.

GUILDHALL—YESTERDAY.

The Summer Assizes for the city of Norwich and the county of Norfolk were opened this morning before Lord Russell of Killowen, Lord Chief Justice.

His Lordship arrived at the Guildhall shortly before eleven, and was received by the Sheriff (Mr. S. G. Hill), the Mayor (Sir Peter Eade), the Town Clerk (Mr. Kennett), and a large number of city magistrates. The commission having been read by the Clerk of Assize (Mr. Charles Platt), the following gentlemen were sworn on

- THE GRAND JURY.
- F. O. TAYLOR, Foreman.
- L. G. Hollingsbroke
  - John Boyce
  - G. S. Hotblack
  - C. G. Hornor
  - J. A. Harmer
  - Geo. Jewson
  - W. H. Dakin
  - R. W. Ledell
  - G. C. Eaton
  - S. M. Mills
  - Jas. Mottram
  - M. S. Emerson
  - G. F. Francis
  - G. Forester
  - E. P. Gould

### THE CHARGE.

The Lord Chief Justice, in charging the Grand Jury, said that so far as the number of cases that would come before them was concerned, the calendar would be found to be a very light one compared with those of the corresponding periods of previous years. There were only three cases in the calendar, which was a very small number for a populous city such as Norwich, with considerably above 100,000 inhabitants. This was a condition of things entirely creditable to those who had charge of the government of this community, and of the preservation of the public peace, and of the administration of the law of the land. There was one case in the calendar of a very serious character, while the other two were of a very minor and relatively unimportant character. Lord Russell proceeded to detail the ascertained facts connected with the charge of wife murder against Frank Miles, and, continuing, said the woman after the assault was taken to the Norfolk and Norwich Hospital, where she was seen by a gentleman not permanently connected with that useful institution—a gentleman of the name of Worthington, who was apparently in a position of assistant house-surgeon. The woman was conscious, and in fact she walked into the Hospital with or without assistance. Mr. Worthington examined her head, and dressed, or made some attempt at dressing, two of the wounds. He did not seem at that time to entertain a serious view of the case. A little later she was again taken to the Hospital. A further examination was then made, at which other medical men assisted, and then this, that he (the Judge) must designate a most extraordinary state of things was discovered, namely, that there were upon the unfortunate creature's head two serious punctured wounds, one, if not both of which had penetrated into the substance of the brain. These two wounds had apparently entirely escaped the observation of Mr. Worthington. It would not be right, and he did not propose until hearing what that gentleman had to say, to pass any judgment of condemnation upon him; but this he must say, in the public interest, in the interest of that part of the public particularly for whom such institutions were supported by the generosity of the community, that it could not be allowed for one moment to go forth that the humblest and the most wretched creature who was obliged to seek such skilled assistance as these public institutions offered was not to be entitled to receive the most extreme care and the exercise of the highest skill at the hands of those who were placed in charge of the management of such institutions, and of the officers appointed to look after the well-being of those who resorted to them for aid. He abstained from pronouncing any judgment of condemnation upon Mr. Worthington's conduct. He had no doubt Mr. Worthington had no intention of being otherwise than humane, and did not intend to wilfully neglect the exercise of that care and circumspection which every man in that position must be made to know he was bound to bring to the discharge of his duties. Mr. Worthington said the woman was restless, and complained of no injuries except those he discovered upon the first examination, namely the two that were not of the most important character. She was restless and was unwilling to have her hair cut, even in the case of the two smaller wounds. He had only to say that that fact standing alone was no satisfactory explanation whatever. If it were necessary to use anaesthetics or any other means of enabling the surgeon to form a full and accurate judgment of the condition of the patient such appliances must be used, and such steps must be taken, and in any doubtful case there was probably always at hand the advice of persons of longer experience than those who filled the position of assistant-house-surgeon. The duty of the Grand Jury in this matter would be a painful but a very light one. The law esteemed every act of homicide to be murder unless the contrary was made to appear. In this case he saw no trace of any evidence of any fact which would go to rebut that presumption. It would therefore be the duty of the Grand Jury, if they were satisfied that the death of the woman was caused by the act of the accused, to return a true bill of murder, and if anything could be urged which would alter the complexion of the facts as they now appeared, it would be conscientiously inquired into before another jury.

The Grand Jury then retired.

### SHIREHALL—YESTERDAY.

The Lord Chief Justice then proceeded to the Shirehall, where the Commission for the County Assize was read. The Grand Jury was constituted as follows—

Vice-count Colles  
 Lord Wolchouse  
 Hon. A. E. Fellowes  
 Sir E. C. Nugent  
 Sir Frederic Bateman  
 Mr. R. H. Gurney  
 Mr. J. B. E. J. Pollard  
 Mr. F. T. Garrison, M.P.  
 Mr. F. Taylor, M.P.

Mr. J. E. Gurney  
 Mr. H. E. Lumby  
 Lieut.-Col. F. H. Custance  
 Mr. John Holroyd  
 Mr. R. H. Gurney  
 Mr. J. B. E. J. Pollard  
 Mr. F. T. Garrison, M.P.  
 Mr. F. Taylor, M.P.

in a drawer. The boy refused to work, and was troublesome towards the end of 1894. On January 3rd, 1895, witness went to the door of the prisoner's room and found it locked. He called out to the boy, who answered, "Yes." Witness asked the boy to open the door so that he might talk with him about his future prospects. The boy, however, refused to answer, and witness thereupon forced the door open. He then saw the prisoner standing against the wall with a pistol in his hand. The prisoner fired the pistol, and witness felt that he was wounded in the left thigh. Assistance was called, and the boy was secured. The pistol produced was the one that witness looked up in his drawer in April, 1894. Witness produced a letter written by the prisoner in jail to Mrs. Upcher. In this, the prisoner expressed his regret for what he had done, but said that he was angry because he had overheard the cook talking about him. He procured the pistol with the intention of shooting the cook in the legs through the door, and when Mr. Upcher burst into the room, he was frightened and the pistol went off. The Judge—Have you any doubt that when you entered the room he presented the pistol at you? Witness—I have no doubt about it.

Grace Lane, cook to Mr. Upcher, speaks to finding a pistol in the prisoner's room in April, 1894, and to giving it to Mr. Upcher. On January 3rd she heard a shot fired, and called assistance.

Walker Swan, groom to Mr. Upcher, spoke to helping to secure the prisoner after he had shot the prosecutor.

Sylvanus Adcock, gardener to Mr. Upcher, gave similar evidence.

George Smith, also a gardener at Mr. Upcher's, said he found some caps and bullets in the prisoner's pockets, and a flask of powder.

Dr. Skrimshire described the wound of Mr. Upcher. It was a wound that might have been caused by a bullet. Mr. Upcher was confined to his bed for three weeks. The bullet had not been extracted.

Police-constable Frederick Whitwood gave evidence of taking the prisoner into custody, and added that while he was taking him to Holt, Mr. Neale, his employer, asked him if he was not sorry for what he had done, and the prisoner replied, "No." Then Mr. Neale said, "If I had burst open the door would you have shot me?" and the prisoner said, "I would."

The jury found the prisoner guilty, but recommended him to mercy on account of his youth.

The Rev. A. H. Upcher, in reply to the Judge, said the prisoner had some relatives, and his coachman was made to the boy. The prisoner lived with the coachman some years; that was why witness took an interest in him.

The Judge—Is the uncle willing to take charge of him?  
 Witness—Not now, my lord.

The Judge—Can you communicate with the uncle?  
 Witness—Yes.

The Judge—Well, I wish you would communicate with him and come to me to-morrow in my room before the opening of the court. There is something eccentric and dangerous about the boy, but he perfectly well knows what he is about.

Sentence was deferred.

### FALSE PRETENCES AT YARMOUTH.

William Bead (23), general labourer, pleaded guilty to obtaining 15s. by false pretences from Susan Losley, at Monkton, on May 4th. The Judge said prisoner had been guilty of a very mean crime, for he had represented to the woman that he had authority from her husband to ask for the money. This was not the first time prisoner had been in trouble for offences against honesty. At Blofield he was sentenced to three months' imprisonment for embezzlement; and at Great Yarmouth he was sentenced to nine months for stealing barley. For this last offence he would go to prison for twelve months.

STEARLING A XXI.

Joseph Williams (16), smacksman, pleaded guilty to stealing a canvas bag, a pair of duffel trousers, and other things, value 15s., the property of Wesley Green, at Great Yarmouth, on May 26th. The Judge, in passing sentence, said the circumstances showed that prisoner had not yielded to a sudden temptation, for he had deliberately gone aboard the Florence May and stolen the kit in question. There were previous offences against him. For one of them he was sentenced to a day's imprisonment, and the very day after his release he committed another theft, for which he was imprisoned for a month. For the present offence he would go to prison for twelve months with hard labour.

STEARLING FROM A CHAPEL.

Frederick Thurston, 19, farm labourer, pleaded guilty to three offences at Southrepp—breaking into a chapel and stealing 4s. 3d., the property of James Golden and others, on or about February 14th last; stealing three gold rings, value 24, the property of Charlotte Woods, on or about December 21st last; and stealing a gold ring, value 24 4s., the property of Edward Dunning, on December 28th. Prisoner had not been in trouble on any previous occasion. He was sentenced to three months' imprisonment.

### THE SIDESTRAND CASE: A WOMAN AND CHILD IN THE SEA.

Ada Eliza Holmes, aged 19, described as a domestic servant, was charged with attempting to murder her infant child, Gerly May Holmes, at Sidestrand, on June 8th. Mr. Haasell was for the prosecution. By direction of the Judge, Mr. Wild watched the case in the interest of the prisoner.

The evidence showed that the prisoner went out to Canada in 1892, and in 1894 she married Mr. Holmes. She came back at the end of 1894, or the early part of 1895, with a child of about two months old, and went to live with her father, named Ward, at Sidestrand. Last Saturday there was some little disturbance between prisoner and her father. The woman must then have walked from Gumbleton to Sidestrand, a distance of four miles, for at half-past six in the evening she was found by a man named Payne floating in the water.

At first he only noticed what he took

path on to my horse's leg, and under my horse's body. I halloed to her. I did not know she was deaf and dumb. I jumped off and picked her up about 30 yards from her father's gate. Her father said, "You have killed my child," and I said, "If I have I cannot help it." He now added his regret at the little child for all the world if he could have helped it.

The Judge said it was not necessary to prove wilfulness; it was quite sufficient to show that the prisoner had been guilty of gross and culpable negligence. The jury found the prisoner guilty, and asked the Judge to make some allowance for the fact that the child was deaf and dumb.

A police-constable said the prisoner travelled with eekernuts and swing boats, and was a teetotaler. He knew nothing against the man.

The Judge said he was satisfied the prisoner did not intend to inflict any injury upon the child, but he concluded himself in a grossly careless and negligent way. He had no control over the horse. Men must be taught that they had to regard the safety of others as well as of themselves, and especially that the lives of children must be respected. He would be sentenced to four months' imprisonment with hard labour, dating from the day of his arrest.

### A SENTENCE WELL DESERVED.

Robert Keeley, 30, a farm labourer, of Strumpshaw, was charged with a felonious assault upon Maria Elizabeth Youngs, a widow, aged 68, who lived all alone in a cottage at Moulton. Mr. Biorford prosecuted. The assault took place on the night of April 28th, when the prisoner broke into the widow's house. She identified him by his features, which she clearly recognised in the light of the candle he held, and by the fact that he had two thumbs on one hand. Prisoner now desired to call Lambert Keeley to prove that he was at home on the night in question, but no such person responded to the call of the witness-inquiry. Prisoner himself then went into the witness-box, where he gave an account of his doings on the day in question. The jury, after a very brief deliberation, found him guilty. A police-constable described him as "rather fond of his beer." Prisoner pleaded for mercy, saying that he had a wife and two children dependent on him. The Judge said that was the worst of the case, but still it was no reason why he should escape judgment. His record was a bad one. In 1876 he was charged for theft, in 1889 he was convicted of burglary, and in 1890 of assault. There were also against him a large number of minor offences. He could not now pass a sentence of less than five years' penal servitude with hard labour.

### A SHOCKING CHARGE.

Robert Jax (45), general labourer, was charged with an unaccountable offence at Briston, on April 21st. The offence was alleged to have been committed on Briston Common within full view of two lads, who gave evidence accordingly. The jury returned a verdict of not guilty. The Judge, in discharging the prisoner, said the jury must take the responsibility of the verdict.

### STEALING A COAL.

John William Skeels (35), general labourer, pleaded guilty to stealing a coal, the property of William Diggle, at West Walkon on April 21st, 1895. This was not prisoner's first offence. He was now sent to prison for nine months.

### A MERCIFUL EMPLOYER.

George Everard (40), coal porter, pleaded guilty of forging two receipts for coal with intent to defraud Thomas Moy at Tibenham and Aslacton, and of embezzling sums amounting to £2 belonging to Mr. Moy. Mr. Wild, who had been retained for the prosecution, said prisoner had been in the employ of the firm two years, and considering that he had a wife and five children, Mr. Moy desired to recommend him to mercy. Mr. Moy was willing to take him back into his employ and give him some small position in the coal yard. The Judge said he would give his decision in the case on Wednesday morning.

The Court then rose.

The county business will be resumed this (Wednesday) morning at half-past ten.

### NO HILL.

The Grand Jury ignored the bill against John Brown, travelling hawkyer, indicted for committing wilful and corrupt perjury at Norwich Shirehall Police-court as complainant in an assault case.

## THE ADAM

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