

STAFFORDSHIRE GAZETTE

July 1839 to January 1842

1 6 July 1839 Nisi Prius Court

Wm Peake, for stealing two soup tureens and one gravy tureen from a crate of earthenware, the property of Thomas Kynnersley and others, in the parish of Burslem. The prisoner, although of youthful appearance, was the captain of a canal boat. Mr Kynnersley was counsel for the prosecution and Mr Metyard laboured hard for the prisoner to obtain a verdict of acquittal, but the testimony against him was too strong for the learned gentleman's rhetoric. The jury found the prisoner guilty, but the court believing it to be his first offence, sentenced him to one months imprisonment, three days in solitude.

William Lear, stated in the calendar to be 14 years of age, but who did not appear to be more than 11, for stealing halfpence to the amount of 4s or 5s from the cabin of a boat at Tunstall, was found guilty, and as he had twice before been convicted and punished for felony, he was considered incorrigible and sentenced to seven years transportation.

2 21 September 1839 Pottery Police Reports

DRUNKENNESS Joshua Clowes, boatman was charged with being drunk, and fined 5s and expenses. He was allowed a fortnight for payment.

3 23 November 1839 Pottery Police

NEGLECT OF WORK James Buckley, a boatman to R Williamson Esq, was charged with this offence. Mr Broughton Green, agent, proved Buckley's earnings to be from £2 to £3 per week, and notwithstanding this, he almost starved his family. Both these particulars he denied, and said his master did not find him constant work. Mr Rose : How many children have you? Ansr : Six or seven (a laugh). Mr Rose : Don't you know the precise number of your children? Ansr : My wife does (roars of laughter). A Tunstall policeman complained of his conduct to his wife, and Mr Green, the agent, confirmed his statement. Defendant : I'll lay you what you like, Mr Green, I left her a shilling that time you mean. To pay 10s and expenses. The Magistrate admonished him as to his future behaviour, having now interceded for him with his master, on account of his family.

4 30 November 1839 Pottery Police Report

BOAT OBSTRUCTIONS Mr Henry Copson, agent to the Trent and Mersey Canal, charged **Wm Tolly** with persisting to proceed with his boat into the lock before Pickford's, which boat being a fly, had the preference by law. Tolly said he would stop the canal two hours before he would move. The Magistrate referred to the clause on obstructions, and found in the 222nd section a fine of £10 to be incurred for wilful obstruction. Mr Copson said he ordered Tolly to move his boat, but he would not; and then he went on board to detach the rope from the mast himself. To counteract this, he, Tolly, ordered his boy to fasten a chain to the horse to drag the boat into the lock instead of the rope. Ralph Bennett witnessed the obstruction both of the boat and the hindrance offered to Mr Copson in his duty. Fined for obstructing the agent in the mitigated penalty of £1 and expenses.

5 14 December 1839 Pottery Police Report

John Bennett, a boatman, was charged by **Edward Baker** with stealing his adze, which was lent to Robert Garnstone, who said he left it at Furnival's Wharf during his retirement to meals. Stonier, of the Stoke police, said he found it in the prisoner's boat, who when so found, said, "If I have it, I must give it back again, I suppose". Committed for trial.

6 28 December 1839 Pottery Police Intelligence

BYE LAWS OF THE TRENT AND MERSEY COMPANY FOR PROHIBITING FIRE IN THE HARECASTLE TUNNEL Mr Fareham, surveyor to the above company, attended to substantiate a

coming in the direction of the Potteries; the stench caused by the smoke was so strong as to make him “yack”, or cough, very much.

Cross-examined by Mr Williams : He was a boatman by trade and came from Middlewich; he never mentioned the occurrence till he told Mr Faram, about the 1st of January; was certain it was the 4th November when he was at Harecastle; he unloaded part of his cargo in the Potteries, and staid there on the 5th November. He had no quarrel with John Bailey; he thought it was his duty to tell Mr Faram; his boat was next to Cooksey's: would swear there was no other boat between. (He was questioned at considerable length as to his reasons for not informing Mr Faram of the circumstance before, but he still persisted that he should have told him sooner had he seen him). He had never been promised any fee or reward, nor did he expect to get anything.

John Lowe, cheque clerk at Hardingswood Lock, was also called to prove that the boats passed through the lock in the order of succession stated by the two last witnesses.

Mr Williams commented in very strong terms upon the manner in which the two Baileys had given their evidence, and said he could not but believe that there was something rankling in the mind of the company's agent, Mr Faram, in consequence of having to pay expenses on a former occasion, when he (Mr F) had instituted proceedings against a person of the name of John Bailey, who was now one of the witnesses on the part of Cooksey. He believed he should be able satisfactorily to prove to the court that Cooksey had not been guilty of the crime alleged against him. Mr Williams then called

Mary Bailey, the wife of **John Bailey** (no relation to the other witnesses of the same name). On the 3rd of November last, her husband's boat and Cooksey's left Preston together, and arrived at Harecastle Tunnel on the 4th. On entering the tunnel, she told Cooksey to put his fire out, and he did so; she saw no smoke in going through the tunnel, though heard complaints being made by persons in the boat which was before; she never heard Cooksey's boat mentioned.

By Mr Rose : Saw Cooksey reach a can of water out of the canal and throw on the fire on entering the tunnel; a person could distinguish out of one boat into another when in the tunnel, if close together. Would swear she told Cooksey to put his fire out on entering the tunnel on the 4th of November.

John Bailey, husband of the last witness was next examined. Recollected being at Harecastle Tunnel on the 4th of November, with Cooksey; did not observe any smoke in his (Cooksey's) boat; he left the boat at the entrance of the tunnel, and took his own and Cooksey's horse over the road and left his wife in charge of the boat through the tunnel; he was at the other end of the tunnel three quarters of an hour before the boats arrived; there was no smoke then.

By Mr Rose : There might have been smoke in the boat while in the tunnel without his knowing it. He was in partnership with Cooksey.

Mr Williams : That is the whole of the evidence for the defence.

Mr Rose said, some observations had been made with regard to the time the information was laid subsequent to the committal of the offence. He did not consider that ought to have the least weight with him in the discharge of his duty. He could not perceive that a respectable company, and he must allow the Trent and Mersey Canal Co to be a respectable one – could be actuated by any improper motives; and that their sole object in bringing forward the present case was to endeavour to prevent a recurrence of this nuisance, which was one of a very serious nature. The witnesses for the complainant had sworn distinctly that smoke was seen to issue from Cooksey's boat while in the tunnel on the day in question. The second witness, Joseph (*sic*) Bailey had said the stench caused by the smoke was so disagreeable as to make him vomit. Some imputations had been thrown out that the Baileys were not to be believed; he must say that nothing had transpired which at all tended to shake their credibility. It did not appear that they were at all interested in the decision of this case. If any imputations were to be thrown out on either side, he certainly thought they could not be against the witnesses for the prosecution, who in his opinion were much more entitled to credit than those for the defence, who were husband and wife – against the former of whom an information for a similar offence had been laid on a previous occasion. He thought, therefore, that he had but one duty to perform, and that was to fine him for the offence. As the Company had no other object in

view than the prevention of this nuisance, he should fine him in the lowest penalty, viz 20s. The fine, with the expenses, amounting altogether to £2 10s 6d, was then paid, and the parties left the room.

9 7 March 1840 Wolverhampton

The body of a respectably dressed female was discovered in one of the locks of the canal in the neighbourhood of Wolverhampton on Wednesday last. From several circumstances, it appeared too probable that the unfortunate person had committed self destruction. A young man of the name of **Taylor**, also, was drowned on the same day, in the same neighbourhood; the deceased was a boatman, of excellent character, and it is supposed struck his head whilst asleep at the head of the boat, against a bridge, and fell overboard.

10 21 March 1840 Crown Court

THE MURDER OF CHRISTINA COLLINS ON THE TRENT AND MERSEY CANAL NEAR RUGELEY

CONVICTION OF THE MURDERERS

The trial of the three boatmen, **Owen, Thomas and Ellis** for the murder of Mrs Collins on the Trent and Mersey Canal at Brindley's Bank near Rugeley (postponed from the last assizes) having been fixed for this morning, the court was densely crowded immediately after the doors were opened. The prisoners were placed at the bar about nine o'clock, and respectively pleaded in a firm and distinct tone "Not Guilty" to the charge in the indictment.

The same learned counsel who conducted the case at the last assizes appeared for the prosecution. - Sergeant Ludlow and Mr F V Lee; attorney for the prosecution, Mr John Horton of Rugeley. Counsel for the prisoners - Mr Godson M P, Mr Yardley and Mr Beadon; attorney Mr Passman of Stafford.

Mr Sergeant Ludlow stated the case to the jury, remarking upon the seriousness and importance of the charge made against the prisoners. After a minute detail of the whole transaction, as developed by the testimony of the witnesses, and informing the jury that if any doubt arose in their minds, however slight it might be, the prisoners were, by law, entitled to reap the benefit; he said there were three ways of accounting for the death of the unfortunate woman - she might have accidentally fallen into the water; she might have thrown herself in; or she was thrown in by the wilful act of the prisoners, or by some of them. The learned counsel expressed his reliance on the discrimination and judgement of the Jury, and their wish to deal out justice equally to the prosecutors and their prisoners, and concluded by calling:

William Brookes, a boatman in the employ of Pickford and Co at Stoke upon Trent, saw a woman with the boat under the care of Owen, at Stoke, on Sunday the 16th of June 1839; the boat arrived there about 12 o'clock and departed about four; Owen had the command of the boat; Thomas and Ellis and the boy **Musson** were employed to work the boat; he had some conversation with the deceased respecting the treatment she had received from the prisoners; gave her directions what to do on her arrival at the end of her journey; did not think either of the prisoners heard the conversation witness had with deceased; they were distant about ten yards; saw Thomas talking to her; heard deceased say to him, "Leave me alone, I'll have nothing to say to you"; did not hear Thomas say anything more to her at that time; the boat left the lock shortly after.

Hugh Cordwell, cheque clerk to the Trent and Mersey Canal Company at Stone, examined : Saw the body of the woman at the Talbot Inn at Rugeley on Tuesday the 18th of June. On the Sunday previous, the 16th, Owen's boat passed through the lock at Stone about five minutes before eight o'clock in the evening; deceased was sitting in the middle of the boat, tying up a bundle; was about getting out of the boat, when witness asked her to wait until he had gauged in, which she did; when she came on shore, she told him the men appeared to be in liquor. Witness perceived they were all intoxicated, particularly Owen; deceased walked on the towing-path as far as the battlement of the bridge, when Owen followed her and asked why she did not follow him through the town; witness did not hear what reply deceased made; deceased walked on under the bridge, away from Owen;

she neither took any ale or liquor herself or gave any to the prisoners while at Stone; the next boat of Pickford's passed the lock about 11 o'clock; no other boat of Pickford's passed that night.

Thomas Bloor was captain of a boat called *The Emerald*; on Sunday the 16th of June, he passed through Stone in the direction of Liverpool; had left his own boat and got on to another; met Owen's boat between Sandon and Aston locks about dusk at night; as the two boats passed, witness asked Owen to get on his (witness's) boat and have a glass of ale; instead of Owen, Thomas came on to the boat; witness said to deceased, who was sitting in the middle of the boat, "Well, young woman, how are you?"; she made him no answer. Witness here detailed a conversation which took place between him and Thomas of a nature quite unfit for publication. Owen appeared to be in liquor, more so than the other men.

Cross-examined by Mr Godson : Left his own boat between three and four o'clock in the afternoon; they had a gallon of ale when they passed through Haywood; there was a wake there that day; was perfectly sober; Haywood was about four miles from where he met Owen's boat; the gallon of ale they took on board at Haywood was all they had had since leaving London; was examined at the last assizes; would swear that he then mentioned what Thomas said about barking.

Robert Walker was next called. Remembered on Sunday evening, the 16th of June 1839, meeting with a woman on the towing-path near Salt Bridge; spoke to her but received no answer; shortly afterwards he met one of Pickford's boats; and was asked by one of the men if "he had met a passenger of theirs"; witness said she was not far before; the man said he wanted her; could not say which of the prisoners inquired after the woman; whichever of them it was, he used very foul language.

The next witness was **Anne Mills**, wife of **James Mills** of Hoomill lock. On the Sunday night in question, about 12 o'clock, she was awoken by the cries of a person apparently in deep distress; jumped out of bed and opened the window; one of Pickford's boats was in the lock, and a woman sitting on the top of the cabin crying very loud; saw the woman get off the cabin and stand on the lock side, and ask for her shoes; she did not perceive whether her shoes were given to her, but witness observed her stoop down, as if in the act of putting them on; there were three men on board the boat; deceased went and sat on the top of the cabin with her legs hanging down the outside of the boat; heard her say, "Don't attempt me, I'll not go down, I'll not go into the cabin"; the man on the path cried out, "Mind her legs", which were hanging down the outside of the boat, liable to be crushed; witness said, "What woman is that you have on board?" and one of the men replied, "A passenger"; "Is there anybody with her?" inquired witness; "Yes, her husband".

Cross-examined by Mr Godson : Would swear it was Pickford's boat; the characters forming his name were different from any of the other boats; six or more of Pickford's boats went through the lock in a day.

By the Court : Hoomill lock was nine miles from Stone.

The learned Judge here remarked that it was clearly proved to be the same boat. The witness Cordwell stated that they left Stone a few minutes before eight, and the last witness said it was almost eleven o'clock when the boat was in Hoomill lock, which would be their average rate of travelling – three miles an hour.

James Mills, keeper of Hoomill lock, was next examined. His evidence was merely a corroboration of that given by his wife.

William Hatton, a boatman, examined : In June last was in the employ of Beech and Co on the Trent and Mersey canal; met a boat of Pickford's near Brindley's Bank between one and two o'clock on the morning of the 17th of June last; saw the prisoners on the towing-path; Owen came to him and asked if he had seen a woman anywhere? Witness said he had not. Owen : Have you not seen one anywhere? Witness : No. Owen : Have you not seen one between here and the Turnover Bridge? Witness : No, I have not seen a woman anywhere. Thomas and Ellis were a few yards distant, talking together; did not hear their conversation; witness passed Owen's boat before he arrived at Rugeley; was re-passed before getting to Fradley; witness passed through the Hoomill lock between twelve and one o'clock.

By the Court : It was nearly four miles from Hoomill lock to the place where he met Owen and the

other two men; Owen's boat did stop, but the men turned back.

By Mr Godson : Knew Colwich lock and Brindley's Bank; the watering place was six or seven hundred yards from Brindley's Bank, and the stop place about a stone's throw; Turnover Bridge was between Colwich lock and the stop place; Rugeley Church bridge was the first place after Brindley's Bank; the canal took a very sharp turn at Brindley's Bank; the average speed of fly boats was three miles an hour; the average width of the canal was forty feet, about the width of four or five boats; the water was very shallow at Brindley's Bank, and would not allow more than two boats to travel abreast; the current of water was in the direction of Rugeley from Brindley's Bank; it was nearly a mile from Brindley's Bank to Rugeley; Owen's boat could not have been far before witness when he met the prisoners, who were coming in the direction from Liverpool; the boat was going to London, the contrary direction; did not perceive the prisoners till he came close to them; it was not very light; did not perceive the prisoners searching for anyone.

William Lowe, called by Mr Lee. On Monday the 17th June, he was steering his boat near Rugeley Church, about two o'clock in the morning, when he met one of Pickford's boats in the direction of London; did not know who were in the boat; it was too dark; did not know either of the prisoners; there was no person with the horse attached to Pickford's boat; saw some person steering; met the driver of Beech's boat on the towing-path, in conversation with another man; saw two other men talking together; did not hear their conversation; one of the men was without a coat.

By Mr Godson : The towing-path was on the left hand, in the direction of London.

James Willday said he was Captain of one of Beech's boats; on the 18th of June last, he rose between three and four o'clock in the morning in consequence of having a "kicking mare"; remembered Pickford's boat passing; saw Owen jump from off the middle plank end and stand by the bridge wall till the stern end of the boat came up to him; the boy, Musson, was steering the boat; witness said to him, "Halloa, tell your master to look out,;" Musson turned round, put his head inside the cabin, and pulled the door down; Believed Owen was in the cabin, but would not swear so.

Cross-examined by Mr Godson : Had been on the canal all his life; was a very sharp turn at Brindley's Bank; in coming round this turn, boats were obliged to keep close to the side; any person not accustomed to travelling on boats would be very likely to get thrown off in coming round the turn, if not on the look out; boats generally "lurched" in passing the turn; witness had seen boatmen very nearly thrown into the canal by the "lurching" of the boats at this turn; the current of water was stranger here than in most places.

By the Court : The current in the canal, except near to locks, could scarcely be perceived. If a cork were thrown in, he thought it would be seen to move in the direction of Rugeley. Colwich lock was ten miles from Woodend lock; was no lock between; Brindley's Bank was three miles from Colwich lock.

By Sergeant Ludlow: Had never known an instance of any person, having been thrown off by the "lurching" of the boat at this particular turn; had seen several very nearly so; it was a very difficult turn, and required great skill in managing the boat.

William Musson, the boy, who was admitted as Queen's evidence at the last trial, was next examined. Owen, the captain, the other two prisoners and himself composed the crew of one of Pickford's boats in June last; on the 16th of that month, they arrived at Stoke about 12 o'clock on their journey from Preston Brook to London, with the deceased woman on board as a passenger. Witness left the boat to drive the horse at Colwich lock; he continued with the horse to within a short distance of Brindley's Bank; when witness left the boat at Colwich lock, the woman was inside the cabin, lying on the bed place, with her shoes and bonnet off; all her other clothes were on; when near Brindley's Bank, he left the horse and got into the boat, but the woman was not there then; Owen was steering, and Thomas stood on the foot board; did not see Ellis.

By the Court : Was then about 50 yards past the turn.

By Sergeant Ludlow : Did not notice anything particular in passing the turn. Witness, upon missing the woman, enquired where she was; Owen said he believed she was drowned, and wanted to borrow 6s to pay Dobell, saying he had a quarrel with him; when they arrived at Armitage tunnel,

he (witness) wanted to get out of the boat, and called Owen to steer; Owen made him no answer, upon which he went over to the hatches and perceived him (Owen) examining the contents of one of the passenger's boxes; the lid was thrown back; he knew the box was corded up; recollected hearing a man named Wilday calling to him, as the two boats passed, telling him to look out; Owen then told him to shut the cabin door, and go inside; Dobell and Lambert were asleep; the woman was then missing; did not hear Dobell or Lambert say anything about the woman; saw them talking together, but did not hear what their conversation was about.

Cross-examined by Mr Godson : Saw the woman last at Colwich lock; the boat was stopped shortly after the woman was missed – before they arrived at Rugeley Wharf; the boat did not stop when witness jumped on between Brindley's Bank and Rugeley; stopped shortly afterwards, and the three prisoners got out and turned back. Owen did not tell prisoner what he (Owen) and Dobell had been quarrelling about; he simply asked to borrow 6s to pay Dobell, as he was going to leave; the proper place for passengers was in the middle of the boat; a person in the cabin could not see the passengers, unless they stood up; blankets were taken out of the cabin and given to the woman to lie on in the proper place, as there was no straw in the boat; afterwards saw deceased lying down in the cabin, without her shoes and bonnet; witness and Owen were also lying down in the cabin.

By Sergeant Ludlow : Deceased was lying on the cross-bed; did not know what brought her in the cabin; they staid at Rugeley wharf about half an hour.

By the Court (at the request of Mr Godson) : Ellis was asleep when witness went on board at Brindley's Bank.

By Sergeant Ludlow : Would swear he was asleep, for he heard him snoring.

By the Court : Owen and Thomas left the boat when he got in; the last time he saw the woman, she was on the cross-bed in the cabin at Colwich lock; witness got out at Colwich lock to drive the horse; recollected being with Thomas at Stone lock about eight o'clock on the Sunday evening; heard Thomas say, (alluding to the woman), “ I wish she'd been at h—I, or somewhere else, before I had seen her, for I hate the sight of her”.

By the Court (at the request of Mr Godson) : They proceeded rather more than half a mile after witness went on board near Brindley's bank, before the horse was stopped.

At the request of Sergeant Ludlow : Was asleep in bed when the boat passed Hoomill lock.

John Bladon was next called. On the 17th of June last, he was clerk at the Rugeley Wharf; it was the duty of the captain of any boat having passengers on board to call at that wharf and produce the road note; neither of the prisoners called on the 17th of June 1839; had been to Brindley's Bank, along with a man named Johnson, to view the place, after the body had been found; on the opposite side from the towing-path there was a bank above the level of the water from 10 to 18 feet high, and very steep; the width of the canal was 34 feet and the depth 3 feet 9 inches.

Ann Sleigh, wife of **Jonathan Sleigh**, keeper of Wood bend (?????) lock was next examined. About half past five o'clock in the morning of the 17th of June, last year, Owen came to her house and said a woman passenger of his was drowned; witness said, “I hope not”; Owen replied, “I am afraid she is; I cannot think what has become of her; she appeared to be deranged; she had got into the canal once up to her knees, and I pulled her out and took her into the cabin. Owen did not inform witness what reason he had for supposing deceased was deranged; he (Owen) appeared very much confused, whether from liquor or otherwise, witness could not say.

By the Court (at the request of the jury) : Owen trembled and appeared very much confused; he appeared to have had a little liquor; he said the woman had taken a little walk; and that he had heard the deceased frequently crying out, “Collins, Collins, Collins”.

Charles Rowbotham called. In June last, was clerk to the Trent and Mersey Canal Company at Fradley; recollected Owen's boat coming to Fradley about six o'clock in the morning of the 17th of June, from Preston, bound for London; while the horse was being changed, Owen came to witness and said, “I am afraid that a very bad job has happened; I had a passenger booked at Preston Brook, and I believe she is drowned”. Witness said, “What makes you think so?” Owen : She attempted to do it once before and I pulled her out again”. Witness : “You ought to have taken more care of her, and have left her at the first place you came to”. Owen : “I think she was off her head”. Witness :

“What makes you think so?” Owen : “She kept crying out “Collins, Collins, Collins””. Owen then asked witness to take deceased's boxes out of the boat, saying that the last time he had seen her was at Colwich lock, and that she had left her bonnet and shoes in the cabin; witness went to the boat with the intention of taking out the boxes, thinking thereby some clue would be afforded as to who the passenger was, when Thomas said, “It's useless taking the boxes, she'll sure to follow us”; witness did not take the boxes from the boat; wished Owen to turn back in search of the woman, and offered to go with him, but he refused; witness thought it right to go to Fazeley and inform the agent at that place, Mr Kirk, of the circumstance; arrived at Fazeley before the boat; witness and Mr Kirk were standing on the wharf when the boat came up; Mr K told Owen to take his road note and go to the office, as also the other men; Mr K enquired, after looking at the road note, where the passenger was; Owen said he had not seen her since they passed through Colwich lock, when she was getting out of the boat, he (Owen) said, she had given him some ale at Stone; witness and the constable searched the cabin of the boat, and found deceased's bonnet and shoes; did not enquire of Owen the reason why these things were in the cabin, but asked what brought the woman out of the place appropriated for passengers; Owen said she had been in the cabin the greatest part of the way, which Thomas and Ellis denied, saying they would not allow her to come in the cabin; saw Thomas and Ellis at the station house the same evening; enquired where they had last seen the woman, and was told at Colwich lock, when she got out of the boat. One of the deceased's boxes was corded with white, and the other with dark cord; the bonnet was very much crushed, and appeared as if it had been pulled off her head forcibly.

Cross-examined by Mr Godson : Saw Owen in custody in a public house the same evening; witness, on leaving the room, wished him good night; Owen said, “Stop a bit, master, I want to speak to you”; at this request, he (witness) turned again, when Owen burst into tears and said, “I am innocent; I hope you will do what you can for me”. Witness said he could do no more than relate what he had told him, which Owen said he should expect him to do; had no more conversation with Owen respecting the woman; the boat was three quarters of an hour behind time at Fazeley; did not notice whether it was in proper time at Fradley; did not recollect Owen saying he had turned back at the Turnover Bridge to look for the woman, which made him behind time; he might have said so; would swear he never said so at Fradley.

William Kirk, the Fazeley agent, was next called. Recollected the last witness (Rowbotham) coming to him on the 17th of June; in consequence of a communication he made, witness sent for a constable, to await the arrival of the boat; Lambert was the first person he saw when the boat came to the wharf; told him to bring the road note into the office, he (witness) wanted to speak to him; never mentioned the woman at that time; Lambert said, “D---n and b---r the woman, if she has drowned herself, I can't help it!” Rowbotham was then standing on the wharf, but not in the sight of Lambert; witness said to Lambert, “You are drunk and a fool!”; enquired for Owen, and was told he was in the cabin; ordered him into the office, and directed him to take the papers with him; Owen came into the office; Rowbotham was there; witness said to him, “I believe you have lost a passenger; unless you account for her, you must be detained”; he (Owen) said it was a very bad job, and he was very sorry for it; he had last seen her at Colwich lock; believed she was off her head; she had attempted to drown herself before, and he had pulled her out. Dobell, when coming into the office, said, “I hope the b---y b---r is burning in hell”; Mr Rowbotham was inside the office; believed Dobell had never seen him.

The learned Judge here remarked to the Jury that it would have been a very different case if Dobell had seen Rowbotham when he used that expression, no mention of a woman at that time had ever been made to him (Dobell).

Mr Kirk continued. Asked Owen what brought the woman into the cabin; he replied that there was no straw for her to lie down on in the hole; witness said, “You know she had no business in the cabin, you ought to have kept her in the proper place and have procured some straw”; did not hear Owen's reply.

By Mr Godson : Dobell was very drunk; boatmen generally used very disgusting language, particularly when in liquor.

The learned Judge said he was sorry to observe that the language of the generality of boatmen was revolting to human nature in the highest degree. They were men without any moral conduct; men who scarcely knew, much more paid observance to the sabbath.

By Mr Godson : Did not hear Thomas, when he was cursing the woman, saying, "If she did drown herself, I can't help it"; heard Owen say he was afraid she was drowned; did not hear Owen say when he (witness) was enquiring the reason of the woman being in the cabin, that he had asked her to go there because there was no straw in the hole.

William Harrison, headborough of Fazeley, called. On the 17th of June last, was sent for to the canal office by the two last witnesses; was in the office when the boat arrived. Before any enquiry was made about the deceased, heard Lambert say, "D---n and b---t the woman, if she'd a mind to drown herself she might". They were all three in liquor. When Owen was asked where the woman was, he said he did not know, unless she had drowned herself. Witness found the bonnet (which he produced) and shoes in the cabin; the bonnet was very much crushed. Heard of the body being found about three o'clock in the afternoon of the same day; took the prisoners to Rugeley that night. Went to Brindley's Bank, where the body was found, after which he had a conversation with Owen about the woman. He (Owen) said she wanted very little drowning; witness replied, "I should think so"; the water was about 18 inches deep where the body was found.

By Mr Godson : Did not hear Owen say the woman was very much exhausted.

By Sergeant Ludlow : Owen was in his custody under the coroner's warrant.

By the Court (at the request of Mr Godson) : In his evidence at the last trial, he said Owen had told him the woman wanted very little drowning.

Francis Jackson examined. Owen was left in his charge at Fazeley; recollected a person named Sillitoe coming to the lock up; Owen said to him, "Be sure you go and tell these two men in the hole (alluding to Dobell and Lambert) to swear that we left the woman at Colwich lock"; witness was handcuffed to Owen at this time. The man came again the following morning, when Owen enquired if he had delivered his message, and was answered in the affirmative; he (Owen) then said, "Go and tell them again, and be sure".

Mr Sergeant Ludlow here signified his intention of purring in the depositions of the respective prisoners taken before R Fowke, Esq, Coroner, at the inquest, which was objected to by Mr Godson, who contended that such depositions having been taken upon oath were not admissible as evidence against the prisoners. Considerable discussion took place, but the learned Judge, after consulting with Mr Justice Patteson, refused to receive them.

[The depositions were received by Mr Justice Williams at the last trial, with the reservation of the point for the consideration of the 15 judges.]

Thomas Grant, a boatman, was next called ; knew Brindley's Bank; as he was passing that place about five o'clock in the morning of the 17th of June last, saw something in the water, about four feet from the edge of the bank on the opposite side to the towing path which, upon examination, proved to be the body of a woman; it was about 80 yards below the turn; the water was about 18 inches in depth and the bank was very steep where the body was found; it might be about seven or eight yards from the level of the water to the top of the bank. John Johnson assisted him in getting the body out of the water; she had neither shoes nor bonnet on, and was lying with her face downwards; witness drew the body from the opposite side to the towing path with his hook.

John Johnson corroborated the last evidence as to the finding of the body; witness assisted in taking it to the Talbot Inn at Rugeley.

By the Court : The body was lying about 80 yards before the stop place, and about 100 below the turn.

By Mr Godson : Could not say how many boats passed in an hour on average.

Hannah Phillips, who assisted in laying out the body, said she had on a dark coloured gown, nearly new, and a handkerchief round her neck; noticed that the left gown sleeve was torn out of the gathers, and also across the back; the body was a little torn; her neck handkerchief was also torn.

By Mr Godson : Was examined when the prisoners were tried for rape; gave the same evidence respecting the clothes being torn.

Elizabeth Matthews, lived at Long Green near Rugeley. Assisted the last witness in taking the clothes of deceased. Witness took off the drawers, which she produced; they were very much torn; were then in the same state as when produced at the last assizes; the front part appeared to have been cut; they were made of fine calico.

By Mr Yardley : Was examined at the last assizes; gave precisely the same evidence on that occasion.

Elizabeth Grice, lived at Liverpool; deceased lodged with her in June last; on the 17th of that month, she (deceased) left Liverpool for London; her dress was not torn when she left witness's house; lived with witness about six months; was particularly neat in her dress; obtained a livelihood by dressmaking.

Robert Collins, the husband of the unfortunate woman was next called. A deadly paleness overspread the features of Thomas when he entered the witness box. His (Collins's) appearance was much the same as when here at the last trial; he was considerably affected in giving his evidence, and on leaving the witness box, shook his head at the prisoners in a very mournful, but still revengeful, manner. He said that he left Liverpool for London in search of employment in the latter end of May last, shortly after his arrival, having obtained employment, he sent a sovereign to his wife in Liverpool directing her to come to London as soon as she could; afterwards saw the dead body at Rugeley.

THE EVIDENCE OF ORGILL

Mr Sergeant Ludlow said he would now call the witness Orgill, upon whose evidence the trial was postponed from the last assizes; he (Orgill) being then under sentence of the court. He had been pardoned on Friday, and was now eligible as a witness. He (Sergeant Ludlow) was not aware what facts Orgill could prove, but he felt confident his testimony was very important, otherwise an affidavit to postpone the trial would never have been made.

Joseph Orgill was then placed in the box. Had been convicted at the last assizes, but had received a pardon. Had a conversation with Owen in the gaol at Stafford on the Sunday preceding the last trial. The witness proceeded - "After we were locked in our cell we commenced talking about the trials. I said, "Mine is a bad job"; he said, "So is mine a bad job. I can't think why they have taken the boy away from the other two men. Perhaps he's going to be a witness against us, but it cannot be about the woman, it must be for something else; he knew nothing about her. The other two men committed the rape upon her and mauled her to death, but I am free from it. I am afraid it will be a hanging job, what do you think about it?" I said, "I can't tell". He said, "I'll tell you all about it. We had been at Preston Brook, and loaded the boat there. We had a passenger on board, bound for London, who was with me in the cabin while at Stone. When we started from Stone, we had some whiskey; the men got drunk; when they were drunk, they began to be rough with the woman. She got off the boat, and walked on the towing-path; she went on till she was out of sight. They went on and met another boat; the men asked the driver if they had met a woman; he said, "yes"; they said how far is she before? He said "Not far". They said, "She's a passenger of ours, we want her for --- &c, &c". They did not overtake the woman until they got to the lock at Aston, where she was talking to the lock-keeper's wife; she said she was afraid to go with us, she thought we would molest her. Dobell and Lambert ought to have been in bed here; they passed through the lock, when they both got out of the boat and went on along the towing-path with her, and were "mauling" her all the way, and committed either a rape or rapes upon her. The woman had a pair of trowsers on, and before they could commit the rape they pulled a knife out, and one held her whilst the other cut her trowsers open. She screamed very loud, but I don't think they heard her at the lock; I think they were gone to bed; it was very dark, and there'd be twenty boats through the lock, so they would not know it was us. I got the woman in the cabin; it was my turn to go to bed with the boy. The woman was in the cabin, and I tried to have a to do with her, but I couldn't. Owen didn't say why he couldn't. He continued - "When I tried to have to do with her, she said, Oh Captain, what are you doing? Oh my Collins, Collins, I wish you was here. I was in the boat when we came to Colwich lock; it was then the boy's turn and mine to go to bed. Dobell and Lambert called me several times, but being drunk with whiskey, and one thing or another, I was very loath to get up,

but I did get up; the boy went to drive the horse, and I went to steer the boat. The other two men went into the cabin to the woman, and began drinking whiskey; the woman jumped up and tried to make her escape, but they (Dobell and Lambert) pulled her back again; she had got half way over, into the hatches, they pulled her into the cabin and committed rapes upon her again. Witness here asked Owen if the woman was dead. He said, "I think she was completely mauled to death". I tell you she was dead. What made them "do it" was, they knew the woman would tell of them, and they mauled her about until she was quite dead. I had a quarrel with Dobell about the woman. I left the cabin and went to sleep. Dobell brought the woman out of the cabin, and placed her on the top, outside. I don't know whether Dobell pushed her off before they came to the turn, whether she rolled off when passing the turn, or whether it was past the turn; I can't say. Dobell knew the last of her; we made a bad job of it; for we happened to leave her bonnet and shoes in the cabin. Witness asked how far it was from Colwich lock; he (Owen) said about a mile and a half, but did not say where Dobell pushed her off, or where she fell off. I asked what time it was, he said between one and two o'clock in the morning. Owen continued; nothing particular occurred until we came to Fradley, to Mr Rowbotham's. I wanted to leave the woman's things here, but he (Mr R) objected, and said we had better take them to Rugeley. Dobell and Lambert went to the woman's boxes, and opened them, and took out a piece of cotton print. I went to them, and said they might leave the boxes alone; hadn't they had enough to do with the woman, without meddling with her boxes. Dobell said, we shall be all right if you hold your noise. Nobody ever see us do anything to the woman, and as to the boxes, you know very well, she'll never come any more after them. Owen then said to witness, did you take notice of that chapter the parson read last Sunday. I asked for what reason? He said it was picked on purpose for us. I asked him what made him think so. He replied, because there was so much about hanging in it; but I hope we shan't be hung; we shall get off with transportation, and then I don't care. We made a bad job of it altogether. If we had stopped the boat at Rugeley, and took the people back to look for the woman, they would have had no suspicion; or if we had taken her and left her in the hold, then Pickford would have been fined for having no straw. If Dobell and Lambert had gone to bed and left the woman alone, she'd be alive and well enough now.

Cross-examined by Mr Godson : Had not the same dress on as when he received pardon on Friday; had a smockfrock on that day; was a butcher by trade; was convicted of bigamy at the last sessions; left his wife and four children in England and went to Ireland and married again; lived with his second wife about five or six weeks; could not say whether she was pregnant at the time he left her; was tried on the Monday or Tuesday after he had the conversations with Owen; believed he was tried the same day for rape; believed it was after he had taken his trial in the Grand Jury Room, and was waiting below, when he first mentioned this conversation; believed Owen was then being tried; it might be an hour or two after he had received judgement; was not told that he should receive a pardon; nothing was said about a pardon to him; never knew he should have a pardon till he came to the bar on Friday last; could both read and write; did not know he could not give evidence till he had received pardon; had no thought of giving evidence at all; was never asked to make an affidavit to give evidence; was examined by a solicitor about a fortnight ago; was briefly examined by some persons during Owen's trial at the last assizes; only told them a few words; he told them that – Owen said she was dead before she was put in the water; mentioned what Owen said about the boy being taken away from the other two men; Owen said he was free from it; did not say anything about the woman falling off when examined about a fortnight before the October Sessions; then said Owen told him she was dead before she was put into the water; had never varied from this statement; told the long story he had just favoured the Court with, except a few words; did not know what Owen was in gaol for till he told him; Owen was not acquainted with witness personally before meeting in gaol, but knew many of his relations; was in the habit of frequently conversing with Owen about the deceased woman; had been conversing with him on the subject a few days before the memorable Sunday night; never told him before that night that the woman was dead previous to being put in the water; never was told before that night about Dobell and Lambert abusing the woman on the towing-path; had passed along the canal from Stone, but

never noticed Brindley's Bank particularly; had been at Colwich lock; had been at Rugeley since his pardon was granted, but not for the purpose of seeing the place where the body was found; had never been nearer the canal than the turnpike road. Would swear he never heard a word about a pardon till the present assizes. Never robbed his second wife of any money; did not have any property with her; recollected something about a watch; his second wife graciously gave him the watch; gave it her back when she followed him from Ireland to England; never stole the watch.

John Johnson, recalled by the Court : When he found the body, there was a little froth at the mouth.

Mr Barnett, surgeon of Rugeley, said he examined the body of the deceased at the Talbot Inn at Rugeley, when the inquest was held, in June last. There were two small bruises below the elbow of the right arm. Opened the body, and examined it internally; observed some froth in the mouth of the throat; the cavities on the right side of the heart were gorged with a dark coloured blood, also the vessels leading to the lungs; the viscera were all healthy and sound; there was a frothy mucus about the mouth and throat, and about a pint of water in the stomach. Had been in practice at Rugeley twenty one years, and conceived that death was caused from suffocation through drowning; formed that opinion from the general appearance of the body.

Cross-examined by Mr Yardley : Never examined the bodies of but two persons who came to their death by drowning; did not open the head; would very probably have found most of the vessels gorged with blood, as in most cases of suffocation. The symptoms were not so positive as to swear the deceased came to her death by drowning.

Johnson and Grant recalled by the Court : Could not say whether the deceased's face touched the bottom.

This concluded the case for the prosecution, when the Court adjourned for refreshment. Upon reassembling, the names of the jury were called over, after which :-

Mr Godson rose to address them on behalf of the prisoners/ The learned counsel observed, in this case three men were jointly indicted for the wilful murder of a woman named Christina Collins, on the 17th of June 1839, by *throwing, casting* or *pushing* her off a boat into the Trent and Mersey canal, at a place called Brindley's Bank near Rugeley, thereby causing her death by drowning. (Mr G here read the indictment, laying strong emphasis on the words "casting, pushing or throwing" deceased into the canal). The learned counsel continued – He believed there was no principal more fully established – no principle better understood, or less dispute respecting it, than that no person could be called upon to answer for other than the specific charge expressed in the indictment. He would ask them to look at the express terms in the indictment against the prisoners at the bar. Was it not that they threw the unfortunate woman into the canal, whereby she was suffocated and drowned? Was there any evidence to show the woman was drowned at all? If so, could they say that it was the act of these three prisoners conjointly, or was it the act of only one of them? Upon which of them, then, would they call to expiate the crime by an ignominious death upon the scaffold? Or would they sacrifice the lives of all three? He contended there was no evidence to prove that the unfortunate woman came to her death in the manner expressed in the indictment. But take the case altogether – suppose the evidence of the man Orgill, relative to a conversation he had had with Owen, to be true – which statement, by the way, he begged to inform them, being made in the absence of the other prisoners, did not in the least affect them. Suppose, continued the learned counsel, the statement of Orgill to be strictly true – and you are bound to receive these parts in his favour equally with those bearing against him – what did it prove? It gave a complete negative to the charge for which the prisoners were indicted, viz, that of throwing her *while alive* into the canal. Mr Godson then humbly submitted to his Lordship that the prisoners ought not to be called upon for a defence to the charge in the indictment.

The learned Judge intimated that that was a question entirely for the consideration of the jury.

Mr Godson again rose to address the jury. He said they were called upon to discharge a sacred and important duty. They were called upon to sacrifice the lives of three fellow creatures, under such circumstances which in his (Mr G's) experience in British Courts had never yet occurred – viz, that of trying them a second time with precisely the same facts, with only the additional evidence of a stated communication between the man Orgill and the prisoner Owen. Whether such a case had

ever occurred within the experience of his Lordship – than whom no learned Judge had had more experience in Criminal Courts – he (Mr G) could not say; but certainly, within his knowledge, and most certainly within his practice, such a case never had. It was one of the first principles of the English law, that no person should be put a second time on his trial for the same offence – that, of course, did not mean a person could not be tried for a second offence upon the same facts. They were now called upon by the prosecutors to investigate the same facts – to enquire whether the prisoners at the bar committed the crime they were charged with – a crime which could only be expiated by sacrificing their lives – when they had already been tried before another learned Judge and another intelligent Jury of their own countrymen – when the same facts (with the exception he had referred to) which they had heard that day were brought before the Court by the same learned counsel for the prosecution. It was not too much to presume – there being four counts in the indictment – one for murder, one for rape, one for assault and another for felony – that the learned Sergeant, the senior counsel of that circuit, seeing all the testimony gathered together by the attorney who instructed him and his learned friend who appeared with him, advised upon which charge the prisoners should take their trial at the last assizes. He only asked them to consider that simple point. They had the evidence of the learned Sergeant at the last assizes, that having carefully perused all the facts of the case, he deemed it advisable to place the prisoners at the bar to answer the charge of rape. What could they infer from that simple fact? Why, that they had evidence for the rape, but had no evidence for the murder. Upon the experience and knowledge, then, of the learned counsel for the prosecution, were the prisoners called upon to answer the charge of rape. When that trial concluded, the learned Judge who presided, who had patiently and attentively heard the whole of the evidence, declared that it was too slight to allow the case to go to the jury. Upon the prisoners being acquitted, what did the learned Sergeant do? Being determined, if possible, to obtain a conviction on one of the counts of the indictment – and not being willing to proceed upon that of murder – pressed upon the learned Judge for, at least, a conviction of assault, which his Lordship would not accede to. (Mr Baron Gurney here interrupted Mr Godson, intimating as we understood, as that circumstance was not connected with the present charge, it would perhaps be better not to dwell upon it, though his view of the case was correct). Mr Godson continued, remarking that the charge was withdrawn when they might have been convicted of assault, and now they were out upon their trial, not upon an indictment found at the present assizes, but upon an indictment found at those very assizes. Why did not the learned counsel proceed upon the charge of murder at that time? Because, say they, “We cannot go safely to trial without the evidence of Orgill!” “And now, gentlemen,” said Mr G, “He is produced in court today - produced for the purpose of proving – what? - that the three prisoners conjointly murdered the woman? That Owen murdered the woman? That Thomas murdered the woman? That Ellis murdered the woman? No, gentlemen, he is produced in court today to prove that *the woman was dead before she ever left the boat!* I ask you, then, solemnly and seriously, as twelve Englishmen, in the discharge of a most painful, most sacred, and most important duty, ought these three men to be condemned to die, when the testimony of the additional witness, Orgill, upon whose evidence the trial was postponed from the last assizes, gives a complete negative to the indictment upon which they are now placed at the bar, and shows – if his evidence is to be believed – that the unfortunate woman was dead before she was put into the water? What credit is to be attached to this witness remains a consideration at your disposal. Your duty now is to try whether these three men *drowned* that woman – not whether she was killed by violence on board the boat – not whether rape or rapes were committed upon her person – not whether she ceased to exist under the baneful influence of their embraces – but you are to try whether they actually *drowned* that unfortunate woman. This is the charge you are called upon to try upon your solemn oaths – upon which you are afterwards to live and reflect. Gentlemen, in the discharge of the very important duty devolving upon me, I find myself constrained to observe – for no man can shut his eyes or close his ears to the reports about this case – that it is almost impossible for you to come to the trial without your minds being naturally, almost forcibly, prejudiced against the prisoners at the bar. First, there was the evidence given at the Coroner's inquest; and then the disclosures at the trial for rape, all published and spread over the

country; read, and read with horror, by almost everyone. The learned Counsel then adverted to the dangerous consequences liable to result from jurymen knowing too much of any case, and said he would confine his remarks from the time the boat left Colwich lock till it arrived at Rugeley. When the boat arrived at Colwich lock, Dobell and Lambert are asleep in the cabin, Owen is steering, and the boy driving; they pass Colwich lock, the stop place, the watering place, and then arrive at Brindley's Bank, near where the body was found. At Brindley's Bank there was a very sharp turn, and they had been told by one of the witnesses (a boatman) that any person unaccustomed to travel on the canal, would be very liable to be thrown off, by the boat's "lurching" in passing this turn. Might not, then, this unfortunate woman, unaccustomed to travel on the canal, in the dead of the night, and not aware of the sharp turn, have been precipitated into the water? Or was it too much to presume that her great distress of mind, arising from the ill-treatment she had received, had operated so powerfully upon her feelings that, rather than meet her husband, she threw herself into the canal? The current of the canal and the passing of boats might have conveyed the body to where it was found, a distance of only forty yards. He would look at the case with the additional evidence of Orgill. Was there anything in the conduct of the three prisoners which indicated they were conjointly about to commit a foul and brutal murder? If they did not all participate in the event, which of them was it? If Orgill's evidence was true, as he had observed before, it disproved the indictment. If it was false, the case was advanced no farther than at the last assizes, when his learned friend did not choose to proceed with it. Who, he would ask, was this man Orgill? Had he not been convicted of bigamy? A well educated man, by trade a butcher, leaving his wife and four children, going to Ireland, and marrying another woman, obtaining her property and, in less than six weeks, leaving her also, was placed in the witness box on the part of the prosecution! He implored them to look at the important fact he had wrung from that witness; viz, that the first time he ever mentioned this conversation between himself and Owen was within one hour, after he had received the sentence of the Court, and while Owen was taking his trial on the charge of rape. Was he not the very man whose evidence they would receive with caution and suspicion? Was he not the very person who, next to the man who had committed perjury, they would be inclined to distrust. The learned counsel concluded a powerful address by urging the Jury that if the points he had referred to were sufficient to raise a reasonable doubt in their mind, as he (Mr Godson) thought they were, they were bound to give the benefit thereof to the prisoners.

The learned Judge summed up the evidence, remarking in a lucid manner upon the more particular points. He observed, he never met with a case which had larger demand upon patience, attention and discrimination. His Lordship alluded to the observation made by Mr Godson respecting the minds of the jury being almost naturally prejudiced against the prisoners, remarking that though the benefits arising from a free press were inestimable, they (the jury) must dismiss from their minds anything they had either heard or read; to apply their minds to the evidence, and to the evidence alone. The charge against the three prisoners was the murder of Christina Collins – and effecting that murder by *drowning*. Before they found all or any of them guilty, they must be satisfied that they did *drown* her; that they effected her death in this way, and in no other way. The learned Judge, after pointing out the contradictory statements of some of the witnesses, alluded to the evidence of Orgill, observing that his testimony must be received with great caution, for he was a tainted witness. The statement of Owen, being made in the absence of the other prisoners, did not effect them at all. His Lordship next adverted to the evidence of Mr Barnett, the surgeon who had examined the body, whose opinion was that the woman had died from suffocation produced by drowning. He implored them to consider the case attentively and minutely, to satisfy their minds, before returning a verdict, that the deceased woman came to her death in the particular way described in the indictment; and whether it was the act of the prisoners conjointly, or two of them, or any single one. The conviction of prisoners was not the first object in an English Court of Justice. However desirable it was that the guilty should not escape punishment, it was far better for the guilty man to escape than for the innocent man to suffer. The learned Judge, in concluding, implored the jury not to allow any feelings of disgust or prejudice they might entertain, either to have any weight in their verdict, or induce them to relax in a minute enquiry into all the facts which

had been brought before them.

The jury expressed a wish to retire, upon which a bailiff was sworn, and they left the court. In about half an hour they returned, and to the enquiry of Mr Bellamy, clerk of arraigns, the foreman, in a very serious manner, pronounced the prisoners respectively Guilty.

The prisoners were then asked by Mr Bellamy, who was evidently much affected, why sentence of death should not be passed upon them according to the law but, made no answer, nor did they evince any particular emotion.

The customary proclamation for silence having been made, and the learned Judge having put on his coif, addressed the prisoners in the following terms, in a very impressive and solemn manner, the most deadly silence prevailing, and the prisoners still continuing unmoved :-

“You, James Owen, George Thomas and William Ellis – after a long and patient hearing of your case – after mature deliberation, a jury of your country have felt themselves constrained to find you guilty of a foul murder – a murder committed upon an unoffending woman, who was placed under your protection who, there is too much reason to fear, was first the object of your lusts and then, to prevent detection of that crime, the object of your violence. Look not for pardon in this world. Apply to the God of mercy for that pardon which he extends to all penitent sinners. Prepare yourselves for the ignominious death which awaits you. The case is a most painful and a most disgusting one. It only remains for me to pass upon you the awful sentence of the law, which is, that you be taken hence to the place from whence you came, from thence to the place of execution, and that you and each of you be hanged by the neck until you are dead, that your bodies be afterwards buried within the precincts of the County prison, and may the Lord have mercy on you”. The learned Judge was very much affected in passing the sentence, and at the conclusion, shed tears.

The prisoners heard the sentence utterly unmoved, and left the bar with perfect indifference, Ellis smiling as he went downstairs, but the countenance of Owen slightly changed.

11 18 April 1840

EXECUTION OF OWEN AND THOMAS FOR THE MURDER OF CHRISTINA COLLINS

The apparently uncertain fate of the murderers of Christina Collins, occasioned by the postponement of the execution, coupled with the atrocity of the offence laid to their charge, and the doubts expressed by some persons whether the evidence fully warranted the verdict that the deceased was drowned by the criminals, had, we scarcely need inform our readers, given to this dreadful case a most unusual degree of notoriety and created corresponding excitement. The fate of these wretched men is now determined; two of them have paid the full penalty of the law by the forfeiture of their lives upon the public scaffold; that of the third (apparently the least guilty) being mercifully spared, from a belief that, notwithstanding his brutal and acknowledged violence towards the devoted victim of their lust, he was free from the guilt of her murder. The respite, as we have previously stated, was for a week, to afford time for some favourable statements made on behalf of the prisoners. Nothing, however, seemed at first sufficiently strong to induce Lord Normanby to think that, consistently with his duty, he could advise a mitigation of the sentence of death with respect to any one of them, and the order for the execution of all three, at the expiration of the respite, was peremptory. Subsequently his Lordship, it would appear, thought more favourably of the case with respect to Ellis, and for him a respite was dispatched which arrived in Stafford between one and two o'clock on Saturday morning, and in the course of the day it became known that the efforts on his behalf were so far successful as to exempt him from the dreadful punishment previously awarded. From the tenor of our statement, it will be perceived that, after Thursday, the day on which Lord Normanby's answer to the general application on behalf of the criminals was received, scarcely the slightest hope was rescuing even one of them from their impending fate could be entertained. Under these circumstances, all the culprits were especially admonished not to indulge any hope of mercy in this world, but diligently to seek for pardon from God alone. These admonitions, up to even a late hour, there is reason to fear, fell on stony ground. Almost throughout, notwithstanding the persevering and incessant efforts of the Chaplain, the unfortunate

men never evinced any lively perception of religious truths, nor appeared to repent the dreadful crime they had committed further than as it affected their present situation. A stolid spirit of endurance characterised their behaviour; they did not pusillanimously fear death, though they desired to live, but with any notion of future punishment they were by no means duly impressed.

Saturday – This morning, at an early hour, the Rev Chaplain visited the men in their cells, giving them advice suitable to their awful situation, and offering up fervent prayers in their presence, and on their behalf. The Rev gentleman was assisted in his solemn duties by the Rev Edward Rathbone, the Governor likewise occasionally giving them a word of advice. Thomas was much more firm than he was yesterday, and denied any knowledge of what happened to the woman after the boat had got a little beyond Colwich lock. He repeated what he had said before, that he was very drunk, and was unconscious of the manner in which she came to her end. If he was steering at the time, he said, “it was unknown to him”. He most solemnly affirmed that he had nothing more to confess. Ellis, likewise, persisted in his former statements, and denied most positively any knowledge of the manner in which the woman was drowned. Owen, also, declared he had no further disclosure to make, having told the whole truth on the subject of the death of the woman. The time at which criminals are usually executed at Stafford is 8 in the morning, and although in consequence of its having transpired that further efforts were being made on behalf of Ellis, it was partially known in Stafford and its immediate vicinity on Friday afternoon that the custom would be departed from, and the execution delayed till midday, yet, till the following morning, the information scarcely seemed to have extended to neighbouring places. Many persons arrived in the town on Friday evening, and from three o'clock on Saturday morning up to a much later hour, gig and spring carts, and humbler vehicles, filled with men and women, were continually arriving. The railway trains also brought hundreds of individuals, and the road from the station to the town, whenever a train arrived, presented a living stream pushing on, and we fear we may say, eager to witness the scene of death. The gallows had been placed in front of the prison lodge during the preceding night, and barricades were erected at each of the three approaches, which kept the crowd at about twenty yards distance. Two halters hung from the beam of the gallows – a circumstance which the populace considered a plain indication that the life of one of the wretched criminals would be spared. The crowd began to gather in the vicinity as early as six or seven o'clock, but most of them, on finding that one o'clock was the hour appointed, went away; still, however, there was constantly from that time many hundreds on the spot. As the hour of execution drew near, the multitude increased amazingly, and before twelve o'clock it was with difficulty that access to the prison, even by authorised persons, could be obtained. The streets leading to it were crowded to the farthest extremities, and on the road leading to Stone, thousands had assembled. Walls, trees, windows and gardens and, in fact, almost every spot from which a view of the dreadful event could be anticipated, was occupied. The solemn quietness of the prison, where scarcely a sound was heard except the buzzing of the multitude beyond its walls, presented a striking contrast to the turmoil and confusion prevailing among the crowd – but it was the stillness of death, and the heart sank.

About twelve o'clock, the unhappy culprits were summoned from their cells to the chapel of the prison, to receive the Holy Sacrament. Owen entered first and with rather an unsteady step; Thomas followed; his look was vacant and he seemed scarcely to understand the nature of the solemn rite in which he was about to participate. Ellis came in last, and evinced a similar want of knowledge. Prayer books were given to Owen and Thomas, and they were placed on the left hand side of the communion table, which stood in front of the pulpit. The Governor and Ellis occupied the right side, and the Rev H Buckeridge, the chaplain, took his station at the upper end, his associate in his pious labours, the Rev E Rathbone, being at the lower one. No book was given to Ellis, as he could not read. Previous to the administration of the solemn rite, the chaplain most affectionately and earnestly addressed the culprits, imploring them as men standing in the immediate presence of Almighty God, and as sinners within an hour to be ushered into eternity, to confess the whole truth and not to venture into the presence of their Creator with a lie in their mouths. Owen, who stood nearest to the Rev gentleman, was the first to reply to this solemn appeal and said, “I have no more to say than I have said”; but showed a desire to repeat some former

statement, when the Rev gentleman told him if he had nothing to communicate beyond what he had already stated, he had better, perhaps, forbear repeating it; he replied he had nothing more to say. Thomas answered, "I have told all". Ellis made no reply. The criminals then, with the governor, knelt at the table, and the Chaplain and his reverend associate proceeded with the sacramental service. The conduct of the prisoners was firm and decorous and, although not exhibiting any visible sign of contrition, they appeared quite sensible of the solemn situation in which they were placed. Owen and Thomas held their prayer books with a steady hand, and made the necessary responses with an unflinching voice. The utterance of Owen was remarkably clear and distinct, and occasionally fervid. During the pauses in the ceremony, he appeared to be engaged in private prayer; he covered his eyes with his hand, and a slight movement to and fro indicated his distressed state of mind. Thomas was not so much moved, but Ellis was evidently wretched. The Chaplain and his reverend coadjutor went through the service in a manner the most impressive and affecting. At its conclusion, Ellis left the chapel first, followed by Thomas and Owen. In a minute or two, Ellis was recalled, and the Governor, in a feeling manner, informed him, for the first time, that he Majesty had been pleased to respite his execution; he could not, he assured the unhappy man, assure him that his life would be spared, but he thought it probable. Ellis burst into tears, and received the information with evident thankfulness. The Rev Chaplain then admonished him, in a most impressive manner, to give constant thanks to God for his deliverance from immediate death, and to beg for pardon for his offences. Ellis, who wept bitterly, replied, "I have begged; I have begged: I will: I will." He then expressed his wish to take leave of Owen and Thomas, and was conducted to the press room, to which they, in the interval, had proceeded. He was accompanied by the Governor, who announced to them that a further respite had been received for their companion, and that he would not be executed with them. Both Owen and Thomas expressed their satisfaction at this intelligence, and Ellis, who had partially recovered from the emotion he experienced in the chapel, again burst into tears. Owen and Thomas also wept freely. Ellis, taking each of his former associates by the hand, kissed them affectionately, repeatedly exclaiming, "God bless you; God bless you". The interview was most affecting, and the painful effect of its prolongation on Owen and Thomas becoming apparent, Ellis, at the suggestion of the Governor, bid a final farewell to his wretched friends. Thomas, addressing him as he left the cell, said, "Bill, if you get off, let this be a warning to you forever". Ellis, as he retired, continued to exclaim, "God bless you". The scene was indescribably affecting; none present could restrain their feelings, and every person, except those whose duty it was to attend upon the unhappy men, quitted the room. The executioner then proceeded to pinion the arms of Owen and Thomas, and while that was proceeding, R W Hand Esq, the Deputy Sherriff, arrived, and announced that Mr Gaunt had returned with a communication from Lord Normanby, confirming the respite of Ellis. His Lordship had expressed his satisfaction to Mr Gaunt that he had received the certificate on behalf of Ellis, since it corresponded with his own view of the case. With regard to the other two, the law must take its course. Owen and Thomas, we ought to have stated, had become perfectly reconciled, and shook hands most cordially. In a few minutes, the solemn tolling of the prison bell announced that the time for the execution had arrived, and the culprits, accompanied by the Chaplain, the Under Sherriff, the Governor, and other officers of the prison, with the executioner, quitted their cell. The mournful procession passed in solemn silence through the vaulted passages of the prison. On its arrival at the door, the Chaplain, who walked first and immediately before the prisoners, commenced reading the burial service of the Church of England. Both the prisoners, beside each of whom was an attendant, walked with a firm and steady step to the prison lodge, and through it to the foot of the gallows. Owen first ascended the platform, which he did without assistance, and took his place under the further end of the fatal beam, at which he looked up for a moment. The executioner quickly placed the rope round his neck and made the other preparations. Thomas then went up the steps, in doing which his foot caught the top step, which occasioned a slight stumble. The rope was speedily placed around his neck, and the executioner shook hands with both the culprits. The Chaplain recommenced reading the funeral service, and at the conclusion of the words "in the midst of life we are in death", the bolt was withdrawn, and the dismal sound of the falling platform instantly told that the wretched criminals

had, it is to be hoped, expiated their offences by their miserable and ignominious end. Being robust men, both for a few seconds were much convulsed; and Owen two or three times slightly elevated one of his hands. Neither of them made any remark on the scaffold, and they both appeared to be in the act of prayer when they were turned off. After hanging an hour, their bodies were cut down, and buried within the precincts of the prison. No particular feeling was exhibited by the multitude on the appearance of the criminals on the drop; though when it fell a slight cry arose, particularly from the females, who were numerous. The prisoners Thomas and likewise Ellis confessed that their general habits had been of the most depraved and profligate character; though not differing much from the class of men to which they belonged. We understand that it was most painful to hear their account of the scenes which are of daily occurrence amongst boatmen. Thieving, it appears, is reckoned an accomplishment, and those men are most sought after by the captains of boats, who can pilfer the cargoes most adroitly and to the greatest extent. They say there is no difficulty in disposing of the stolen goods, receivers being at hand at all points of the canals. It is an invariable practice to abstract ale, spirits, &c from the casks by means of syphon pumps, which are in common use in the boats. Drunkenness is consequently habitual amongst the boatmen to a dreadful extent; and, as intemperance is the fruitful parent of crime, they are generally found prepared for the perpetration of the worst offences. Fornication and adultery are commonly prevalent. As to religion, they pay no regard whatever to even its forms; Thomas and Ellis having acknowledged that they do not remember having ever been in a church or any other place of worship. They made statements to this effect, and to a much greater extent, to the Rev Chaplain, respecting their own criminal courses, and those of their fellow boatmen generally.

ELLIS, THE BOATMAN A reprieve from the Home Office for this unfortunate man has been received by T Brutton Esq, governor of our County Gaol. We believe it arrived on Thursday. Ellis will, of course, be transported; but it is not at present known where he will be removed. His conduct continues, as heretofore, since his condemnation, uniformly good.

12 25 April 1840

Pottery Police Intelligence

BOAT CASE John Smith, boatman of Stoke, was summoned by his boy **Joseph Johnson**, for 17s 6d due to him. The boy it appeared had run away and left the boat in his master's absence, alleging ill-usage as the cause, and said he was knocked down with the mop. Smith objected to the charge of 3s 6d per week wages; Smith's daughter said she was present when the boy was hired at 2s 6d per week, and this was offered by Smith. To pay 11s 3d wages and 20s 6d costs.

13 2 May 1840

Newcastle

POLICE OFFICE – WEDNESDAY George Gee, George Leech, William Fox and Ann King, all well known to the police, were brought up charged with stealing nine pounds in cash from the person of **William Clinson**, a boatman, while asleep in the Eagle and Child public house on Thursday week. The evidence was very conclusive against all the prisoners, and they were committed for trial at the Borough Sessions. Eight pounds of the money was recovered by the police. Mr John Gretton, publican of Tnnstall, was complimented by the Mayor for having taken an active part in causing the apprehension of Fox and King. Mr Cottrill stated, after he had apprehended the female prisoner, she attempted to destroy herself by jumping into a canal, and that she still continued to declare she would not be brought to trial. The prisoner appeared extremely ill from the effects of being half drowned.

14 9 May 1840

Pottery Police Intelligence

ROBBERY ON BOARD A CANAL BOAT Isaac Raisin was charged with stealing a watch and £1 7s in money about twelve o'clock on the preceding night at Longport.

William Hatton, the captain of a boat lying in Longport Wharf on the Trent and Mersey Canal, stated that the prisoner had been for a fortnight in his employment as a boatman. Witness went to bed last night at twelve in the cabin, when the prisoner came in. Witness said, "Are you coming?" and the prisoner replied, "I am". Upon going to bed he put under the pillow his trowsers, in which

was a purse containing a sovereign and seven shillings, and a silver watch. Awaking about two in the morning, he missed the prisoner, and on examining the pockets of his trowsers found that the money and watch were also gone. Got up, made enquiries about Raisin, and gave information to the constable.

Stephen Johnson, an Etruria constable, said that he took the prisoner that morning at 7 o'clock in a beer shop at Shelton, where he was drinking with another man. On being told of the complaint against him, he declared there was no ground for it. Witness found none of the stolen money upon the prisoner. Two sixpences and 4 1/2d were all the money he had.

The prisoner denied that he had returned to the boat on Monday night after leaving a public house. He had gone to look after a person who owed him money.

The Bench committed the prisoner for trial at the Sessions, and the witnesses were bound over to appear.

15 16 May 1840 Pottery Police Intelligence

BURSLEM **Francis Crompton**, a bargeman, was charged with having a fire sufficiently great to throw forth smoke in his boat while passing through the Harecastle Tunnel – an infringement of the bye laws of the Trent and Mersey Canal. Fined 20s and costs.

LONGTON **William Furnival**, a boatman, was charged with embezzling £4 4s 6d by Mr Samuel Asbury. It appeared that the prisoner disposed of a quantity of tiles belonging to the prosecutor, to Messrs Shipton of Wolverhampton, for the above sum, which he had never paid over to the complainant. He was apprehended by Povey on the 8th inst at Newcastle. At first, he denied having misappropriated the goods, but afterwards stated that he had sold 300 press (tiles) for £4 16s 6d. He admitted that they belonged to Mr Asbury.

He was committed to the sessions for trial and the witnesses bound over to appear against him.

16 27 June 1840 Burslem

Isaac Allen, a boatman, was charged with having a fire in his boat while it was passing through the Harecastle Tunnel on the 13th ult. Fined 20s and £1 3s costs.

17 1 August 1840 Hanley

HAY STEALING A boatman named **Thomas Mullott** was apprehended by Povey stealing hay, the property of Mr Perkins, New Park, on Saturday, and was committed as a reputed thief to one months hard labour.

18 22 August 1840 Police Intelligence

HANLEY **Isaac Bodell**, a boatman, was brought up for leaving his wife chargeable to the parish of Burslem, and was sent to the house of correction to be kept to hard labour for fourteen days.

HANLEY **George Lockett**, a boatman, was charged with stealing on Saturday, earthenware belonging to Mr William Penson of Hem Heath in the parish of Trentham. He was sent to the house of correction to be kept to hard labour for two months.

19 26 September 1840 Police Intelligence

Edward Powell, a boatman in the service of Messrs Pickford, was charged by their agent, Mr Neville, with stealing a quantity of tea, sugar and rum from the boat on the voyage between Manchester and Stoke. Instruments were found in his possession for abstracting liquor from casks and packages. In consequence of certain packages being deficient in weight, the boat was searched, and a funnel, a tea kettle containing rum and water, a gallon bottle with salt and water, some sugar in a drawer and tea in a bag were found. The evidence being insufficient to convict the prisoner, he was discharged with a reprimand.

20 24 October 1840 Police Intelligence

BURSLEM **John Jukes**, a boatman, was fined 20s and costs for taking his boat, with a fire on

board, through the Harecastle Tunnel.

21 7 November 1840 Pottery Police Intelligence

BURSLEM **Jesse Chatterley**, a boatman, was ordered to pay **George Rushton** 12s for two weeks work in his boat, and 16s 6d expenses. Chatterley had told the constable, Stonier, that he did not owe the money, and then asked for a fortnight to pay it, without troubling the court. The officer better knew his duty.

22 28 November 1840 Police Intelligence

BURSLEM **William Bentley**, a boatman, was charged with assaulting **James Watken**, who pursues the same calling, on Monday at Tunstall. A dispute arose as to which should have priority in loading their boats, when the defendant knocked the complainant down and beat him severely. The evidence of the complainant being defective, the case was dismissed, each party paying their own costs.

23 5 December 1840 Police Intelligence

BURSLEM - ASSAULTS **James Harrison** was charged with assaulting **Joseph Wilshaw** on Monday night at Stoke. Both the parties are boatmen, and were drinking at Biddulph's ale house, when the defendant without provocation violently assaulted the complainant, whose head was much beaten, eye cut, and lip slit by the assailant. Mr Rose fined the defendant 20s and 15s 6d costs. LONGTON **Matthew Jones**, a boatman, was charged with being drunk, in which state he had lost his hat and money. They had been since found and returned by Stonier. He was discharged on paying 4s to the officer, who had prevented him from falling into the canal.

24 14 January 1841 Hanley

ROBBERY BY BOATMEN **Joseph Harrison** and **William Ratcliffe** were charged with stealing a quantity of hay.

Wm Groves, a boatman, stated that his boat was lying at the bottom of Stoke lock. The boat was there on Friday night. He had a hundred and a half of hay secured with strings under the deck, which he saw safe on the Friday night. He missed the property on Saturday morning at 6 o'clock. The complainant identified the ropes by which the hay was secured. He went to search for the hay but could not find it. He saw the hay yesterday morning in one of **John Wilshaw's** boats on the canal. Harrison was the captain of the boat.

Richard Stonier, inspector of the Stoke police, took the prisoners into custody. Harrison told him that the hay was purchased on this side Wolverhampton, and afterwards said he had brought it from home with him. Ratcliffe worked for Harrison. The prisoners were committed to the sessions for trial, but the magistrate consented to admit them to bail.

25 18 February 1841 Police Intelligence

TUNSTALL - DISPUTED WAGES **William Allen** was again brought up to answer the complaint of a boatman named **Bourne**, who brought evidence to show that he had worked nine weeks at 13s per week, and had received only £3, leaving £2 17s due. Allen had been allowed a week to produce evidence in disproof of the time worked, but his witness was not so veracious as was desirable, and he was ordered to pay the sum due, and 32s costs.

26 11 March 1841 Staffordshire Adjourned Assizes

John Walton, on bail, was indicted for stealing about 2 cwt of coal on the 3rd of February at Wolverhampton, the property of Benjamin Johnson.

Mr Yardley appeared for the prosecution and Mr Allen for the defence.

William Evans, a watchman in the employ of Mr Johnson, on the 3rd of February was watching the wharf, and about six o'clock on the morning, the prisoner came from a boat and took about 2 cwt of coal and put it in his boat; he desired him to put it back again, and he threatened him.

Cross-examined by Mr Allen : Had been in Stafford Gaol for raking the canal. Mr Allen then addressed the jury animadverting in very strong terms on the character of the only witness produced, and then called witnesses who gave the prisoner an excellent character. Guilty. To be imprisoned three calendar months in the house of correction and kept to hard labour.

27 22 April 1841

Police Intelligence

BURSLEM **Joseph Harper**, a boatman, was summoned for having a fire which caused a smoke whilst passing under the tunnel on the Trent and Mersey Canal at Tunstall, contrary to the bye laws. Joseph Rowley proved the offence, and the defendant was fined in the amount of the expenses.

28 10 June 1841

Police Intelligence

LONGTON - ROBBERY BY THE CAPTAIN OF A BOAT **Joseph Sutton**, captain of a boat belonging to Messrs Pickford and Co, carriers, was brought up, charged with stealing from a cask, which formed part of the cargo, 7 1/2 lbs of tobacco.

The prisoner had been remanded from Hanley on Monday to procure the attendance of two witnesses; and a boatman under his command, who had been taken into custody, was discharged in consequence of there being no evidence against him. It appeared from the evidence now produced that the cask of tobacco alluded to was put on board the boat at Horninglow on the 29th of May, when it weighed 1 cwt 2 qrs 20 lbs. The invoice was delivered to the prisoner. The cask was in good condition, sound, and did not appear to have been opened. On the arrival of the boat at Stoke on the 30th, the cask only weighed 1 cwt 2 qrs 12 1/2 lbs, being a deficiency of 7 1/2 lbs. Mr Neville, agent to Messrs Pickford and Co at Stoke Wharf, inspected the boat on Sunday morning last, and found in the captain's cupboard a quantity of tobacco, tied up in a woman's night cap. It corresponded in appearance with the tobacco in the cask. On the cask being opened, it was found that there was a vacancy, as if part of the tobacco had been extracted. The prisoner, when apprehended by Inspector Stonier of the Stoke police, said that he bought the tobacco at Birmingham. He was committed for trial at the next quarter sessions.

29 18 November 1841

The following inquisitions have been held before H Smith Esq, coroner : at Kingswinford, on **James Turner**, a child between four and five years of age, son of **Henry Turner**, boatman, of Wordsley Junction, whose death was occasioned by his clothes catching fire.

30 2 December 1841

Police Intelligence

HANLEY - FELONY **James Harrison** was charged with stealing a bag and some beans and oats from a stable at the wharf of the Anderton Company, Etruria. James Caddy, a carter, had left three bags in his stable, and locked the door, on Friday morning, very early; and Wm Ousemark, a miller at Mr Ridgeway's mill, noticing two persons about the premises at wrong hours, watched their movements; saw the prisoner enter the stable, and went to inform Caddy's wife, but meeting Henry White, one of the Company's porters, told him. White found the prisoner in the stable, putting bran and beans out of a full into a partly empty sack, but he let the prisoner depart, and the bag remained in the stable. Mr Rhodes having received information of this affair, went to the wharf, where the company's agent had the prisoners in custody. The prisoner had a horse in the adjoining stable, he being a boatman. He made a rambling defence about going in to look at the stable. He was committed for trial at the sessions.

31 16 December 1841

Police Intelligence

HANLEY Two boatmen were brought up by Stonier on a charge of stealing cheese from a boat, the property of Messrs Pickford, Stoke. Their names are **John Gardner** and **George Mellard**, and the captain of the *Russian*, **William Best**, also being implicated, was taken into custody, but on Sunday morning broke out of the lockups at Stoke, and escaped, so that the evidence could not be proceeded in against the parties remaining safe. The insecurity of the lockups had been already

noticed in the affair of Superintendent Stonier and Maskey. Had Stonier fettered the prisoners, possibly other charges would have been preferred against him, at the discretion of the culprits. As no evidence could be offered on which to remand the parties in custody, they were discharged, and told they were liable to be again apprehended on this charge; and Stonier was told that he might apprehend Best whenever he had an opportunity, and also the prisoners.

32 6 January 1842

Trials of Prisoners

Wm Ellis, 22, a boatman, was placed at the bar on a charge of having stolen three cheeses, the property of Thomas Barrow and another, at Wolverhampton.

Mr Woolrich conducted the prosecution, and Mr Yardley the defence.

It appears that on the 15th of last December, the prisoner was conducting a boat load of cheese to the prosecutor's warehouse, and on the way he abstracted three large ones and substituted four smaller ones, which he had purchased from a person who kept a grocer's shop in the town. Upon the delivery of the boat's cargo at its destination, Mr Barrow, the prosecutor, perceived these cheese, and on making enquiries, learned that the prisoner had bought them as above mentioned. He immediately sent for a constable to take him into his charge. Upon being questioned concerning them, the prisoner said that he had had them from the warehouse and could swear to it.

The jury, after patiently hearing the case, brought in a verdict of guilty, and the learned chairman, after remarking on the enormity of the crime with which he was charged, said he was directed to sentence him to seven years transportation.