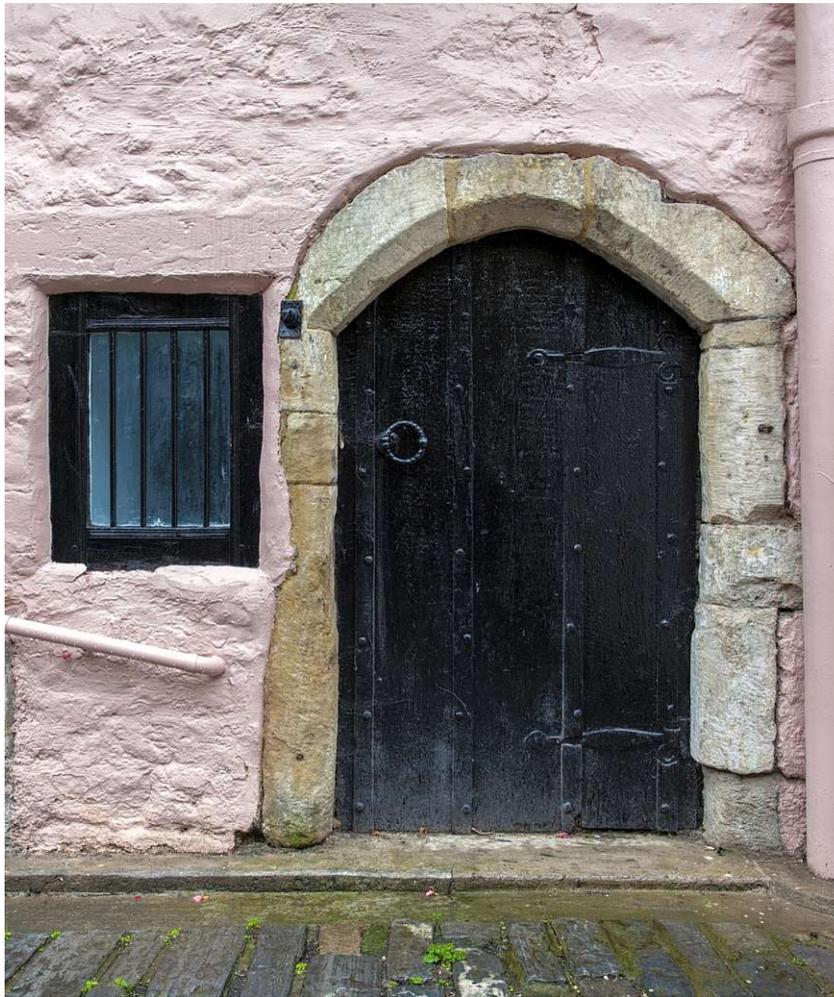


City Arms watch theft - accused man escapes from Wells gaol



Wells Journal
August 11, 1860
HENRY Waters, cordwainer,
was charged with stealing a
watch from the person of
Emanuel Braund value £6.

The clanking of the prisoner's chains as he came up into the dock from below caused considerable noise and his appearance caused a great stir in court. There were two charges preferred against the prisoner to which he pleaded "Not Guilty".

He asked that his cases be adjourned until the next Assize as he had not had time to prepare his defence. The prisoner said he had not yet had time to employ a counsel. The Judge said he would consider the request and the prisoner was then removed from the court.

When back in custody the prisoner then decided he would undertake his own case and this caused a great deal of excitement and the case afforded considerable public interest in the city.

Emanuel Braund deposed: "I am an engine driver on the Central Somerset Railway and I reside in Wells. On Friday May 8 I was drinking in the City Arms and I saw the prisoner there drinking. I left at about 12 o'clock and Jones who was drinking with me left at the same time. I went to the corner of Broad Street to Jones' house and in his company I went up the passage leading to his house. Whilst in the passage the prisoner came up beside me and took my watch out of my pocket and broke the ring. I felt Waters snap the ring and I missed the watch directly.

He then ran away but Jones caught him as he was running out of the passage. I picked up the watch which had fallen next to the prisoner in the struggle. I charged him with stealing my watch but he said he had not but I took him into the custody of PC Kelly."

Braund was then cross examined by Waters the prisoner.

"I left my work at half past

seven o'clock. I left with John McGuire and we went to the City Arms together. I met nobody else on the road. When I went into the City Arms I only had cider to drink. There were four drinking with me."

Prisoner: "You said just now there was only one with you."

The prisoner then called John McGuire.

"I went to the City Arms with Braund and Towser and Jones came in after. I never kept account of how many pots I paid for. There was nobody in the company but the four of us and you were not of our company. (Laughter in the court)"

"My wife was in the bar. She had a pint of beer to herself at another table. Towser paid for one pot.

I left the bar at 12 o'clock. I had plenty to drink during the four to five hours but I was not drunk when I left."

Prisoner: "Well now don't bite my nose off." (Laughter)

Cross examination of Braund was continued by the prisoner.

"I went over to Broad Street when I left. Jones, McGuire, Towser went with me when I left the City Arms. They did not go into the passage with me and Jones. The passage is not lighted up with gas and it leads into a little court where there are three or four houses. It was not dark that I could not see a man's features. The passage is about a yard wide and you were about a yard from me when I missed the watch. I gave you into the charge of PC Kelly."

A statement was then made to the court by the prisoner.

"I found the watch in the passage on the floor. You (to Waters) were at the mouth of the passage."

Richard Jones told the court; "I was drinking at the City Arms and when we left Waters followed us. As I was just outside the passage I heard Braund call out and I saw the prisoner running out. Braund sung out, "Stop him, stop him I have lost my watch." I put my hand out and seized

him by the collar and I did not loose my hold on him. I held him tight until PC Kelly arrived."

James Butt was called to give evidence.

"I live in Broad Street near the passage where Jones resides. In the morning after the incident I found a ring and a pin that looked as if it had been broken from a watch about 12 yards up the passage. I was not at the City Arms that evening and I gave the bits I had found to PC Kelly."

PC Kelly then gave his account to the court.

"I recollect that night. I live in Broad Street and heard a row and heard someone say that they had a watch taken from them. I got up from my bed, dressed and went out when Braund gave Waters into my custody on the charge of stealing a watch. Braund had had a little drink when they came to me."

The whole of the evidence having been given Henry Waters then addressed the jury.

"I hope you will not look upon me in the light with which I have been brought before you, namely a convict facing penal servitude. I hope that you will dismiss that from your mind and look upon me as a man working honestly for a living in the town of Wells."

"Braund goes to the City Arms where he drinks a great deal in the company of others from seven to twelve. He then left the house and says he went alone into the passage with Jones following on behind and he states that I was the only person to follow him into the passage but there were in fact five or six persons standing about in the passage. Braund states that he was not tipsy but it is very evident that a man who has been drinking for five or six hours with his fellows could not be sober."

"But gentlemen there is no evidence at all that the watch was ever in my possession. He cannot swear that I stole his watch. He gave the watch to PC Kelly and it was in his

possession all along and he blamed me."

"You will recollect that there are many poor unfortunate men who have been declared guilty and it has afterwards been proved that they were innocent and I do hope you will give me the benefit of the doubt."

"It is true I am a convicted convict and have undergone six years penal servitude and have on year to serve. Your question is:

"Why am I outside now you ask being a convict?"

"At Dartmoor prison we are taken out on to the Moors to work every day. Being left for sometime together unwatched it was very easy to walk away and I did so. (Laughter) I went to Tiverton and thence walked to Wells where I was working honestly for a living. That is all I have to say."

The learned judge then summed up. He said the case was a peculiar one.

The question was did the watch fall from Braund's person? He was intoxicated when it was taken from him, and if so was it by Waters?"

There was one fact they should consider Braund states that it was when Waters was standing next to him that he felt someone snatch his watch and take it from him. He hoped that the jury would not be biased against Waters because he had already been convicted of a felony but they should be entirely guided by the evidence.

The jury after deliberating for ten minutes returned a verdict of Guilty.

The learned Judge then addressed the prisoner.

"You have been found guilty of the offence of stealing the watch from the person Emanuel Braund. You have also been proved to have been convicted under a similar charge in 1853. There are circumstances which I feel bound to take into my consideration of sentence. Since that you have broken out of the prison to which you had been sent. You are now

brought here in chains such has been your conduct that it was considered necessary. I cannot help but say that during this trial you have shown a great deal of ingenuity and talent and an intelligence which should have put you in a better position that you are now in.

The sentence of this court is that you be sent to penal servitude for ten years.

FURTHER RESEARCH INTO THE WATERS CASE

Further research into the case of Henry Waters shows that in July 1860 the Taunton Courier and Western Advertiser reported on a **RECENT ESCAPE FROM WELLS GAOL.**

This shows that Henry Waters who was being kept in remand after being charged with stealing Braund's watch escaped from Wells gaol which was then in the Town Hall.

This is the only record of anyone having escaped from the cells.

Henry Waters particulars were then sent by Sergeant Boug of Wells Police to the editor of the Police Gazette.

"John Woodward Keeper of Wells Goal last week received a communication from an Inspector Fowler of the Metropolitan Police Force informing him that he had apprehended a man answering the description in the Police Gazette charged with stealing a watch at Wells. He had daringly made an escape from the gaol and on Tuesday a writ of habeas corpus will be issued for his removal for trial at the Wells assize. He is also supposed to be the convict that made his escape from the Dartmoor convict establishment."

The Wells Journal of July 14 1860 reports:

"Henry Waters has been identified by Sergeant Boug. This notorious thief is at present in Millbank Prison and he will be tried in Wells at

the coming assize."

Looking back through the Wells Journal of 1860 the story of Henry Waters begins to unfold.

He stole Braund's watch on May 8 and taken into custody by PC Kelly.

It appears that a watch also been stolen from a farmer at Wookey on May Day and the farmer had informed Sergeant Boug of Wells Police who on hearing that Waters was being held in the cells on the charge of stealing Braund's watch brought the farmer into Wells and he identified Waters as the same thief.

Mr Woodward the Wells goalkeeper placed him in cell 20.

On waiting on him the following day Woodward saw nothing:

"In his manner calculated to excite suspicion and left him the evening in sure and certain hope of his acquaintance on the morrow. Not so however as the morrow came and on visiting cell 20 Woodward found that the "bird had flown" despite locks, bolts, and bars and the keeper acknowledged himself "clean licked."

"No blame must be attached to Woodward. He had taken all precautions to secure his prey. Without question, whatever Waters character, he is a genius and a great credit to his fraternity."

"His daring act indicates the most consummate skill and the most commanding patience. Without any implements the prisoner managed to cause an indentation in the end wall of his cell. One brick had been quite removed and others partially removed. The parts appeared to have been nibbled by the teeth of tiny mice so exceedingly small and fine are the marks upon them. Though he had made considerable progress the coming of daylight he hit upon another expedient.

He thrust his hand through the trap in the cell door for the purpose of ventilation and with some instrument probably a boot nail he managed to take off the lock and became his own deliverer. He then went up the corridor entered one of the cells there and took three new blankets which he tore in halves and with ingenious knots fastened the whole together. That done he placed a chair on the table directly underneath a trap door within which are the cisterns which supply the establishment with water and over which is a roof and getting up into this aperture he tore away the plaster, thrust off the slates and having secured one of his blanket ropes to a rafter made the anxious descent on to terra firma. But he appears to have come down quicker than he desired as his blanket rope snapped near the top. But the wall of the building was not very high and the conclusion is that he experienced only an agreeable shock."

"The whole of the County Constabulary was speedily notified of the escape and our prig hero enjoys his hard earned liberty."

This would explain the public interest in the case when it came up at Wells Summer Assize Court and the description in the court report of Waters "clanking chains." The Wells police kept him in irons during his court appearance in case he affected an escape again.