

The Aspull Atrocity

This article which appeared in the Wigan Observer on March 3rd 1868 refers to L&L canal boatman Richard Barrow (b1843 Lathom – see his entry) his wife Alice and their baby son William.

Aspull has a bad name in the mouths of the county magistrates, and yet the justices have missed a great opportunity of teaching better manners in Aspull. It is impossible to conceive of a greater act of brutality than that which we chronicled last week in the form of a coroner's inquest on the body of a child named William Barrow. His father had been drinking and returning to his boat on the canal, on finding no supper ready for him, threw a boiling kettle on to the bed where lay his wife and two children.

We will not venture to say that the poor drunkard intended to murder his wife and children or any of them, but we suggest that such an act at least amounted to culpable negligence, and culpable negligence is sufficient to establish the crime of manslaughter. There were difficulties in the way of a verdict, for to a conviction the evidence of a wife was necessary, and although such evidence can be received on an inquisition, it is not admissible in a trial at the bar.

The Coroner was clearly right when he directed his jury not to return a verdict which could not be supported at the assizes by the very evidence on which it was founded. The Coroner, however, ought not to put his faith in the county justices, for the magistrates refused to entertain any serious charge against Barrow when the police brought him before the Bench at Bolton.

Barrow might have been committed for an assault with intent to maim and disfigure his wife and child; and even if the jury cut out the intent and reduced the offence to a common assault, he might have been sentenced to a term of imprisonment, and in the sentence the judge would not have forgotten the evidence of Mr Fisher, who spoke to death having been accelerated by irritation, produced by the scalds to which the deceased infant had been subjected. If the death of a man dying of consumption is accelerated by an hour it is murder; and if the act of violence is a brutal act like this, without intent, death so accelerated still leaves the act of manslaughter.

Common sense suggests that this view is just, but the magistrates at Bolton have evidently clearer light than ordinary people because they lay down a rule that a man who scalds his wife and children, and accelerates the death of at least one of them, is neither guilty of murder, manslaughter, intent to murder, or to maim, but only of an assault so inconsiderable as for him to be bound over to keep the peace for six months!

Is it possible to conceive a greater farce than to ask a man, a drunkard, and a violent drunkard, to keep the peace? The poor forgiving wife may hope for better days, and the surviving child may, we trust, have a better fate than the poor little one who is gone, but it will not surely be in consequence of the justice of the magistrates.

The people of Aspull have often been sneered at from the Bench, but if the Bench knows how bad Aspull is, Aspull now knows how short it may go of murder with no higher penalty than security to keep the peace for six months. A more lamentable miscarriage of justice it is impossible to conceive – to the community of Aspull.