

April 21 1877

SUSPICIOUS DEATH OF A CANAL BOATMAN Mr H Churton, county coroner, opened an enquiry on Wednesday last at the Black Dog Inn, Waverton, into the cause of death of Charles Moston, aged 21, who was found lying on his back on the towing-path of the canal near Waverton, in a dying state.

The first witness called was:-

John Morris, in the employ of the Shropshire Union Canal Company, and boatman on the "Star". He said: I knew the deceased, Charles Moston. He was a boatman in the employ of the Shropshire Union Canal Company. I saw him last alive on Sunday evening about six o'clock, and about a quarter of a mile this side Bates's mill, near Beeston. He was then on the towing-path and jumped into a passing canal boat. He had not been, as far as I am aware, at Bebington's public house close by. I saw him go along the canal side and jump on to the boat. When I saw him first he was about a quarter of a mile from the public house. The boat he jumped on board was going at a rapid rate when he sprang on her from the towing-path. The boat is named the "Usk" and was in charge of John Probert, who is the master. Probert was on the towing-path leading the horse drawing the boat when the deceased jumped on board. There was no one on board at the time except Mrs Probert, who was steering the boat. The deceased was a boatman on board the "Usk". I had known the deceased several months, and the boat he jumped into was on its way to Ellesmere Port, being at the time I saw it empty. The deceased appeared to me to be sober when he jumped from the towing-path. On Monday morning about seven o'clock, as we were going to Ellesmere Port on our boat, I saw the body of deceased lying on the towing-path of the canal, near Waverton. He was on his back and had all his clothes on with the exception of his hat, which was under him. I got off the boat, went to him and shook him, and shouted "Charley", after which he gave a groan. His eyes were closed when I first went to him, but after I shook him he opened them. I am sure he did so. Three of us then carried him to a boat belonging to Mr Parry, and one went to a farm house and got a little brandy with which we rubbed deceased's lips. He was not dead then, but life became extinct in about ten minutes after I first saw him. The deceased's face was marked in several places, but there were no wounds. His clothes were wet up to his middle, while the upper portion were quite dry. He was also covered with slush, just as if he had been rolled along the path. Where I found him there was a great deal of slush on the towing-path. I did not notice whether the ground around where the deceased lay bore any traces of a fight or struggle. I did not see the "Usk" on Monday morning when I found the deceased, but I saw it in the afternoon, about four o'clock, at Ellesmere Port. It was the same boat that brought the remains of Captain Coppack to Chester on Monday. While the boat was at Ellesmere Port I saw John Probert, the master, and told him we had found the deceased. The deceased had only been engaged on the boat about nine days. He was a regular boatman, and had been engaged at it all his life. As far as I know he was a very steady young man. I never saw him take any intoxicating liquor, nor did I ever see him the worse for drink. When we found the body on the towing-path we took it in the boat to Waverton Bridge and then sent for a policeman. I dare say the bridge would be about a mile and a half distant from where we found the deceased.

By Mr W C Watson, surgeon: I saw the deceased breathe once when he was lying quietly. I did not see his chest move, but I heard a gurgling sound proceed from his mouth, around which there was a little froth. The deceased did not move at all, and I cannot say that he breathed distinctly.

The Coroner: It is to my mind a most extraordinary thing that the man should have been able to open his eyes.

Mr Watson: Yes, it is most extraordinary. I dare say the shaking of the man would produce a sound from his throat, but it is difficult to account for the eyes being open. I cannot understand it, though I could well believe when the man was shook that a groan could be heard.

In reply to the Coroner, Mr Watson said he had seen the body and saw nothing externally to account for death. There were only superficial abrasions on the face. He had examined the head, and there seemed to be an unusual movement about the neck, which, he had no doubt, was caused by dislocation or fracture of the bones of the neck. He could not reconcile the fact of the man being alive at the time he was found on the towing-path with that of the spinal injury, and therefore it would be impossible for him to give an opinion as to the cause of death without a *post mortem* examination of the body.

The Coroner (to the Jury): We cannot proceed without a *post mortem* examination. It would be impossible.

Mr Watson: I think so.

The Coroner (to Superintendent Wilson): I suppose the other evidence you have will be simply a corroboration of what we have already heard?

Superintendent Wilson: I believe so.

The Coroner: There are circumstances in connection with this case which to my mind seem of a very suspicious character, and I feel it to be a case of some importance, and therefore should not be hurried over. I would therefore propose that this enquiry be adjourned until the day after tomorrow. Of course I will consult your convenience as to whether we shall hold the adjourned inquest in the morning or the afternoon. Probably it would be better that we should proceed with the enquiry in the morning, as we would then have the day before us. In the meantime a *post mortem* examination will be made, and the police will have an opportunity of further investigating the case, and bringing before you any evidence they may think necessary to bring forward as bearing upon the case. It would be useless to continue the examination of the other witnesses now. The most important witness, of course, at our next meeting together will be that of Mr Watson, who will make the post mortem examination. You have here I believe also the man who was master of the boat on which the deceased was engaged?

Superintendent Wilson: He is here, and I shall feel it my duty to take him into custody.

The Coroner: I can't help thinking, under the circumstances, that you are fully warranted in doing so. You have my sanction to arrest him, and I believe I have the power. There is a reasonable ground of suspicion, and upon that ground you can arrest him.

The inquest was then adjourned to Friday morning at ten o'clock, and John Probert, of Pant, Shropshire, the master of the "Usk", who was present with his wife, was taken into custody. He is a stout built man, of medium height, and is about 45 years of age.

The inquest was resumed at the Black Dog yesterday (Friday) before Mr H Churton. Mr J P Cartwright, Chester appeared for the man Probert who is in custody.

The first witness called was:-

Edward Parry, He said: I am a boatman and I belong to the Shropshire Union Canal Company. I knew Moston (the deceased) well. I did not see him on the Sunday night, nor before he was found on the towing-path. I last saw him at Newport, Staffordshire on Saturday, when he was with his boat, the "Usk". I saw Probert there at the same time. The boat was then on its way to Ellesmere Port, and we were going the other way. Our boat came to this district on Sunday night and arrived at Beeston about eight o'clock that night. About seven o'clock on the following (Monday) morning on arriving at a point about 400 or 500 yards on the Beeston side of Golden Nook Bridge, we saw the deceased lying on the towing-path. We also saw Morris and my father, Edward Parry, there. The

deceased lay on his back. He was alive but did not speak; he only groaned. We carried him into our cabin, and I was left with him while my father went for some brandy. The brandy was brought, but he did not swallow any of it; his lips were merely rubbed with it. He lived about five minutes after we rubbed his lips with the brandy. We tried to get him to take some of the liquor with a table spoon, but he did not show any power of swallowing. It is about four miles from Bates Mill at Beeston to the place where we saw the deceased lying on the towing-path. It would take about an hour for a boat going at ordinary speed, to traverse this distance. There are no locks between these points. I did not take particular notice of the ground where the deceased was found. I saw nothing in the appearance of the deceased and Probert at Newport that was unusual. They both appeared to be sober. They had worked together for about three weeks.

By the Jury: There is no public house between Bates' and the place where deceased was found.

Superintendent Wilson: Bates' is the last. It is a public house.

By the Coroner: The deceased's clothes were very dirty, and his face was bruised. The upper part of his body and clothes was dry, and his hair was dry; the lower part of his body and clothing was wet.

By Dr Watson: The country whereabout he was found was level. The tow path was level. I did not notice any big stones, but there might have been.

By the Coroner: The ground was wet and soft, and there had been a little rain that night/

By Mr Cartwright: I did not see the Snipe and the Usk go through the canal.

Dr Watson, Chester, said: I first saw the body of the deceased on Wednesday, lying at the Black Dog Inn. I examined him externally and found some slight abrasions of the skin on the face and nose. I found no other marks of violence on the body. On the same day I made a *post mortem* examination of the body. I first examined the neck from the unusual mobility of the head, and because I expected to find fractures or dislocation there. I found the fifth and sixth cervical vertebrae were quite loose in the neck, and torn away from the seventh and fourth. The two bones were not fractured themselves, but there was a complete dislocation of them. There was no corresponding external injury; the neck was perfectly free from bruises. I then proceeded to examine the other organs of the body, and found the brain, heart, lungs, and all the organs, in fact, perfectly healthy, and the man seemed to have been very strong. The cause of death was pressure on the spinal cord in consequence of the dislocation of the neck. The effect of dislocation of the neck would be complete paralysis of all the parts below the seat of injury, and this effect would take place immediately. The heart would beat for a time. I think the *post mortem* examination is quite consistent with the statement of the witness that the man was found alive and that he groaned slightly. If the injury had been higher – if it had been a dislocation of the first and second vertebrae – death would have been instantaneous; the effect would have been the same as in hanging. When I first saw the body I thought the injury was higher than subsequent investigation proved it to be, and that was the reason I asked the question at the opening of the inquest. A man in this condition would be positively motionless and helpless.

The Coroner: Suppose he received the injury on the boat, would it have been possible for him to have got out of the boat and placed himself where he was found?

Dr Watson: It would have been utterly impossible. He could not have moved hand or foot.

The Coroner: Suppose he had got into the canal after the injury?

Dr Watson: He could not have got out again.

The Coroner: I suppose your opinion is that there must have been a very considerable amount of violence to have caused dislocation of these two vertebrae?

Dr Watson: There must have been extraordinary violence. The connecting ligaments are very strong.

By the Jury: If his head had been forcibly pushed down there would be no marks, and if he had fallen from a height on a soft place there would also be no marks of violence.

The Coroner: I suppose it would not be possible for a man walking on the towpath, having an ordinary fall, to receive an injury of this kind?

Dr Watson: Quite impossible, I should think. Injuries such as this man had would in all probability be produced by the head being forcibly pressed forward by some means. I examined the stomach and found no smell of drink.

The Coroner: No; I'm told he was a very sober man.

By Mr Cartwright: You say you examined the stomach for any smell of drink, and you are quite clear there was no smell?

Dr Watson: Yes.

Mr Cartwright: How long would this be after death?

Dr Watson: I examined him on the Wednesday, and he was found on the Monday morning.

Mr Cartwright: Would it be possible for any smell of drink to have gone off?

Dr Watson: Alcohol might go off, but if he had been drinking sherry I think there would have been a trace of it. I attach no importance to the superficial injuries I have referred to.

Supt Wilson here said to the Coroner that several witnesses for whom he had telegraphed had not arrived.

The Coroner: Very well, I don't see the utility of keeping you gentlemen of the jury any longer. The medical evidence we have just received is of very great importance, and renders the case so important that I think we should give Superintendent Wilson every possible opportunity of bringing up all witnesses whose evidence may bear on the case. I don't think we should be acting wisely in adjourning, as we did last time, for only two or three days. I think we should adjourn for several days, in order to give the fullest opportunity to Mr Wilson to bring before you such witnesses as he may think necessary. What do you say, Mr Wilson?

Superintendent Wilson: I should suggest an adjournment till this day week; it won't be too much time.

The Coroner: Very well.

The enquiry was accordingly adjourned until Friday next. We believe the deceased man was interred yesterday (Friday).

April 28 1877

SUSPICIOUS DEATH OF A CANAL BOATMAN – VERDICT OF WILFUL MURDER The adjourned inquest touching the death of Charles Moston, 21 years of age, a boatman in the employ of the Shropshire Union Railway and Canal Company, who was found lying on the towing-path of the canal near Waverton in a dying state early on the morning of Monday, the 16th April, was resumed before Mr Henry Churton, coroner for West Cheshire, at the Black Dog Inn, Waverton, yesterday (Friday) forenoon. The deceased, it will be remembered, was connected with the boat "Usk", the master of which, whose name is Probert, is in custody on suspicion of murdering him. Mr J P Cartwright, Chester, appeared on his behalf. Margaret Jones was the first witness called.

The Coroner: How old are you?

Witness: Fourteen the 10th of next June.

Coroner: Can you read or write?

Witness: No sir.

Coroner: Have you ever been to school?

Witness: No sir.

Coroner: Did you ever hear of the Bible?

Witness: No sir.

The Coroner: An awful state of things. This is an example of boating life.

The witness, however, exhibited much intelligence and readiness in understanding and answering the questions put to her. Her evidence was:- I am daughter of Thomas Jones, master of the canal boat "The Stag". Last Monday morning week, about five o'clock, we left the Brock Holes. The boat was empty and I was steering. We intended going to Ellesmere Port. Between Crow Nest Bridge and Golden Nook bridge I saw a young man lying on the towing-path, but whether he was dead or drunk I didn't know.

Coroner: I suppose it is not an uncommon thing to pass boatmen lying drunk by the side of the canal?

Witness: No sir. My father was driving and he stopped the boat as soon as he came up to the deceased. His head and shoulders were resting on the cop, and the rest of the body was on the towpath. I saw deceased's face and knew him to be "Charlie Mos'n". I had known him about six months, and he belonged to the "Usk". I last saw him on board that boat on the Sunday evening about five o'clock, at Tilstone Mills, on the other side of Beeston. The Usk was then travelling and he was driving the horse. I noticed Mrs Probert, the "missus" of the boat, steering; I did not see her husband. My father stopped the boat when I saw this man, for me to step off to tell another boatman to get deceased on the boat. I got off, and at my mother's request went back some distance and told Joseph Boden that there was a young man lying on the towpath. I then went to where the deceased lay. The time would be about a quarter after six o'clock. I did not speak to the deceased, but Joseph Boden spoke to him. Deceased did not speak, but made a gurgling noise in his throat, and groaned, "Oh! Oh! Oh!" His face was covered with blood; he had a whip tied round his shoulders, and his clothes were all over slutch. Deceased did not seem sensible. Boden tried to raise him and spoke to him saying, "Come Charlie, my man, and get on my boat, what are you doing lying here?" but he got no answer and he let him down again. Boden then said, "Maggie, let the donkeys go on again," and our boat then went on, and was followed by Boden's, deceased being left on the towpath where we found him. We saw no boat in front of us – nothing of the Usk, nor of the Proberts. We went on to Ellesmere Port, but saw nothing of the Proberts there. We met the "Brummagem Flyer" going towards Beeston.

The Coroner: When you saw this man in that position, did you think he was drunk?

Witness: Yes sir.

The Coroner: From first to last you thought he was drunk?

Witness: Yes sir. The towpath did not seem in an unusual condition. Deceased was a very quiet steady man; not a quarrelsome man. We told the "Brummagem Flyer" what we had seen, but nobody else. We remained with the deceased about 20 minutes. I did not see a hat about. The proper name of the "Brummagem Flyer" is the "Severn", the boatman of which, Benjamin Foster, I told what we had seen.

The Coroner: Your father does not seem to have been concerned about the matter at all.

Witness: No sir, he took no part in it.

At the conclusion of the girl's evidence,

The Coroner said: I am sure you are a very intelligent little girl, and you have given your evidence very nicely. It is a pity that a girl of your intelligence should not have the advantage of education; but I suppose it is very rarely that boatman's children go to school?

Witness: Yes sir.

William Williams was then called. He said; I am a boatman, and on the 16th inst I was employed on board the "Ceres", the master of which was Joseph Boden. At a quarter to six o'clock on the morning of this date we came up to where deceased lay. Our boat, which was being driven by Boden and steered by me, was brought to a stand, and I got off; but before I got up to the deceased Boden said, "Never mind, start the donkeys and let us go on again". I saw Boden take hold of him by the muscle of his right arm, raise him to a sitting posture, and put his hand at the back of his head. I did not touch deceased; I was not close up to him. I heard Boden say, "Charlie, come and go on the boat". He did not speak, but made a groaning noise. We were not there more than a minute, and we did not stop again until he got to Chester. I knew deceased, and that he belonged to the Usk, which they saw on Saturday at the Tilstone locks, and on Monday forenoon in the Ellesmere Port "pound", below Chester, coming back this way. I had known deceased for some time, and observed that he was a remarkably steady man, and also a quiet inoffensive man.

By Mr Cartwright: Did not tell the Proberts what we had seen when we met them at Ellesmere on Monday forenoon. We did not speak to them.

Joseph Boden, master of the "Ceres" was then called. He corroborated the evidence of the previous witnesses. He knew the deceased, and saw him lying on the towpath on the date in question a little past six o'clock.

The Coroner: What was your impression when you saw him?

Witness: I first thought he was in a "skirmage".

The Coroner: You did not think he was in drink?

Witness: No, because he was not in the habit of getting drunk. When I went up to him he seemed to be in a sleep, and I did not do anything to him. He had two slight scratches on his face, but I saw no blood. I did not speak to him, nor raise the body up. I did not touch him; I merely looked on and noticed that he breathed. We remained about two minutes and a half. I was first told by the little girl Jones, who said that Moston was lying on the path bad. When we left there was no one with deceased.

The Coroner: Don't you think it would have been humane; part of your duty, in point of fact, to do something? Would it not have been better for you to have taken him to some place where he might have had help?

Witness: Yes sir.

The Coroner: You were not under the impression that he was drunk. You thought he was in some "skirmige" which accounted for his appearance, but you didn't attempt to do anything for him?

Witness: Well, I didn't know what was the matter; I have wakened several drunken folks.

The Coroner: But you have told me that it was not your impression that he was drunk; but that you thought he had been in some "skirmige", and we know what that means. If he had been a dog you could not have treated him with greater indifference. Then you are sure you did not raise him up?

Witness: No.

The Coroner: Nor speak to him?

Witness: No sir.

The Coroner: Nor offer to take him upon the boat?

Witness: No I didn't. I saw the "Usk" at Ellesmere Port on Monday afternoon, about five o'clock, and Mr and Mrs Probert, but did not have any conversation with them. Did not see anything of the deceased afterwards.

John Palin, sergeant in the Cheshire Constabulary, stationed at Waverton, was then called. He said: On Monday morning, the 16th of this month, about eight o'clock, Edward Parry came to my house, and from what he said to me, I went to the Bone Works Bridge, over the canal at Waverton, and I there found the deceased, Charles Moston, dead in his (Parry's) boat. I then got a cart and conveyed him to the Black Dog public house. I observed bruises and blood on his face. I searched the deceased at the inn, and found 4s 9d in silver and 1s 8 1/2d in copper, a tobacco box, pipe and purse. I afterwards stripped and washed the body. The clothing was covered with dirt and slutch, and the trousers were saturated with wet up to his middle, but the upper part of his clothes was dry. His cap was wet. On the Thursday following I examined the spot where the deceased lay on the towpath, and saw the marks of his coat and trousers in the mud very distinctly, and I also saw three finger prints, and that of the thumb of the left hand, and two finger prints and that of the thumb of the right. I judged the relative position of the hands from the impression of the clothes, by which I concluded that the deceased lay on his back. I also saw the impression of a man's boot on the cop where there was no grass. About three yards from where the prints were I saw some cinders and ashes, as if they had been thrown out of a boat; and about six yards further on the towpath I found some crushed oats and beans, as if the horse had been feeding there, and they had fallen from the nosebag. The distance from the cop to the canal would be from two to three yards. The depth of the canal near the side at this point is about three feet and a half. I saw Probert, the man in custody, at Chester on the Monday night, and warned him to attend the inquest, and he did attend at the opening on the Wednesday following.

Edward Parry sen said: I am master of the "Woodcock", a boat belonging to the Shropshire Union Company. I knew Moston, the deceased, having become acquainted with him about three months ago. I was with my son Edward Parry (who was examined this day week), when our boat came up to the point at which deceased was lying on the canal towpath between six and seven o'clock on the morning of Monday the 16th. I was steering, and I got on the towpath and went to the deceased. When I got to him I said, "Poor fellow", being under the impression that he had been kicked by a horse, and had been lying there all night. I also said, "He's starved to death; let us take him into our cabin". He seemed as if he had no use in his arms or legs, but he was not stiff. The minute we got him on the boat I ran to the farmhouse by the bridge to beg a drop of brandy. I got some brandy, and when I got back I mixed it with hot water, lifted him up a bit and tried to make him take some of the liquor in a teaspoon, but I could not perceive that he swallowed any. I asked one of our boatmen named Morris to listen if he heard any breathing, and he said he heard a gurgling sound; but he died in a moment or two after. This would be about quarter of an hour after we saw him.

John Owen said: I am master of the "Dart". I knew the deceased and saw him last on Sunday night, the 15th inst, about six o'clock, near Bate's Mill at Beeston. He jumped on to the boat "Usk" as she was on the move from that point at this time. John Probert was driving the horse of the "Usk", and his wife stood in the hatchway steering the boat, and Moston, the last I saw of him, jumped on the boat and stood by Mrs Probert. He appeared to be very sober and steady. I don't work on Sundays and our boat remained there until between five and six o'clock on the Monday morning, when we proceeded towards Ellesmere Port. The next I saw of the deceased was John Morris standing beside the deceased, who was lying on the towpath between Golden Nook and Nixon's bridges. I got out of my boat and went to the deceased in company with Edward Parry, the last witness. Deceased was lying on his back, with his head on the cop, and insensible, and his face was covered with bruises and blood and dirt, and he was unable to speak or move. I assisted in getting him on to Parry's boat, and we did our best to see if we could bring him round. I was not on the boat when he died. I was driving the horses as fast as I could, in order to get the deceased to a police officer or a doctor. I saw the Usk leaving Ellesmere Port, as I was arriving there on Monday afternoon.

The evidence of Thomas James, master of the "Snipe", which accompanied the "Usk" on its journey to Chester, and of the men employed on it, was also taken, but the hour at which the inquest concluded – six o'clock – prevents us from giving it until our Evening Edition is issued. The man Probert and his wife, Jane Probert, made voluntary statements.

In the result, the jury found a verdict of "Wilful murder" against both Probert and his wife, who were thereupon committed by the Coroner to take their trial on that charge at the Cheshire Summer Assizes.

May 5 1877

THE SUSPICIOUS DEATH OF A CANAL BOATMAN NEAR CHESTER – THE INQUEST – VERDICT OF WILFUL MURDER

We continue the report of the proceedings at the adjourned inquest held before Mr Henry Churton, the county coroner, at the Black Dog Inn, Waverton, touching the death of Charles Moston, a canal boatman, who was employed on the Shropshire Union Railway and Canal Company's boat "Usk", and who was found in a dying state lying on the towpath near Waverton early on the morning of Monday the 16th April. As the inquest did not conclude until a late hour on Friday evening, our First Edition only contained a portion of the proceedings.

Thomas James said: I am master of the "Snipe" a fly boat belonging to the Shropshire Union. I knew the deceased. The "Snipe" and the "Usk" went together on Sunday for some distance, and from what I saw deceased and Probert seemed on comfortable terms. My boat was in front. After passing the second bridge below Bate's Mill I went into the cabin as it was my turn to sleep. When we got to Darlington's Bank, which is on the Christleton side of Egg Bridge, about eight o'clock, Probert's wife came up and said to our steerer that their chap had stopped behind and had got in the canal. I got out and said, "Why didn't you stop and bring him with you?", and then I ordered my man to stop the horse so that we might go back for him. I then went to put my shoes on, and by that time Probert had come up with his boat. I said to Probert, "Where has he got into the canal?" and he said, "Egg Bridge". Upon that I along with Probert and one of my men named Rowlands, went back to about 100 yards on the other side of Egg Bridge from here. Probert then made a stop and said, "We'll go no further. It isn't at Egg Bridge that he got in, but the Halfway Bridge where he got in the canal".

Superintendent Wilson: That is the same as the Golden Nook Bridge.

Witness: I said to Probert, "Was he on the bank and all right?" Probert said, "Yes, he'll be after us just now; let us get back to our boats and go on".

The Coroner remarked that as this evidence affected Probert and his wife it would be right to have them both present. The two were accordingly brought into the room.

In cross-examination by Mr Cartwright, witness said they came on pretty quick, and about six miles was traversed before he was called by Probert's wife.

Mr Cartwright: During the time "Usk" and your boat were together was there anything to drink?

Witness: Nothing at all.

Mr Cartwright: Didn't Moston have some washings of sherry?

Witness: Nothing of the sort.

Mr Cartwright: Are you speaking the truth?

Witness: Yes; quite confident.

Mr Cartwright: On your oath?

Witness: Yes, there was nothing at all of the sort.

Humphrey Roberts said: I am employed on the "Snipe". I remember steering the "Snipe" on Sunday night week, and about eight o'clock remember Mrs Probert coming up to our boat and saying something. Our boat was stopped, and in about five or ten minutes Probert's boat was up to ours. The boats were never very far from each other, but I did not take particular notice as to who steered at particular points. At Golden Nook Bridge Probert's boat was three quarters of a mile behind. Mrs Probert said their "chap" had been in the canal, and wanted me to go back for him.

This witness gave his evidence in a very fragmentary and disconcerted manner, and some points had to be almost dragged out of him. The Coroner, who said he could plainly see the man had been drinking, sharply rebuked him for sottishness in getting muddled with beer while waiting to give evidence on an enquiry of such an important nature as this.

Richard Rowlands said: I am one of the hands of the "Snipe" and remember Sunday evening week passing along the canal towards Christleton. When we got to Darlington's Bank, I was steering, and I remember Mrs Probert coming up and saying, "Our chap has stopped behind". She said at first that he was at Egg Bridge, and I and Thomas James and Probert went back. Mrs Probert also said the deceased had got into the canal. We did not go so far as Egg Bridge, for as we were going along John Probert said deceased was at the Halfway Bridge, and he was not going all that way and leave his horse standing on the bank. He would not go any further back. I didn't see anything more of Probert and his wife, nor have any conversation with them.

By Mr Cartwright: I don't recollect anybody saying that Moston was big enough and old enough, and could come on afterwards. It is a rule that flyboats must not stop anywhere, and Probert's boat is a flyboat. Nobody was driving Probert's boat when Mrs Probert came up. Probert was steering.

John Jones, a youth, said: I am employed on board the "Snipe". On the Sunday night in question I slept from Beeston to Christleton, and from that point I drove the horse to Chester. I met Mr and Mrs Probert at the stables at Chester near the canal, when I was putting up our horse. Probert gave me a bottle of gin to drink from. I drank from it and handed it back to him. Then Mrs Probert and myself walked away together. I said to Mrs Probert, "Where is Charlie?" She said, "He had stopped behind, and been in the canal. I can't rest in my bed till the chap comes. I'm sure somebody will find him dead in the morning". I had seen the deceased at Beeston on Sunday evening. He was then sober, and all right.

By Mr Cartwright: There was no one besides the two of us present when I had this conversation with Mrs Probert. I did not say anything of it until I told Thomas James. I saw Probert and Mrs Probert at Beeston, and they and the deceased appeared to be on friendly terms.

This concluded the evidence.

The Coroner then proceeded to sum up. He carefully summarised the evidence which had been called, and dwelt on the testimony showing the respectability and steadiness of Moston, and the indifferent and cruel manner in which the men who first saw the deceased on the bank had treated him, as contrasted with the humane conduct of the two Parrys and Morris. He then said it would be for the jury to sift all these facts, and so analyse them as to enable them to return a satisfactory verdict, not only satisfactory to themselves, but a verdict which would satisfy the public. The two main questions they had to deal with and determine were whether the deceased's death resulted from an accident, or whether there was any reason to believe that the injuries which caused his death were inflicted by either one or more persons. In considering these questions, it would be necessary for them to take into their consideration the theories and probabilities of the case. In considering whether death was the result of an accident, they must recollect the evidence as to the position in which the deceased was lying when found, and that the doctor had told them that it was utterly impossible that any fall the deceased might have had on the towing-path could have caused the immense amount of injury he found in making the *post mortem* examination of the body. The cervical vertebrae had been violently dislocated and the ligaments torn in such a manner as could only be caused by an enormous amount of violence inflicted on his person. It therefore seemed impossible that he could have received such injuries on the towing-path. It might be said that he had fallen into the canal accidentally and fallen against something with great violence; but this theory was a very improbable one, because if he had fallen into the canal accidentally from any part of the boat he would have been submerged, whereas it was shown that the deceased's clothes were only saturated to his middle, the other part of his body being perfectly dry. Again if he had, in falling from the boat, received the injury which had caused his death, he must of necessity have been drowned, because the effect of these injuries would be to utterly paralyse him and render him perfectly helpless – more helpless, as Dr Watson stated in his evidence a week ago, than an infant would be. Had he received the injuries by falling into the water from the boat death must have taken place immediately by drowning. The jury must take all these matters into their consideration, and also the possibilities of these injuries being inflicted by some person or persons. Who were the persons there at the time? There was evidence that there were only three – the deceased, Probert and Probert's wife. He (the coroner) must confess it astonished him how such a serious amount of injury could have been inflicted as was found and described by the doctor. There must have been an enormous amount of violence used to produce what he found. Then again, as he had said before, they had no motive, no apparent motive, for the infliction of such serious injuries. What might have taken place was mere matter for speculation; but, assuming that he was murdered, and that he had received these injuries from the hands of Probert, there must undoubtedly have been something beforehand. Supposing these injuries were inflicted in this manner, whatever might have taken place prior, it was quite clear that the injured man must be got rid of out of the boat. And if he was removed from the boat, was it possible for one person to have moved the deceased, a helpless, paralysed mass. The jury might suppose, and he might assume also, that there was more than one way of removing him from the boat. Probably the boat might have been in such a position that the deceased might have been removed by two persons, one on the towing-path and the other in the boat. It was just possible that the head and shoulders might have been thrown from the boat and caught hold of by the other person on the bank, and the legs might have slipped into the canal, and that might in some measure account for the saturated condition of part of the clothing of the deceased. The evidence of the witness James was of the greatest importance to the jury in considering their verdict. The Coroner

then read the whole of the evidence given by James, and proceeded to say that when James got information of the deceased being left behind he acted like any man would have done under the circumstances. He not only went back himself, but took one of his men with him, and these two, with Probert, went back along the towing-path. Before they had gone more than 200 or 300 yards in the direction of Egg Bridge, Probert, with the most brutal indifference, refused to go any further, saying he was not going to allow his horse to stand on the cop, and that it was not at Egg Bridge but at Halfway bridge where deceased was. So, in the first place, Probert came with a lie in his mouth. The jury must take into consideration the conduct of Probert in forsaking the man he ought to have protected, for, in a certain sense, he was the same relation as a master was to a servant. Instead of looking after him he refused to go any further, as much as to say, "He may take care of himself, and return when he chooses. Another part of the evidence which was most important was the statement made by John Jones, the last witness called. Mr Churton then read Jones's evidence, and said his statement as to what Mrs Probert said to him was very important, because it must have been perfectly clear to the boy, as it was perfectly clear to him (the coroner) and the jury also, probably that Mrs Probert felt very uncomfortable on the Sunday night, and was evidently under the impression that this poor man was left in a very dangerous condition. And he (the coroner) must say that during the whole of his experience he never met with a more cruel case than this, because, supposing the deceased man had met with an accident, everybody would have expected that he would have received from Probert, who was his master. He (Probert) must have known, and his wife must have known, what his condition was. It would have been a physical impossibility for this man to have placed himself where he was found, and he (the coroner) could not help thinking that the deceased received the injuries which were found upon him in the boat, and, judging from the conduct of Probert and his wife, he had very little doubt in his own mind that they were the persons who inflicted the injuries. He therefore did consider this to be a case of so much importance, and involving so much responsibility upon themselves, that he thought they would scarcely be performing the duty they owed to themselves and to the public unless they fixed the responsibility on one or the other of these two persons.

The room was then cleared, and the jury proceeded to deliberate. Shortly after, however, it was announced that Probert and Mrs Probert wished to make statements. The Coroner again sat, and having cautioned each, took down the statements as follows:- John Probert said: On Sunday afternoon week, when we were coming down to Chester, I was on board the boat "Snipe". I got off mine and went on it. There was a basin of sherry about three parts full, and Humphrey, who had shouted me on, asked me to drink some of it. Below Bate's Mill lock someone asked my man (deceased) to come on the boat. He went on, and remained there until we got to the third bridge from the lock, the bridge beyond the Brock-holes. The deceased then came on board the "Usk" and we three got our tea at about Crow Nest bridge. I then said, "Charles, one of us must go to the horse, as we are getting far behind the "Snipe" and we'll be shut out". He then went off with the whip in his hand. How he got off I can't say, as I was in the cabin, but my missus said, "Charles is in the cut". Upon that I came out and saw him on the bank. I said, "Charles, come on the boat". He seemed stupid. I asked him three times to get on, but he did not give me any answer. We let the horse go on, and it went on by itself until we got to the next bridge. I said to my missus, "It's no use waiting; he don;t intend a-catching us. We had better go on to catch the "Snipe", and as we were coming through the Farm House bridge, I saw the deceased coming through the bridge behind. The missus went up to the "Snipe" and asked where was Thomas James, and on being told that he was lying down she told them that our man was behind, and to stop the boats. I said, "Tom, we had better go back and look for him". On going back, within a hundred yards of Egg Bridge, James asked me where did we leave him, and I said, "In the straight behind the Farm House Bridge". He said, "I understood that your missus said it was at Egg Bridge, and I'm not going back if it is there". I said, "If you won't come I can't go, for I've only the missus with me". That's all I have to say about the young man. He was with me ten days, and I never had a bad "mis-word" with him.

Jane Probert, wife of John Probert, said: Before we came to Bate's Mill lock, Thomas James called my master on board the "Snipe". When we came to the lock there was a pair of boats in the lock. Waiting for these two boats to come out the wind blew our boats to the outside of the canal. I jumped off and went on to James' boat and looked what they were doing. He had got a brown can full of what I thought was ale, and there was a tea basinful as well. Tom James asked me to drink, but I said, "No, I don't drink ale". He said, "It's not ale; do you drink; it won;t do you any harm". I then caught hold and I drank. It was sherry wine. The other boats were then out, and I called to my master to come out and assist them down the lock. My master came on his boat at the bottom, and Charles jumped on the "Snipe" and continued there until we reached the Farm House Bridge. There the three jumped off together, and afterwards my man came on board our own boat and had his tea while he steered. The deceased then jumped off the boat with his whip in his hand, and in doing so he slipped on the boat, caught the coping, and his legs went in the canal. My master jumped out and called to him to come on the boat several times. He did not come on, but he followed us along by the stern end of the boat. The horse gained on him, going by itself, my husband and I being both on board, and he fell behind. My master seeing this asked me to drive the horse a bit sharper to catch up to the "Snipe". I did so, and was not long before I did catch up. Rowlands was steering and I asked him where was Tom James, and he said he was lying down. I told him to get up, and when he did so I said to him, "Tom, I'm very sorry you've been giving him something to drink. He is lagging behind, and he don't seem as usual since he got off your boat. You go back with my husband to fetch him or see whether he will come". Three of them started to go back – my husband, Tom James and Rowlands – but they did not go out of my sight, when they turned back. When they came back I said, "You rascals, you never went; you only want a drop more of that stuff". Tom James made answer and said, "The man is not so bad that he can come on. He is old enough and big enough to come on". My husband said, "Yes, he's sure to catch us before we get to Chester, and if you go on, Tom, I shall go with you to get down the locks. We shall tie up at Chester to wait for him", and we did so. We took the horses to the stable. I never saw the deceased again, nor any of those who belonged to the other boat.

The room was again cleared, and shortly after the jury delivered their verdict "Wilful murder against John Probert and Jane Probert". Superintendent Wilson then took the woman into custody also, and she and her husband were committed to Chester Castle on the coroner's warrant to take their trial at the Cheshire Summer Assizes on the capital charge.

July 28 1877

MURDER CASES Public interest centred in the murder cases in the calendar. In that of the Proberts – man and wife – who had been committed for the murder of a boatman under circumstances which will be in the recollection of our readers, it was felt that the evidence amounted to nothing more than mere suspicion. The learned Judge felt this too, and in his charge to the Grand Jury, said that having carefully looked through the depositions of the witnesses again and again, he saw nothing to warrant them finding a true bill even. It would be a cruel thing, he said, to subject innocent people to the agony of a trial for their lives. Acting upon this, the Grand Jury ignored the bill, and the prisoners were discharged, but not before the Judge had taken the opportunity of saying rather emphatically that he did not believe the deceased had been murdered. That he met with a violent death there is not the least doubt.

His neck had been broken, and yet there were no external marks of violence. How his neck was broken was left to conjecture. Certainly, if a murder had been committed, whoever did it had departed from the ordinary track, and deprived a fellow being of his life in such an original way as to leave it open to doubt whether the injury was the result of wilful violence, or accident merely. Certainly we agree with the Judge there was no proof that the man did not meet with his death by accident, and that is, indeed, the most likely way in which the deceased lost his life.

December 1 1877

Local Intelligence

THE CASE OF THE PROBERTS Mr J C Stevens, of Abbey Street, has asked us to draw the attention of the public to the case of the Proberts. It will be remembered that at the last assizes but one Probert, who is a boatman, and his wife, were indicted for the murder of another boatman near Chester. There was practically no evidence against them, and the Grand Jury ignored the bill. To say nothing of the anguish suffered by the accused, Probert had to sell his horses, which were the means of his livelihood, and other property, to pay the costs of their defence upon their trial for their lives for a murder which, in the opinion of Lord Justice Branwell, had never been committed. The sum of £20 is required to put Probert and his wife in their former position. The manager of the Shropshire Union Canal has considerably found employment for them and has promised a donation in aid of this object, and further subscriptions will be received by Mr Stevens, in Abbey Street, for the Proberts.