

RUNCORN GUARDIAN

11 March 1876

AN INFANT DROWNED AT RUNCORN

THE CORONER'S JURY LOCKED UP FOR SEVERAL HOURS At Runcorn on Friday and Saturday last, a rather unusual occurrence took place, viz, a coroner's jury not being able to return a verdict, and being in consequence "locked up" for several hours. On Friday morning at eleven o'clock, Mr Ridgway, the coroner, held an inquest at the house of Mr William Dearden, the Mariners' Hotel, touching the death of **Sarah Jane Tyrer**, an infant two years of age, who died the previous afternoon shortly after being got out of the Runcorn and Weston Canal belonging to the Bridgewater Navigation Company Limited. The jury consisted of well to do tradesmen and retired tradesmen in the town, who had been carefully selected and summoned by Inspector (?....) on account of their social position and supposed education, and general intelligence, and the evidence laid before them was perfectly clear and intelligible. It was that the deceased was the illegitimate child of **John Taylor**, a boatman, and **Sarah Tyrer**, a boatwoman, both of whom, in company with a woman named Elizabeth Ruen, were seen on Thursday afternoon going along the canal bank from Weston Point to Runcorn very much intoxicated. The man Taylor was on horseback, with the deceased in front of him, and the two women were on foot, held on to each other by one arm, and were dragged along by holding on with the other to the traces and tail of the horse. In that way they proceeded for some distance along the canal bank in the direction of Runcorn, when a man, who was at work on the opposite side of the canal, seeing the condition in which Taylor was, swaying from one side to the other and being scarcely unable to keep his seat on the horse, called out to the women to take the deceased from him, for he would fall and hurt it. The woman Ruen took the child from Taylor, but had no sooner done so and got it into her arms, than she staggered backward and fell with it into the canal. An alarm was raised, and assistance being at hand both the woman and child were quickly rescued. The woman seemed to be very little the worse for her "ducking", but the child died a few minutes afterwards. Had it not been for several workmen being near, the woman Ruen would certainly have been drowned as well as the child ; as she was so intoxicated that she could not have got out, and Taylor and Tyrer were too drunk to be able to render her any help. The jury, after hearing the evidence, proceeded to consider their verdict, and after a short discussion ten of them agreed that the deceased came to her death by drowning through the culpable negligence of Taylor, Tyrer and Ruen ; but the other two gentlemen of the jury, one a boat owner and the other a boat (?....) and chandler, refused to take the same view of the matter, and declared that in their opinion the death of the deceased was purely accidental. In this state of affairs, the Coroner was asked for his advice, and he clearly stated what was the law bearing on the evidence. The jury again tried to agree, but only continued to disagree ; and after being locked up for two hours, were, in consequence of the Coroner having an important legal appointment elsewhere, bound over to appear at the Petty Sessions Room at three o'clock the following afternoon, and were allowed to go at large. Punctually at three o'clock on Saturday afternoon they assembled in the Petty Sessions Room, and after a slight conversation together found that they were exactly in the same position as on the previous day, viz ten for a verdict of culpable negligence and two for one of pure accident. The Coroner was again appealed to, and again he clearly expounded the law, but his (?....) and eloquence were unable to get the jury together. They were then locked up in the magistrates' retiring room with a policeman placed at the door, sworn to keep them "in durance vile" without meat, drink, fire or light, until they should be released by the Coroner.

(Article is on the edge of the page and very hard to read here, so a section omitted. Broadly, from what I can read, the jury continued to be unable to agree, and they spent their time telling stories and singing hymns.)

It had got close upon eight o'clock, the Coroner entered the room and asked if they had agreed or were likely to agree to a verdict, and received the short but emphatic answer of "No". He asked them if they required any more evidence and was told that they did not ; and in reply to a further question as to whether he could expect them ever to come to an agreement "except to differ", they

said he could not, and was thanked for the (?....) courtesy and consideration he had showed them under the circumstances. The Coroner then said he felt it was his duty to address a few words to them on their inability to agree to a verdict. The evidence which was laid before them on the previous day was so plain and straightforward that he should have thought that 12 gentlemen of their intelligence and public standing should in a very short time have agreed to a verdict. They had, however, not done so, and he would now read to them from the latest edition of Jervis's Coroner's Court practice what the law empowers coroners to do when juries did not agree to a verdict. The law provided that when a jury consisting of more than 12 persons and they were not unanimous, that the Coroner could then take as the verdict of the jury that upon which 12 of them were agreed. In this case, however, there were only 12 of them, and as they were not agreed he could not take their verdict. The law provided that in such case the Coroner had the power to have the jury locked up for a reasonable length of time without food, drink, fire or light ; and that if they could not then agree he had power to discharge them. Now, as they were locked up two hours on the previous day and had been in the same position for four hours and a half that day, he thought it was quite long enough. The law further empowered him to impose a fine upon them for disagreement, but as that appeared contrary to the spirit of the constitution, for no man could be forced to give his verdict against his judgement and conviction, it was not wise to act upon it, and he did not intend to do so. He had further power, if he thought proper, to remit them to the next assizes, so that they might have the benefit of the advice and judgement of the presiding Judge. That, as they were doubtless aware, was the course pursued with respect to the inquiry into the loss of the Mistletoe, but as Baron Bramwell, who presided at the assizes to which the case was referred, held that the Coroner should have discharged the jury, he (Mr Ridgway) considering that to be sound law, and it was certainly in accordance with his own convictions, he should adopt the course recommended by Baron Bramwell and discharge them. He however only did so, instead of having them again locked up, because the man Taylor and the women Tyrer and Ruen had been brought up in the magistrates' court and committed to take their trial in a court where he felt that justice would be done. If they could have seen their way to a verdict he should have been glad, and he deeply regretted that twelve gentlemen like the jury before him had not been able to do so. He therefore discharged them, though it pained him very much to have to do so.

The jury then separated and returned to their respective homes and avocations.

At the Chester Assizes on Tuesday, the Grand Jury ignored the bill against Sarah Tyrer and Elizabeth Ruen.