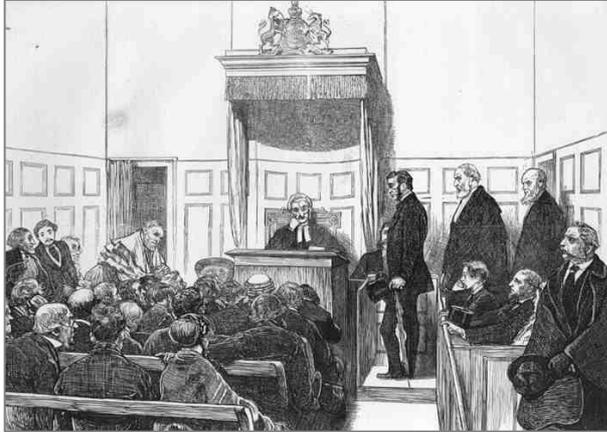


## GUTCH COMMON MAN IN COURT FOR MURDER

A terrible tragedy was enacted at Portland on Tuesday evening. A man named Frank Burden, a native of Semley, Wilts, in a fit of jealous rage attacked and murdered his wife, who was formerly a school-mistress at Tisbury. The murderer left the house immediately after the crime, and was not arrested until the following morning, when his clothes were found to be saturated with sea water. It is supposed that he had attempted suicide, but that his nerve had failed him.

Western Gazette 14 February 1902



### PRISONER BEFORE THE MAGISTRATES

After having been twice verbally remanded at the Portland lock-up, Frank Burden, 31, was brought up at the County Police-court at Weymouth on Wednesday morning, charged with the wilful murder of his wife Emily Burden, whom he had, it is alleged, in a fit of mad jealousy, stabbed to death at 95, Reforne, Portland, on the 11<sup>th</sup> inst.

It will be remembered that after the committal of the crime, Burden disappeared and the murdered woman, who was 24 years of age, was found in the bedroom of a part of the house that the couple had occupied soon afterwards. She was then dead and wounds in her neck and other parts of the body showed that she had been stabbed to death in a fierce and brutal manner.

The victim was formerly a school-mistress at Tisbury, and the prisoner belongs to Semley, both places being in the county of Wiltshire. Burden was not apprehended until 6 o'clock on Wednesday morning when his condition pointed to the conclusion that he had endeavoured to drown himself.

Following his exposure in wet clothes on a bitterly cold night, Burden suffered considerably. When found by Mr Butts Elliott, he was in a very sorry state, both physically and mentally. He was shivering with cold, and he groaned aloud, and at times gave utterance to words which clearly indicated that the ghastly tragedy was agitating his mind severely.

Amongst those in the island who were acquainted with the deceased woman there is great indignation and much resentment at what it is assumed is the alleged "cause" which led to the commission of such a cruel and cowardly crime. The deceased's maiden name was Emily Green. She was smart and prepossessing in appearance, and the islanders who knew her always regarded her as a cleanly and industrious wife, anxious to make her modest little home as comfortable and attractive as possible.

Whether her very comeliness and her neat personal appearance have been the means of her undoing, and whether these personal characteristics of the young wife so inflamed the mind of the suspicious husband as to drive him into a state of furious and insensate jealousy will probably be gathered from the searching enquiry which follows the commission of such a horrifying tragedy.

The funeral of the victim took place on Friday afternoon at St George's Cemetery, Portland, which is only a short distance from the scene of the crime. The burial ground was thronged with people, who gave out every sign of respect to the memory of the ill-starred victim, whose life had been so cruelly sacrificed.

The prisoner on Saturday morning was again at Portland verbally remanded until Wednesday morning at Weymouth.

Mr J Howard Bowen, Weymouth, was instructed, on behalf of the Treasury, to prosecute.

Prisoner was brought to Weymouth from Portland on Wednesday morning, at about nine o'clock, in a cab, in charge of Sergeant Northover and PC Osman. He arrived at the Guildhall at about a quarter to 10 o'clock, and was lodged in one of the cells of the Borough Police-station. Just before 11 o'clock the prisoner was brought into Court in charge of PC Osman. He is a short, dark haired man, and has a moustache and a stubbly beard. He was not manacled in any way, and appeared quite unconcerned. The well of the Court was reserved for witnesses and officials, and when the general public were admitted the prisoner glanced round apparently out of a spirit of curiosity.

The magistrates on the Bench were Captain Pretor (in the chair), Dr Lawrie, Mr J Merrick Head and Mr W C Jesty.

Mr Bowen, in opening the case, said he had been instructed by the Director of Public Prosecutions to appear on behalf of the Crown to prosecute the prisoner, Frank Burden, for the wilful murder of his wife, Emily, at Portland, on February 11<sup>th</sup>. As to the crime, there could not be any possible doubt that the prisoner did commit the murder. The evidence was clear, and in addition to that, the prisoner had confessed the crime. In the case of a criminal prosecution it was the duty of the prosecutor to lay before the Court the facts of the case whether they were favourable or unfavourable to the prisoner, and not with a view to obtaining a conviction.

Mr Bowen then proceeded to lay the facts before the Court. The deceased woman, he said, was 24 years of age. She would have been 25 this month had she lived, and the prisoner was about 31 years of age. They were married at Hindon, Wiltshire, on the 15<sup>th</sup> April 1899 and they came to live at Portland two days later, where they resided at 95, Reforne, until the murder was committed. They appeared to have lived on very happy terms until somewhere about October last year.

Prisoner was by occupation a gardener. They lived in a house which was a double tenement. They occupied one side of the house; over the living room was a bedroom that had been occupied by the prisoner and his wife, and above this was another bedroom occupied by a lodger.

The woman, in October, communicated to her husband that she was about to become a mother, and then the prisoner apparently took into his head the very extraordinary idea that he was not the father of the child about to be born. He asserted that he was impotent, and that therefore his wife must have been unfaithful to him. That was a matter which would strike the Bench as bearing on the case and upon the sanity or insanity of the prisoner. His suspicions apparently fell upon a lodger named Jack Roberts.

In the summer, unfortunately, a young woman named Alice Flew, suggested that the deceased woman and the lodger were very much together. They used to play draughts together. The prisoner then watched his wife, whom he constantly accused of unfaithfulness, but there appeared to have been no familiarity between the wife and the lodger or anybody else. At about Christmas-time the prisoner gave Roberts notice to leave, saying he wanted the room, but the most extraordinary part of the business was that the prisoner never breathed a word of his suspicions to the lodger.

Roberts, having gone, the prisoner's suspicions then fell on two other men, Abraham White, a married man and a most respectable man, who had said he had only seen the deceased about four times; and a young man named John Pearce, who was in the habit of calling for the rent. After Christmas the wife communicated with her mother complaining of her husband's conduct. There had been an assault upon the woman, because in the night the prisoner's brother, Ernest Burden, who had taken the lodger's room, heard screams, and on going down found that the prisoner and his wife had quarrelled. Next, a letter was found in the prisoner's possession from the wife's mother. It was one of the nicest letters that he had ever read from a mother to a son-in-law. It spoke of the unfortunate unhappiness, and the prisoner was entreated to endeavour to live happily with his wife. At the same time she said that if they could not live together, she must have her daughter back home.

In detailing the circumstances of the actual crime Mr Bowen said that there were 17 wounds on the body. The prisoner had evidently attacked the deceased first with a razor, but the deceased, who was cut about the hands, had succeeded in closing this, and the prisoner had then finished the deed with a pocket-knife, which would be produced.

While Mr Bowen was describing the character of the injuries done to the murdered woman, and reading an important letter found in prisoner's possession, the prisoner covered his face with his hands and for a few seconds appeared to be crying, but he soon recovered his apparently indifferent demeanour. Proceeding, Mr Bowen said that the prisoner was found in the early morning of the 12<sup>th</sup>. He had tried to drown himself, and was wet through. He was given to the custody of PC Osman, to whom he made an important admission. On the prisoner was found a letter, only a portion of which could be deciphered. What could be made out was the following:-

*"Dear Father and Mother, My brains are upside down. Winter ..... Dear Father and Mother, I am so ..... to tell you. I have killed Em, my wife. All through ... Jack Pearce ..... landlord and Ab Winter, the monument maker ..... told me." Written across the letter was the following:- "Was Jack Pearce and Ab ..... She told me her own self that it ..... was Ab Winter and Jack Pearce."*

The prisoner was lodged in the lock-up at Portland and while he had been there he had written the following letter:-

*"Police-station, Portland, Dorset, Feb 13<sup>th</sup> 1902.*

*My dear Mother and Father. Just a line to tell you what I have done. I suppose you will feel it very much. Hope Walter and Ernest will come and see me when they come back. I hope they will, for I want to have a word with them. She drove me to kill her. She would not stop. Her games nearly drove me out of my mind. I was nearly crazy when I done it. I own up to it. I could not help myself.*

*Dear Mother, don't worry about me, for I am not worth it now. I will pray to God all the time I am in this world. I suppose everybody will cry shame at me. If they do I can't help it. All her fault. She drove me to do it. I hope and trust you won't make yourself bad over it. I wish I never seen her. Too late now. Dear Mother, if I never see you again I hope and trust I may see you both in heaven, for I am going to pray with all my heart for forgiveness. I hope I shall get it, but I am afraid I shan't.*

*Give my love to all. I don't know how soon it will come. The sooner the better, for I am tired of this life. From your ever true and loving son, Frank. I hope Father will bear it up if he can."*

Mr Bowen remarked that in the letter found upon the prisoner he made a statement that the deceased woman had made an admission before he committed the crime. The unfortunate woman was not there to deny that statement, but he would call witnesses to show that there was no truth in the statement whatever, and that the allegation arose from the prisoner's own disordered state of mind, and his insane jealousy. In concluding a lengthy opening, Mr Bowen referred to the question of the prisoner's sanity or insanity, which he said would be afterwards dealt with. Witnesses were then called.

Mr S Jackson, architect, produced plans of the house in which the crime was committed. He also gave details of marks of blood on the bedroom, and on the wall of the outside premises.

**C**aroline Green, wife of Joseph Green, labourer, High-street, Hindon, Wilts, mother of the deceased woman, gave evidence of the steps she had taken on learning that her daughter was unhappy with the prisoner. On 30<sup>th</sup> January she sent her daughter a sovereign for her to return home.

Prisoner: She told me she had returned the money that was sent her.

Witness: I wrote back and told her she was not to return the sovereign then, but to keep it if it was for a month so that she might have it by her.

Alice Scard, wife of George Scard, carter, 35, Euston, Portland, said she had known the deceased about 18 months. She used to live in one part of the house in which Mrs Burden lived, and the prisoner and his wife were then living happily together. After witness left the house she continued her acquaintance with Mrs Burden.

In December there was a great change in the appearance of the deceased who appeared in trouble. About the 24<sup>th</sup> January witness called for Mrs Burden. The prisoner said "Where are you going girl, you are dressed up like a lady." Prisoner further said "I hear there is a strange man around the quarries," and deceased asked who he was. Witness did not hear the reply, and the prisoner said "I thought you said you could not move." The deceased replied "Move I can't, Frank, look at the bruises."

On the 31 January the deceased said she was going home, her mother having sent her a sovereign. The prisoner and the deceased went upstairs to pack and they appeared to be on friendly terms, each letting the other have their belongings. When they came downstairs the prisoner ordered witness out of the house. Deceased said "Don't, missus," and the prisoner replied "I am the master of this house, you go on." Witness was going out of the house when prisoner said "Wait a minute, Em has told you her story and I will tell you mine. Of course, you know that Em has transgressed."

Witness asked in what way, and prisoner made an accusation. The prisoner said "It is a funny thing for a wife to say if the lodger went she would go too." Mrs Burden said "I will tell you the very words I said," and then denied that there was the meaning in her words that the prisoner put upon them. The deceased woman was crying at this time, and the prisoner pulled her on his knee and kissed her. He said "You will go on better won't you, Em," and Mrs Burden said "I cannot go on any better than I have been going on." Witness asked the prisoner to think the matter over, and they were all crying at the time. The prisoner said there were men coming in the house back and front, but he named no person nor made any complaint against his wife.

Ernest Burden, brother of the prisoner, said he had lodged in the house at the same time as Roberts. He had heard prisoner make accusations against his wife with reference to a subject of paternity. Roberts always kept his proper place as a lodger, and the wife kept her place as a wife (*applause in court*) and he never saw anything wrong pass between them. The prisoner had told him that he was impotent. For several months past prisoner had complained of his head, and had said that he would let it all drop if his wife would only keep men out of the house. He said he wished he had a ladder to put up to the window, and it would be "life for life." During the night, about three weeks since, the deceased called out to him. He hurried down to prisoner's bedroom, and found him with his nose bleeding. Mrs Burden complained that prisoner had held her down and that as she, on putting her hand back, had struck his nose.

For about a fortnight before the tragedy the prisoner had been in the habit of returning home during the day-time for the purpose of fetching different articles. On the day of the murder, as witness entered the house at tea-time, he heard the deceased give a denial to the prisoner. Something was said about some fish, and prisoner said "You don't care about me or your home now, you care more about these men." The conduct of the wife towards her husband in her household management was as good as the conduct of a wife could be. The prisoner was a sober man.

The prisoner: My brother does not know what I know. She told me it all her own self.

Ellen Damon repeated the evidence she had previously given at the inquest. She lives in one part of the house in which the prisoner and his wife had resided, and she told how she heard the woman scream, how she found the doors fastened, that she went for assistance, that when she returned the prisoner rushed out of the house and disappeared, and the ultimate discovery of the woman's dead body in the bedroom. She had heard quarrels through jealousy, and Burden had said that rather than he and his wife should part they would die together. She could hear plainly what took place in Mrs Burden's part of the premises. No men ever went there, and Mrs Burden was a clean, respectable woman. She had heard Mrs Burden threaten to leave her husband. The prisoner was a sober, quiet man. The prisoner asked this witness no questions.

Jonathan Lano, a justice of the peace, living at 93, Reforme, Portland, deposed to being called to 95, Reforme, and finding the body of Mrs Burden in the bedroom. There was a lot of blood about. Witness sent for a doctor and the police. He had always regarded the prisoner as a well-behaved man, and the deceased, as far as he knew, was a most respectable and industrious woman. The prisoner put no questions.

Dr Henley stated that he examined the body of the deceased shortly after six o'clock on the evening of the 11<sup>th</sup> in the bedroom. He found there the body of a well-nourished, well-developed woman, about five feet eight in height, about 25 years old, lying partly dressed on her back on the floor. The head was turned over to the left, resting partly against the brown boot, and partly against the lower part of the back wall. The hair was dressed and undisturbed, the back part of the hair, neck, head, part of the shoulders and back were covered and lying in bright red blood. The blood was fluid, and from it was issuing a vapour. The eyelids were open and the eyeballs fixed. There was no life in the body. The surface of the body was pale and blanched and quite warm and was, on the front, covered with a number of wounds.

There was a wound, oval in shape, situated  $3\frac{1}{4}$  inches below the navel, and  $\frac{3}{8}$ ths of an inch to the left medium line,  $\frac{3}{8}$ ths of an inch long by  $\frac{1}{8}$ ths of an inch wide, extending through the skin and superficial fat  $\frac{3}{8}$ ths of an inch. The next wound was somewhat triangular in shape, and was situated  $4\frac{1}{2}$  inches above and to the right of the navel, one inch long by half an inch wide, two inches deep, penetrating the anterior abdominal wall and the bowels. Another wound was situated over the lower end of the breast bone, on the depression between the breasts, half an inch long by an eighth wide, and three-eighths of an inch deep. Another was at the sternal end of the left clavicle extending only through the skin. There was another wound one inch below the latter wound quite superficial. Another was two inches below, one inch long by half an inch broad, the edges very gaping, and subcutaneous fat bulging through. This was  $\frac{5}{8}$ ths of an inch deep.

The next wound was situated  $1\frac{1}{2}$  inches behind, and on a level with the angle of the right lower jaw, oval in shape,  $\frac{5}{8}$ ths of an inch long, by  $\frac{3}{8}$ ths inch wide, and  $1\frac{1}{2}$  inches deep. Next was a wound  $1\frac{3}{4}$  inches behind, and on a level with the angle of the right lower jaw, oval in shape,  $\frac{5}{8}$ ths inch long, by  $\frac{3}{8}$ ths inch wide,  $1\frac{1}{4}$  inch deep, in a line with the right internal jugular vein, and separated from the last wound by a narrow bridge of skin and subcutaneous tissue.

Situated 1½ inches below the lower border of the auricle of the right ear, and slightly in front of the lower border of right lower jaw, was a wound ½ inch long by ¼ inch deep. Five inches behind, and on a level with the angle of right lower jaw, was a wound one inch long by ½ inch wide and 3/8 inch deep. Another was situated on the right arm-pit, on a level with the fifth rib, ¾ inch long, by 3/8<sup>th</sup> inch wide and ¼ inch deep. There was another wound two inches below the point of the right shoulder, 5/8<sup>th</sup> inch long, 3/8<sup>th</sup> inch wide, and 5/8<sup>th</sup> inch deep. Another was five inches below the point of the right elbow with clean cut edges, two inches long by 1/8<sup>th</sup> inch wide.

Situated over the knuckle of the second finger of the right hand was a wound with edges incised, 5/8ths inch long by 1/8<sup>th</sup> inch wide. Over the ball of the left thumb was a wound punctured in character, and there were two other similar wounds on the back of the forearm. There were certain signs, but not positive signs, of pregnancy. The punctured wounds were such as might have been caused by the pocket-knife produced (a brown buckhorn handled pocket-knife, with a well-worn pointed blade, about three inches long), and the incised wound could have been caused by the razor produced. Wounds numbered seven and eight would have caused death in themselves.

Mr Merrick Head: Was the result of your examination calculated to the point to the conclusion that there was a struggle?

Witness: The incised wounds were probably caused by defence. The carpet at the foot of the bed was disarranged. Probably the wounds in the neck were inflicted first, and after those the wounds in the abdomen.

PC Arnold said he went to 95, Reforme, at a quarter past six o'clock on the 11<sup>th</sup> inst., and saw the body of Emily Burden on the bedroom floor. He searched the room and, hidden under the bed between the bed and the mattress, he found the knife and razor, produced. They were both closed, the handle and blade of the knife were covered with blood, and there was blood on the handle of the razor and on the edge. The weapons were found on the opposite side of the room to that on which the body was lying.

**W**illiam Butts Elliott, quarryman, 131, Wakeham-street, Portland, deposed that on the morning of the 12<sup>th</sup>, at 20 minutes to 7 in the morning, he was on the Wakeham railway bridge, when he saw the prisoner by Pennsylvania gates. He came towards witness, and he noticed that his clothes were wet. Prisoner was groaning, and appeared cold. Witness put his hand on his shoulder, and said "Halloa, you are just the bloke I have been looking for." He asked him where he had been, and prisoner said he had been to Church Hope to drown himself. Witness asked him if he was the man who had committed the murder, and he replied "Yes; is she dead?" Witness said, "You'll see that in another day when you get the rope round your neck." Witness took prisoner to Easton-square and gave him into the custody of PS Osman.

Prisoner here denied that anything was said about a rope, and said that when he asked the man whether his wife was dead, he said she was not. He also told the policeman that nothing was said about a rope.

PC Osman stated that he received prisoner into custody at about seven o'clock in the morning, and charged and cautioned him. Prisoner replied "Is she dead?" Witness answered "Yes." Prisoner then said "She was not when I left. This is all through men going to my house when I am away. We have had words about it, and this is all through my temper. Jack Pearce and Ab Winter both stay about there when I am away. I tried to drown myself, but could not. I jumped in three times."

The prisoner was cold and shivering and his clothing, produced, saturated with water, except his jacket and cap, which were dry. On examination witness found a number of marks on the coat, which appeared to be blood. He searched the prisoner and found two letters, produced, (referred to in Mr Bowen's opening). When they got to the Police-station prisoner said "We had words at tea time. She went upstairs and took off some of her clothes to mend her corsets. I went up after her. I said, "Now girl, what is it to be? Let's die together." I took the razor and she then said 'Don't kill me, Frank, kiss me, and I won't do it again.' I said 'It is too late now.' I was mad, and threw her back and struck her, I believe, about the body, and the last blow or two I believe in the neck with my knife. I made up my mind to do it dinner time, but my brother was there. I put the razor and the knife under the bed. I stayed till daylight to write the letter before I tried to drown myself. I put my coat and cap with the letter and my watch on a stone, and put another on the top of it, before I tried to drown myself.'

The prisoner showed witness two cuts, one an inch and the other an inch and a half long on the palm of the left hand, also two cuts on the left thumb which he said were done through his wife drawing the razor out of his hand. There was another cut across the nail of the fourth finger of the left hand, which he said was done by his wife closing the knife across it. He made no statement about his wife and a lodger. The next day the prisoner made application for writing paper and he wrote the letter to his mother, produced. Prisoner asked no questions

**J**ohn Roberts, 2 Wakeham-street, Portland, labourer, said he had lodged with the prisoner and his wife, and left on January 4<sup>th</sup>. At prisoner's request he left because he said he wanted the room. Witness never gave the slightest ground for anyone saying there was familiarity between the deceased woman and himself.

The prisoner: You said this was the second time you had to leave lodgings through jealousy, and that you had had to leave your brother's house.

Witness: I said to Mrs Burden, "This is the second place I have been turned away through jealousy." My brother accused me of talking to his wife too much." Re-examined: "Mrs Burden told me the prisoner was jealous of me, and then I made the statement to the wife, but the prisoner was not present at the time."

The prisoner: My wife told me so.

John Pearce, jun., Stonecleave, Wakeham, clerk in the employ of John Pearce & Co., Limited, said he collected the rent at 95, Reforme, for Mrs Cook, Weymouth. He used to call for the rent on Saturday evening between six and eight o'clock. The prisoner was invariably there. Only on one occasion during the past 12 months had prisoner been absent, and then an elderly lady was sitting with prisoner's wife.

He had seen Roberts, the lodger, and the prisoner playing draughts and they appeared to be on good terms. The prisoner had not the slightest grounds for accusing him (witness) of misconduct, nor had he ever accused him of any such thing.

Prisoner: You have been there for the rent in the summer time dozens of times when I have been in the garden.

Witness: Either winter or summer, you were present nine times out of ten.

Prisoner: On Saturday week you took 10s from my wife for rent. A young man told me that "Gipsy Pearce's son" had been up to my house with my wife, and he said that a hard-working little fellow like me ought to know it.

Witness, continuing, said that when he went to the house he saw that Mrs Burden had been crying. We spoke about the drainage, and he asked if certain connections had been made. The prisoner roughly said "Oh, have you been up here?" Witness replied "That is my business, but if you want to know I have been up once, but not in this house."

Prisoner: False, false.

By the Clerk: He knew nothing about the people, only through collecting rent.

Prisoner: You know enough about my wife and she knew enough about you. If it had not been for you I should not have committed this crime.

Witness, in answer to the Clerk, said the prisoner had never made any accusation against him, but Mrs Damon had made a statement to him about a fortnight before the murder.

**A**braham Winter, Easton-square, Portland, monumental mason, said he was a married man and had four grown-up children. The prisoner, whom he had known at the saw mills, introduced his wife to him. At the parish festival, witness and his wife spoke to Mrs Burden. He had only spoken to Mrs Burden four times, and then there had been other people present.

Prisoner said he had heard that witness had hurried after his wife on one occasion, overtaken her, and spoken to her.

Witness: This is a deliberate falsehood.

Prisoner: My wife told me the language you used to her, and it makes me ashamed of you. I believe my wife as well as him, and she told me when my brother was present, and he heard the words. I know I have done the crime.

**F**anny Burden, mother of the prisoner, said she lived with her husband at Gutch Common, Semley, near Shaftesbury, Wiltshire. Her son was 31 years of age, and was her eldest son. As a child he was very weakly. It was four years before he could walk and he had a very weak back. He had a very mild temper. She had insanity in her family. Her father's grandmother destroyed herself at Semley Green. His father's brother had weak intellect and he died in that condition. Her brother Frank was at the present time weak in the head and had not worked for 16 years. Her aunt was weak in the head, and had to be removed to the Shaftesbury Union. Her husband's family were all right.

On the 18<sup>th</sup> January she visited her daughter-in-law at Portland. Her son then said that he was suffering from pains in his head. She stayed a few days. She slept with her daughter-in-law and the prisoner slept with her other son in the room above. During the night her son Frank came down, complained of his head, and said he could not sleep. On Sunday, she went for a walk with her son, and she talked to him about living more peaceably with his wife. He said he ought to have got rid of the lodger, Roberts, before, and he also said that he thought Roberts was the father of the expected child. In spirits he appeared to be low, and did not take his food well. Mrs Burden looked after her husband all right and kept things clean and tidy.

Mr Bowen said he had two other witnesses, Annie Flew, the young woman who made the unfortunate remark about the prisoner leaving his wife so much with the lodger, and Mr John Pearce, prisoner's employer, who would give him a good character.

Mr Merrick Head said with regard to the first of the two witnesses, it would be hardly fair to call her when the unfortunate woman concerned could not give contradictory evidence.

Mr Bowen said he was most anxious that everything should be done in full justice to the prisoner, who was not defended.

Mr Merrick Head: I do not see that any of the prisoner's relatives have ever been in an asylum.

Mr Bowen: No, sir, but upon that point the most careful enquiries will be made.

The prisoner was then cautioned in the usual way, and said he wished to call his two brothers to say that they heard his wife make a statement to him about an objectionable expression that Ab Winter had made to her.

**E**rnest Burden was then called, and stated that he had heard Mrs Burden repeat a very objectionable expression that she said Mr Winter had made to her.

Mr Bowen: There are heaps of Winters in Portland. Did she say which one it was?

Witness: Yes. Mr Winter, the stonemason.

Mr Winter: May I say a word?

The Clerk (Mr A G Symonds): No, not now.

Mr Merrick Head: This is the conversation that Mr Winter flatly denies?

The Clerk: Yes, sir.

Witness added that Mr Winter had said that he did not see Mrs Burden at a 6½d bazaar, but we were all speaking together.

Prisoner: He looked at me and then at my wife, and he said, "You have got a tidy cheek to stick up to a fine young woman like that."

Witness, in answer to the Bench, said he did not remember ever having heard Mrs Burden say that Mr Winter had made any remark to her about her not having any family.

**W**alter Burden, the other brother of the deceased, gave similar evidence as to what he had heard the deceased woman say with regard to objectionable remarks said to have been made to her by Mr Winter.

By the Bench: He had never heard a single complaint as to the conduct of the deceased woman, except through the prisoner.

The prisoner again asserted that his wife had made admissions to him.

The Bench then committed prisoner to take his trial at the next Dorset Assizes in May. The hearing of the case, which started at eleven o'clock, was not finished until 6.45 in the evening.

#### PUBLIC CURIOSITY AT PORTLAND

There was a rumour that Burden was to be taken to Weymouth on Wednesday by train, leaving Portland at 9.32, and a large number of people assembled to see him. The police, however, seemed determined that any morbid curiosity should not be satisfied and just before 9 o'clock, a trap drove up to the Police-station and prisoner and one Constable entered and were driven off at a smart pace towards Weymouth, and only a few people who actually saw the occurrence knew that he had gone. A large number of people from Portland went over to Weymouth by the 9.32 train to attend the magisterial enquiry.

#### PRISONER AND HIS VICTIM - HIS EARLY LIFE

The parents of the accused man live at Gutch Common, Semley, and are highly respectable people in a small way of business. Prisoner has also lived in the village or neighbourhood all his life until his marriage some two or three years ago. He has worked in the gardens at Fonthill and also at Pyt House. His character was always good and he was a teetotaler from boyhood. All the inhabitants of the village speak of him as a very steady-going fellow and the news of the murder caused them the greatest surprise.

The parents of the murdered woman are Mr and Mrs Green, who are now living at Hindon. They are very quiet and unobtrusive people and are much respected. The terrible news was, naturally, a great shock to them and they were entirely overcome. Those who knew the murdered woman testify to her having been a quite respectable girl. The greatest sympathy is felt for the parents in their bereavement, and more particularly for the horrible way in which it was brought about.

Western Gazette 21 February 1902

## THE MURDER OF A WIFE AT PORTLAND DORSET ASSIZES

Frank Burden, gardener, was indicted for wilfully and with malice aforethought murdering his wife Emily Burden, at Portland, on February 11<sup>th</sup>.

The brief for the prosecution was held by Mr A Clavell Salter, with whom was Mr Armstrong; and Mr C A S Garland defended the prisoner.

The prisoner, a man below the average size, was accommodated with a seat in the dock. He was wearing a white neckerchief and he appeared cleaner and more spruce than when before the Magistrates. He was alert as to what was going on, and gazed furtively at the witnesses as they gave their evidence.

The circumstances of the case have already been fully reported in our columns. The murder was of a peculiarly distressing nature. The parties, who came from Semley, in Wiltshire, went to Portland, where Burden worked for a local gentleman as a gardener. They had lived on affectionate terms until the man developed a mad and groundless jealousy of his wife. She protested her innocence of the accusations made against her, but Burden continued to accuse her of undue friendship with several men. He ill-treated her, and she threatened to go to her mother. Burden's brother, who lodged with them, intervened to remove the differences between them, and apparently had succeeded, but in his absence, prisoner attacked his wife in her bedroom, and literally hacked her to death. He escaped from the house and made an ineffectual effort to drown himself by jumping into the sea. When arrested he made a full admission of the terrible crime.

Mr Salter reviewed the whole of the facts of the case as set out in the brief above.

Mrs Scard, 36, Easton, Portland, was the only witness called before the adjournment, at a quarter to nine o'clock, and the jury were entertained for the night at the Antelope Hotel.

#### SATURDAY

The Court was opened this morning at 9.15. After some observations by Mr Salter as to calling medical evidence regarding the prisoner's state of mind, His Lordship said that under the circumstances, having read the evidence and the reports of the medical men, although as a rule medical evidence was evidence which in ordinary cases would not be given except by the side which set up insanity, the Crown having merely to prove facts, in the present case he should allow this course to be taken.

Dr P W Macdonald, medical superintendent of the Dorset County Asylum, sworn in Scotch fashion, stated that from information and from his own enquiry he had formed the opinion that at the time of the act prisoner was suffering from a fixed delusion regarding his wife, and that he was further of weak mind, due to the long history of family inheritance to insanity. Witness considered that at the time of the act he was not able to control himself, nor did he at that moment know what he was doing.

Dr W E Good, medical officer of H M Prison at Dorchester, said during the period of prisoner's detention in Dorchester Gaol he evinced no symptoms of insanity. Witness added that he could not speak to the prisoner's condition at the time of the murder. He confined himself simply to the state since he had been under his observation. It was quite consistent that the man had been suffering from delusions and yet be at times rational. It was exceedingly difficult to say whether a man suffered from delusions.

Dr L A Weatherley, of Bailbrook House Asylum, Bath, said the number of wounds convinced him that the prisoner was, at the time of the act, suffering from maniacal fury in consequence of the delusions, and was in such a state that he did not appreciate the quality of the act.

His Lordship briefly reviewed the evidence already given, and asked the jury if they wanted any further medical testimony. If he might tender his advice, he should say it would be a terribly risky thing to go in the face of the medical evidence they had heard and send this man to his doom. He was possessed with one of the most ordinary forms of insanity in that class of people called degenerates - a class in whose family history on one side or the other there was an hereditary taint of insanity. Of course, the longer it went on the more degenerate and the weaker the family became. Then came some stress, then some awful deed.

The jury intimated that they had heard sufficient medical evidence and Mrs Damon and Mr Jonathan Lano were called in formal proof of the crime. The latter, at the conclusion of his evidence, was allowed to make a personal statement, when he said that the reason he did not go to the house immediately on being called by Mrs Damon was because when he went into his yard to listen he heard no noise, and he did not know but that the prisoner and his wife lived most happily and comfortably together.

The Judge to the Jury: You will now return a verdict that the prisoner committed the deed, but that at the time of the offence he was suffering from insanity.

The Clerk of the Assize: You will say that the prisoner is guilty of the act, but that he was insane so as not to be responsible to law for his act.

The jury thereupon intimated their verdict accordingly.

The Judge: I thoroughly agree with you; no other verdict could have been possible.

(To the prisoner, who was called on to stand at the bar): The verdict that is returned against you is that you are guilty of the act of murder but that you were insane at the time. You will be detained in the Dorsetshire Prison until the King's pleasure is known.

The jury were thanked for their attendance and absolved from further service on juries for six years.

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