

GLOCESTER ASSIZES.

MYSTERIOUS MURDER.

The following trial, which took place last Tuesday at Gloucester, excited an uncommon degree of interest.

William Burton, aged 33, stood capitally indicted for the wilful murder of *William Syms*, in the month of November last.

Mr. LUDLOW stated the facts of the case. They were these:—On the 3d of November, the prisoner and the deceased, *William Syms*, set out together in a boat belonging to a *Mr. Hurd*, from *Woollaston* to *Bristol*. Having transacted some business, in consequence of stress of weather, they put into a place called *Pyle*, where they were seen in company at a public-house. On this occasion the deceased produced several Bank-notes. On Saturday, the 7th, they again betook themselves to the boat, to return to *Woollaston*. In their way down the *Avon* to the *Severn*, they were seen by several people. The prisoner arrived at *Woollaston*, but the deceased did not. This excited surprise, and inquiries were made of the prisoner as to what had become of his companion; to these inquiries he gave contradictory answers; at one time saying he had stayed at *Pyle*; and at another, that he had put him on shore at his own desire, at a place called the *Eastern Point*, and that he had expressed an intention of sailing for *America*. At first no suspicions were entertained, but subsequent circumstances led to a discovery of the dreadful deed. The boat was examined, and on the gunwale and after-beach, stains of blood were distinctly discovered, although it appeared that every attempt had been made by means of a mop and water to eradicate them. This produced further inquiry, and it was ascertained that the prisoner had set out for *Bristol* in a state of extreme penury; that at the time he left *Pyle*, on his return home with the deceased, he was equally distressed; but that immediately after he landed at *Woollaston*, he seemed to have become suddenly rich. He commenced by changing two 5*l.* notes of the *Chepstow* bank; one in payment of a small sum, and the other merely for the sake of the change. He also began to live in a style of extravagance quite at variance with his former state of poverty. It was next found that the deceased, on the day of his leaving *Pyle*, was in possession of three 5*l.* *Chepstow* Bank notes, together with some smaller ones of the same bank. These, he was observed, previous to his embarkation, to put into his left hand breeches pocket, which, when his body was subsequently picked up, was found turned inside out. To these were added other facts equally suspicious. On the morning of the supposed murder, a handkerchief was seen in the hand of the deceased; it was marked *W. S.*, and this handkerchief was traced to the possession of the prisoner. Upon an alarm being raised, he had lent it to a man of the name of *Davies*, who would be called as a witness. It further turned out, that the prisoner, shortly antecedent to the disappearance of *Syms*, had been repeatedly applying to *Hurd* to lend him a few shillings. His shoes had accidentally burst, and he then declared "that he was unable to refit himself, and that he must box hard to raise the wind to buy himself a pair of shoes, though he should go to the devil for it." Upon being called upon to account for his increase of wealth, he stated that he had borrowed from an old ship-mate of the name of *Jones*, while he was at *Bristol*, 8*l.*; but unfortunately for him, and happily for the ends of justice, this statement was discovered to be utterly without foundation, for, independent of the fact that, at the moment he was leaving *Bristol*, he had not the means of paying for his breakfast, it would be proved by the wife of *Jones*, the man himself being at sea, that at the time in question *Jones* had been very much distressed for money, and could not have made any such advance; added to which, his intimacy with the prisoner was of so casual a nature as to forbid such an act of friendship, even if he had it in his power. All these disclosures tended more strongly to confirm the guilt of the prisoner, which became still more apparent in the morning of the 27th of November, when the body of the unfortunate *Syms* was found floating on the *Severn* in a state of putrescency. It was, however, soon identified, and on being examined by competent persons, presented two dreadful fractures on the front and back of the head, either of which would have been sufficient to occasion instant death. *Mr. Ludlow* having concluded his detail, called his witnesses.

Wm. Hurd proved the fact of the prisoner and the deceased setting out for *Bristol* in his boat on the 3d of November; they remained at *Bristol* two days. He remembered seeing them together afterwards at the *Swan* public-house at *Pyle*. *Syms* called for two glasses of rum and water; he said, "I have a five-pound bill in my pocket." The landady said, "I should like to see it." *Syms* upon this pulled out three five-pound bills. Two of these were *Chepstow* bills, quite new. He put them on the table together, with three or four *l.* notes. Witness and *Syms* slept together that night; heard the clock strike five in the morning, and said to *Syms*, it is time to get up. I wish you would help *Burton* to take the boat up, and stand into the *Old Passage* where I will meet you. *Syms* agreed to this. Witness was then going to *Tockington*. They parted soon after five. Witness went to *Bristol* the Friday following; did

not go to the Old Passage, for it rained hard, and he got wet through. He looked for Syms at Bristol, but did not see him. Burton's shoes were in a very bad state.

John Purcell deposed that he lived at Pyle; he was acquainted with the deceased. He saw him at Mrs. Chaffey's, at the Swan, on the 6th of November. He saw him and Burton going down the river next morning in the boat together. It was about seven o'clock. The tide was low.

Stephen Hook saw the prisoner and the deceased together in the boat on the morning in question.

John Wade lived at Woollaston. On the 7th of November he saw the prisoner alone in a boat on the Severn, going towards Chepstow. He asked him if he was going to Chepstow? He replied he was. It was about two o'clock. Witness said, you have had a fine tide this morning. The wind and the tide were fair, the boat was drifting up. Witness also observed to the prisoner that his shoes were not water tight. The prisoner answered, "No, master, but I'll have better before I go back." Old Hurd asked the prisoner where Syms was left, and he said "Not at Pyle." He afterwards said he had landed him at Eastern point.

John Bundy picked up the body of the deceased floating in the Severn. The left-hand breeches pocket was turned inside out. He tied a rope round the arm, and drew it on shore. This was the 27th of November.

Mr. John Esle lived at Frampton-on-the-Severn; on the 28th of November he was called to examine the body; he could not say how long it had been dead; it was in a putrid state; he examined the head, and found several wounds. At the back part of the head there was a mortal wound; the skull was shockingly fractured. There was a heavy blow over the nose, and on the upper part of the frontal bone. He was clear the man's death had been occasioned by these wounds.

Mr. J. Hammond went to see the body on the 28th of November. It was in a putrid state. He was sure it was Syms.

The Right Hon. C. Bathurst produced the original depositions taken before him. They corresponded with the evidence now given.

Elizabeth Chaffey keeps the Swan at Pyle; she was acquainted with Hurd and Syms; they used her house. Syms and Burton came to her house on the 5th of November; they came from Bristol. Syms and Hurd went to bed together. Syms, Hurd, and Burton were together the next morning. The prisoner had 11 pints of beer, but could not pay for them.

John Comingford saw the prisoner with Syms at Mrs. Chaffey's, on the evening of November 6; the prisoner asked Syms to give him a pint of beer. The deceased was a near man, but he had plenty of money; the prisoner asked the deceased whether he would go home? he said "Yes;" witness said it was not weather to go in an open boat, the wind and rain being very strong.

Esther Smith proved that the prisoner had come to her and asked her to let him have some things on Hurd's account, as Hurd had left him without any thing; he had some bread and tobacco.

James Henry Ball lives at Woollaston. He knew the prisoner, Syms, and Hurd. He saw them all three embark in Hurd's boat for Bristol. Burton asked him to lend him 2s.; he declined. Saw the prisoner the Sunday following, and asked him what he had done with Syms. He said he had put him on shore at the Eastern Point; he thought he had either gone to America or Barbadoes. Witness caused the prisoner to be apprehended and taken before Mr. Bathurst. He had the boat-head examined on the day the prisoner was committed. He observed the left hand side; it had been mopped very much. He looked particularly to that part, it was so clean. He could see the grain of the wood where the paint had been rubbed off, and discovered what appeared to be marks of blood. He observed the gunwale, and the seats which run across the boat. Before the after-thwart, it had been struck so as to make a dent. In this dent there were the stains of blood. There were marks too, as if blood had run on the edge of the gunwale. He went to Epney to view the body on the 28th of November; it was in a barn. He knew it to be Syms; one of the eyes was out; the head was dreadfully disfigured.

James Evans saw the prisoner at Chepstow on Monday, the 9th of November. He asked him what time the vessel would sail to Bristol, and if he would take any thing to drink? Witness said "Yes." The prisoner asked him to change him a 5l. bill. Witness got the bill changed. Burton had some rum, and paid for it with silver.

John Hill, a shoemaker at Chepstow, proved that on the evening of the 7th of November, the prisoner bought of him a pair of shoes, for which he paid with a 5l. Chepstow bill.

Several other witnesses were then called, who proved that the prisoner from being very poor suddenly became rich, and paid all his debts.

Priscilla Jones is wife to Jones, who is steward to the ship *Concert*. She proved that her husband was unable to lend the prisoner 8l., nor was he much acquainted with him.

Mr. Woodriff produced a handkerchief marked W. S.; he received it from Sarah Davies.

William Davies proved that he received the handkerchief from the prisoner.

Rachael Richards made the handkerchief produced for Syms shortly before his death.

Mrs. Chaffey: the handkerchief produced was like one which she saw the deceased drying at her fire on the morning of the 7th of November.

This was the whole of the case for the Crown.

The witnesses were ingeniously cross-examined by Mr. Twiss for the prisoner.

Mr. Justice RICHARDSON then summed up the evidence with great clearness and perspicuity, and the jury, after a short consultation, found the prisoner—*Guilty*.

The learned Judge immediately proceeded to pass sentence of death. The prisoner was ordered for execution on Thursday, at one o'clock.

The court was crowded to excess.

The prisoner underwent the punishment due to his crime at the time appointed, in the presence of an immense concourse of spectators. He had previously acknowledged the justice of his sentence.