

RURAL DISCONTENT IN DERBYSHIRE 1830-1850

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ABSTRACT

Social protest, especially in agricultural regions, has occupied, and caused considerable debate among, historians for many years. This thesis seeks to add to this debate, by looking at various forms of protest in Derbyshire between 1830 and 1850.

This thesis examines three aspects of criminal activity: poaching, arson and animal maiming. It contends that none of these crimes can simply be categorised as acts of protest. In conjunction with an investigation of these three crimes, acts of protest such as strikes and episodes of reluctance to conform are also discussed. It argues that the motives behind various criminal activities and anti-authority behaviour were varied and complex. Arson and animal maiming were rarely co-ordinated, mostly they were individual attacks. However, on a few occasions both arson and animal maiming were directed against certain people. In the instances of poaching, there were more proven cases of gang participation than in either arson or animal maiming, with groups of men raiding game preserves. However, the great majority of raids were individual undertakings. What is more, poaching was carried out on a greater scale throughout the county than either arson or animal maiming.

This thesis seeks to put these activities into the context of economic and social change in Derbyshire between 1830 and 1850. It maintains that there was a breaking down of the old social order. The composition of the ruling classes was changing with the relative growth of industry. In consequence, the responses of the authorities to social protest were changing. There was an increasing reluctance to offer aid to those less fortunate during times of need. The Poor Law Amendment Act of 1834 was gradually applied. If more slowly, efforts were made to improve policing. By 1850, though discontent was still evident, there was less resort to traditional forms of social protest.

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PREFACE

My reasons for choosing this subject are three. First, Derbyshire is the county in which I live and therefore of personal interest. Second, and importantly, as a part-time student and full-time worker with a limited time in which to research, access to some primary sources was relatively easier than if I had chosen another county. Thirdly, and most importantly of all, is that poaching, arson and animal maiming in Derbyshire are under-researched, if at all researched. In comparison with similar academic work carried out in other counties, such as that by Archer in East Anglia, work on Derbyshire is minimal. Any investigation into an under-researched area can aid historians to gain a clearer insight into rural life in England. As Reed observes, 'a massive amount of original research at local, regional and national level is needed before the obvious shortcomings of agricultural history and its derivatives can be fully exposed'.¹

At this point, it is worth mentioning some of those families, and their fortunes, who made up the ruling classes. This is important, as aspects of this thesis will show. Much of the land in Derbyshire was owned by a few families, made up of aristocrats and entrepreneurs, some of whom had been responsible for encouraging the growth of industry in the county. Among the aristocratic families were the Cavendishes of Chatsworth, the Lowes of Derby, Cokes of Brookhill, Hurts of Alderwasley, Morewoods of Alfreton and Miller Mundys of Shipley. The industrialist families included the Arkwrights, Strutts, Smiths of Chesterfield, Barrows of Staveley and Stephenson of Clay Cross. However, the status occupied in society by the aristocrats and industrialists did not guarantee financial soundness. For some there was economic stability, as achieved by Stephenson, the Strutts and Richard Arkwright; of the latter it

¹ Mick Reed, 'Class and Conflict in Rural England: Some Reflections on a Debate', in Mick Reed and Roger Wells (eds.), *Class, Conflict and Protest in the English Countryside, 1700-1880* (London: Frank Cass, 1990), p.2.

has been said:

he proved to be if anything more shrewd, and certainly better mannered than his father. He sold his interests in most of his father's and his own cotton mills (with the exception of Cromford and Masson), and invested his capital in land and in government stocks.²

By and far away the largest landowners in Derbyshire were the Cavendish family.

William Spencer Cavendish, sixth Duke of Devonshire (1790-1858), was head of one of the great and powerful families in the country. A modern historian has outlined his position:

indeed, the glittering and spacious inheritance into which the sixth duke entered had been growing almost every generation since the days of Bess of Hardwick. As a result the Duke could boast four great country houses: Chatsworth itself, nearby Hardwick Hall, Bolton Abbey in Yorkshire and Lismore Castle in Ireland. In addition, there were three London palaces: Chiswick House, Burlington House and Devonshire House. All this was supported by land in Ireland and eight English counties, yielding a current income of £70,000 a year in 1813-15.³

Although this estate looked exceedingly affluent, in fact the Duke had inherited heavily mortgaged properties. The sixth Duke himself did not help the financial stability of his estate, he spent lavishly and extravagantly; 'his love of building, travel, collecting, and display amounted almost to a mania'. Such was the extent of this spending, that by the 1830s interest payments and annuities were eating up over half of the Duke's income. The result of this financial shortfall forced the Duke into selling off certain properties to ease his financial burden. This strategy failed, again due to the Duke's unremitting spending, and by the 1840s his debts rose to just under one million pounds. As a result of these debts further properties were sold off and it was the 1850s before the estate's finances were brought under control.⁴

² Gladwyn Turbutt, *A History of Derbyshire*, 4 vols (Cardiff: Merton Priory, 1999), vol.4, p.1508.

³ David Cannadine, *Aspects of Aristocracy: Grandeur and Decline in Modern Britain* (New Haven: Yale University Press, 1994), pp.167-68.

⁴ David Cannadine, 'The Landowner as Millionaire: The Finances of the Dukes of Devonshire, c.1800-c.1926', *Agricultural History Review*, 25 (1977), 77-91 (pp.79-82).

Chatsworth was not the only Derbyshire estate facing economic problems, in the south of the county estates also suffered, particularly that of the Curzon family at Kedleston Hall. The downturn of economic fortunes of this estate was again due to the owner's extravagances, but this time not on buildings and travel. Mingay describes how the love of sport was often accompanied by a mania for gambling:

the landed aristocracy spawned a breed of wealthy young men, made up largely of heirs to estates, known in the parlance of the day as "bloods", "bucks" and "plungers". In the country they thought of nothing but horses, hounds and guns; in town they gathered at their clubs, dined, drank, and spent expensive and noisy evenings over cards, interspersed with amorous adventures of a disreputable character and occasional forays to Newmarket, Goodwood or Ascot.⁵

Gambling debts proved to be a major reason for the financial downfall of this southern Derbyshire estate and as a result:

if Kedleston was in some ways built as a Tory "power house" to compete with its Whig neighbour, Chatsworth, the Curzon family estates were never a match for the vast territorial possessions of the Cavendishes. In the late 18th and early 19th centuries, gambling debts and intestacy lowered their reserves - but equally there was no money to embark on alterations or additions and it was fortunate that very few, if any, of the contents were then sold.⁶

The gambling debts referred to were run up by Nathaniel (1751-1837), who because of the extent of his debts was forced to flee the country and live abroad. In 1846 the Sitwell family joined Derbyshire's struggling gentry and due to a decline in their economic fortunes they also moved abroad, this time to Germany. This decline of fortune is described by one of the daughters, she recalls:

when I was twenty-two, my father's affairs became entangled, and he was in debt. He was not the man to think only of ease and enjoyment and to plunge further into it without heeding. His want of business habits might perhaps have caused the evil originally; but he was determined to face it like a man and to live on £700 a year instead of £12,000 to which we had been always accustomed.⁷

⁵ G. E. Mingay, *Rural Life in Victorian England* (Stroud: Sutton, 1998, first published 1979), p.35.

⁶ The National Trust, *Kedleston Hall* (Over Wallop: BAS, 1988), p.78.

⁷ Quoted in Sir Osbert Sitwell, *Two Generations* (London: Macmillan, 1940), p.138.

The extent of these debts held far-reaching implications filtering down to those who were far less well off. These financial hardships led one knight of the realm to admit that it was becoming impossible to meet the social demands made of him. Of these obligations he reveals: “and yet I do not see how it is possible for me to pay all their just due, to keep up my contributions to my various friends, relatives and dependents, and yet occupy my house at Calke”.⁸ If meeting these priorities were a primary concern, then offering charity would prove to be a very poor secondary concern.

Very importantly for this thesis and a major contributing factor on many people’s lives, these landed family estates ‘were intensively stocked with pheasant and partridge in addition to the ubiquitous ground game of hare and rabbit’.⁹ Protected by a web of game laws, these animals were the origin of a large percentage of crime in Derbyshire.

⁸ Colin Kitching (ed.), *Squire at Calke Abbey: The Journals of Sir George Crewe* (Cromford: Scarthin, 1995), p.119.

⁹ J. E. Archer, ‘Poaching Gangs and Violence: The Urban-Rural Divide in Nineteenth-Century Lancashire’, *British Journal of Criminology*, 39, 1, Special Issue (1999), 25-38 (p.27).

ABBREVIATIONS

BPP	British Parliamentary Papers
DBR	Derby Borough Records
DPSR	Derbyshire Petty Session Records
DQSR	Derbyshire Quarter Session Records
HO	Home Office
LRO	Local Record Office
NMR	North Midland Railway
NU	Norwich Union Fire Insurance Society
PRO	Public Record Office
PP	Parliamentary Papers

CHAPTER 1 INTRODUCTION

This thesis will illustrate how rural protest affected one county to a greater degree than historians have previously acknowledged. Citing one instance, Hobsbawm and Rudé underestimate the number of arson attacks in Derbyshire during the Swing Riots.¹ Previous historical research has predominantly focused on the counties of southern England and East Anglia; attention here is drawn to a neglected east midland county, Derbyshire.

I will demonstrate how labourers in Derbyshire were often as resentful and willing to vent their anger as those labourers in the areas mentioned above. Attempting to address their grievances, the Derbyshire labourers adopted two different styles of protest. These were uncoordinated attacks and collective action, the consequences of which produced diverse results. Examples of the former consisted of arson, animal maiming and a general reluctance to cooperate with authoritative figures. In the latter, strike action featured predominantly. While publicly praising the labourers for their quiescence, in their private correspondence authorities revealed totally different sentiments. These letters contain views expressing fears of an escalation in discontent.

Crime was a problem, and a significant proportion of the crime statistics stemmed from poaching incidents. Poaching was endemic throughout the county, the game reserves proved to be to irresistible for poachers from Derbyshire and the surrounding counties. All too often the confrontations between poachers and keepers turned to violence, and it was not unknown for this violence to result in the death of one of the two parties.

The early nineteenth century was a time of significant social transformation in population, technology and poor relief. Very few people, whether rich or poor, escaped

¹ Eric J. Hobsbawm and George Rudé, *Captain Swing* (London: Lawrence and Wishart, 1969), p.304, where they refer to two cases, at least seven cases less than occurred.

unscathed from these changes. There were losses of jobs, new working environments, more stringent attempts of social control and attempts by the government to enlarge their sphere of influence. The latter proved to be an anathema to the local gentry, who were going through a transition period of their own. No longer would the country gentlemen have the monopoly over the direction of local matters, their role was now being eroded.

Unfortunately these changes took place at a more rapid rate than did the responses to the social problems they caused. Signs of social unrest were more often than not met with outdated attitudes and responses. None of these changes were conducive to stable social relations, 'progress, improvement, reform - all implied change; and change meant that the equilibrium of society was to a greater or lesser extent upset'.² It certainly was in Derbyshire.

1.1 AIMS

The aim of this thesis is to study the volume of poaching, arson and animal maiming and to suggest reasons why such incidents occurred in Derbyshire during the period 1830-50. Although I will concentrate on these three crimes it does not mean that what have recently been termed 'the more petty rural crimes' will be totally ignored.³ The prime concern will be to distinguish the motives behind these crimes and the frequency with which they were carried out and to identify any trends which may occur.

These three particular crimes are chosen as, it can be argued, they are the best indicators available by which to judge how badly affected rural labourers were by an

² J. F. C. Harrison, *Early Victorian Britain, 1832-51* (London: Fontana, 1988, first published in 1971 as *The Early Victorians, 1832-51*), p.144.

³ Timothy Shakesheff, 'Wood and Crop Theft in Rural Herefordshire, 1800-60', *Rural History*, 13, 1 (2002), 1-17.

ever-changing socio-economic climate. While I would not claim poaching to be an act of protest, it is an indicator of 'the social and economic plight of farm labourers'.⁴

Crime figures will play an important part in this analysis, of specific interest will be the social backgrounds of the criminals. Dividing this down even further an effort will be made to explore their occupations, where they came from and how many were frequent offenders. For instance, an examination of poachers' places of origin will reveal whether or not they were all rural dwellers or indeed all from Derbyshire. Industrial workers in Derbyshire when put out of work, facing financial distress and hardship, may have resorted to poaching. If they did, then it is too simple to talk of rural crime, when 'urban and rural are opposite ends of a spectrum and however the extremes are defined, there is a vast area between them'.⁵ In which case light must be thrown on who makes up this middle ground.

However gaining a full and accurate count of a *true* volume of poaching, arson and animal maiming is fraught with problems and impossible to achieve. There are many reasons for this including a loss of, or damage to, evidence. Another vital reason for inaccuracy concerns the 'grey areas of crime', where incidents of crime were never reported and so failed to make the record books. Reasons for this deficiency are varied. Certainly a lack of police would have a great bearing on the subject, especially in remote rural areas, of which there are many in Derbyshire. A lack of police not only made the detection of criminals more difficult, but also it was harder for people living in these remote areas to contact them. The fear of revenge for reporting a crime is also a reason worth noting. In these instances, 'many cases were not prosecuted because of the

⁴ John E. Archer, *Social Unrest and Popular Protest in England, 1780-1840* (Cambridge: Cambridge University Press, 2000), p.15.

⁵ Clive Emsley, *Crime and Society in England, 1750-1900* (London: Longman, 1996, first published 1987), p.103.

fear of reprisals in the shape of personal violence, animal maiming and incendiarism'.⁶ Finally, there is the problem of summary justice, when a criminal received a punishment but no record of the proceedings was taken. In 1844 'the home office devoted considerable attention during the last half of the year to investigating the procedure of country magistrates in game cases and found so much irregularity that a number of pardons and mitigations of sentences were issued'.⁷ Two years later the very same subject came under discussion at a Select Committee of the House of Commons. Sir Harry Verney, Bart., in response to a question regarding whether all punishments for offences against the game laws were recorded said: 'I will not say that it is common but I have known cases when no advertised Petty Sessions are about to be held for a certain time, say for ten days or a fortnight, the offence is committed and the man is at once taken to the clerk's office or the house of the magistrate and he is dealt with summarily'.⁸ Now being a local, and possibly an 'offended' landowner, Verney had reasons to play down the extent of such summary justice. Having outlined the reasons why we lack a totally accurate set of crime statistics for the period, there is, in my estimate, nevertheless a sufficient amount of data available. From this information a reliable assessment of the situation is most definitely possible.

In particular, this twenty-year period is chosen because it contained events which arguably held major repercussions for rural life; it was a time of social upheaval and social reform. These events took various forms, changes to the law, technical advances in industry, the development of the railway and poor weather conditions. The very beginning of the period witnessed the Swing Riots of 1830-31, even though rioters were 'essentially a phenomenon of southern and eastern England' and low wages in

⁶ David Jones, 'Rural Crime and Protest', in George Rudé (ed.), *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Houndmills: Macmillan, 1978), 567-79 (p.567).

⁷ Chester Kirby, 'The Attack on the English Game Laws in the Forties', *Journal of Modern History*, 6 (March 1932), 18-37 (p.23).

⁸ Parliamentary Papers, *Select Committee on the Game Laws*, 1846, 9, pt.2, p.56.

agriculture brought about by a lack of competition from industry were a major factor'.⁹ This makes for an interesting comparison with life in Derbyshire, where agricultural wages were higher and there was competition for manpower.

These riots had an impact on the 1834 Poor Law Amendment Act. This Act aimed at altering the way people received aid, providing for a more formal approach to be adopted. From now on there would be a noticeable change in attitude to poverty, receiving aid would have a stigma attached to it. Many attempts were made to dissuade people from seeking aid, making any such attempts as unpleasant as possible. There was a commonly held belief which sought to segregate those seeking aid into two groups, the deserving and the undeserving poor.

Taking up a lot of Parliamentary and judicial time throughout this period were the game laws. These laws were put into place to maintain the aristocracy's monopoly over hunting rights, resulting in an extensive campaign of poaching. Kirby describing the reasons for these laws explains that:

the ruling classes replied to this menace in their usual way by more and severer laws, not only by elaborating and defining closed seasons on game, but by setting up a series of specific poaching statutes which circumscribed the poacher's actions on every side, and laid heavy penalties on his transgressions.¹⁰

These laws brought draconian sentences for many who transgressed them; even so a poacher remained a common sight at the local Quarter Sessions. From the Quarter Session records it is possible to determine when the peaks and troughs in poaching offences occurred. With these years established, it is possible to test the correlation between the level of poaching offences and changes in the social environment. The term social environment is to include economic fluctuation, including the level of pay,

⁹ G. E. Mingay "'Rural War': the Life and Times of Captain Swing' in G. E. Mingay (ed.), *The Unquiet Countryside* (London: Routledge, 1989), 36-51 (pp.37-38).

¹⁰ Chester Kirby, 'The English Game Law System', *American Historical Review*, 38 (January 1933), 240-62 (pp.248-49).

employment, as well as variations in the weather and changes in the law.

Many figures in authority feared that greater attention to policing in urban areas would force criminals to find easier pickings in rural areas. At a Devonshire Quarter Sessions the Earl of Devon reported:

that crime had greatly increased in the rural districts; not that there was a general increase in the country but that the improved police forces of the corporate towns had driven the itinerate thieves and tramps into villages and less protected places.¹¹

These comments echo those of Charles Shaw Lefevre, Charles Rowan and Edwin Chadwick, the three men who produced a report on the Royal Commission on Constabulary Forces in 1839.¹² It is intended to test out not only this hypothesis of urban criminal activity in rural areas but also how efficient were Derbyshire's police.

An investigation will be carried out to determine the extent of game preservation on local estates. Included in this examination is the stance adopted by local gentry towards game preservation and the repercussions such actions held for the local populace.

It is impossible to discuss rural problems in Derbyshire without some reference to urban activities, because in Derbyshire rural and urban life had close links. Technical innovations affected people in different ways. Machines could reduce the amount of manpower required, thus causing unemployment, which in turn could influence rural crime statistics. However, one major technical innovation of this period which narrowed the connection between industry with agriculture, was the building of a railway line through the county. In various ways the construction of this line led to extreme changes in both the areas it passed through and the social conditions of the people who lived in those areas.

¹¹ *The Times*, 21 October 1839.

¹² *A Web of English History*, The Peel Web, 'The Royal Commission on Constabulary Forces, 1839', <http://dialspace.dial.pipex.com/town/terrace/adw03/peel/constab.htm>, p. 1.

This period experienced massive cyclical swings in the economic fortunes of the country, which developed into two major economic depressions. The first one in 1837 and a second in 1842. The latter, it has been said, 'involved more than statistics of industry and trade; it touched the mainsprings of human emotion and imagination'.¹³ From 1843-50 there was an improved economic climate, with only one break of fortune in 1847, leading to social problems during 1847-8.¹⁴ As a result of these downturns of economic fortunes 'at each trade depression - in 1831, 1837, 1841-2, 1847-8 - unemployment became widespread'.¹⁵ It is critical to this thesis to find out to what degree people did resort to begging, parish aid, crime and protest. A strongly put case suggests protest was 'driven underground, and in spite of two important semi-covert movements in 1816 and 1830-1, protest remained essentially covert until after 1850'.¹⁶

A recent writer on the subject of protest suggests:

it seemed to me more important to understand what we might call *everyday* forms of peasant resistance—the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them. Most forms of this struggle stop well short of outright collective defiance. Here I have in mind the ordinary weapons of relatively powerless groups: foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so on.¹⁷

This dissertation will examine the shape or form acts of protest took, whether overt or covert action predominated.

The final category covers an examination of Derbyshire's gentry. Like many other aspects of the county's life this branch of society witnessed dramatic changes. As previously stated, for one reason or another the equivalents of Curzon's gambling debts,

¹³ Asa Briggs, *The Age of Improvement, 1783-1867* (London: Longman, 2000, first published 1959), p.254.

¹⁴ Asa Briggs, *The Age of Improvement*, p.255.

¹⁵ Harrison, *Early Victorian Britain*, p.57.

¹⁶ Roger Wells, 'The Development of the English Rural Proletariat and Social Protest', *Class, Conflict and Social Protest*, 29-53 (p.29).

¹⁷ James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985), p.xvi.

or Devonshire's travelling, landlords were conspicuous by their absence. Change also became apparent in the character of this ruling elite. Many of the old landed gentry were replaced by a new aristocracy—the industrialist. By the end of the period in question Belper's hierarchy had already changed beyond recognition, this new power structure consisted of industrialists (Strutts) and professional men and none of the traditional hierarchy.¹⁸ With a changing hierarchy, signs will be sought of any changing attitudes to old problems such as poverty and law and order. Paternalism is a contentious topic and has raised many questions from historians. One historian concludes the authorities did change, and he sees one major piece of legislation as the turning point:

my conclusion is that the New Poor Law was not the harbinger of middle-class liberalism, but rather a crucial marker in the remaking of the county gentry—their coming of age as the arbiters of public affairs. The New Poor Law symbolizes the exhaustion of traditional 'country' ideology and the beginnings of a modernized gentry ethos for the nineteenth century, a new definition of 'governing responsibility' which was neither paternalism of any recognizable sort nor a simple abdication.¹⁹

Moreover, Mingay believes, as villages grew, links between squires and people became more remote, obligations which local squires once held for the welfare of their villagers were diminishing. He argues: 'this relationship, never consistent nor universal, seems to have declined as the villages grew larger, became more industrialized and more independent, and as an increasing number of landowners chose to spend their lives elsewhere and became absentees'.²⁰ However Randall and Newman offer a word of warning, they maintain 'historians of rural England should treat news of the death of the paternalist model and the rise of new class relations in the countryside after 1830 with

¹⁸ J. R. G. Jennings, *Belper* (Belper: Belper Historical Society, 1981), pp.15-16.

¹⁹ P. Mandler, 'The Making of the New Poor Law Redivivus', *Past and Present*, 117 (1987), 131-57 (pp.132-3).

²⁰ Mingay, "Rural War", pp.39-40.

some caution'.²¹ A close look will be taken at what attitudes the gentry adopted towards paternalism.

1.2 PRIMARY SOURCES

To further my enquiries into this research project I will call upon a wide variety of primary and secondary sources. The principal primary sources used in this thesis are as follows. I have relied heavily upon two Derbyshire newspapers, the *Derbyshire Courier* and the *Derby and Chesterfield Reporter*, for local information. Newspapers have been chosen as primary source material based on the grounds recently noted by two experienced historians. The first is Tosh, who cites three reasons why newspapers, in his view, are the most important published primary source material for the historian. Firstly, 'they record the political and social views which made most impact at the time'. Secondly, 'newspapers provide a day-to-day record of events'. Thirdly, 'newspapers from time to time present the results of more thorough enquiries into issues which lie beyond the scope of routine news-reporting'.²² The second authority is Archer, who used newspapers to research the definitive study of animal maiming, and found them 'by far the best source material'.²³

The *Derbyshire Courier* was founded in 1828 by Lieutenant John Roberts RN, a printer and postmaster of Chesterfield.²⁴ There are complete editions of this newspaper for the period 1830-50, and offer the researcher a Tory perspective on rural discontent for the whole of the county. The *Derby and Chesterfield Reporter*, founded in 1823 by the Pike brothers, William and Walter, generally adopted a liberal position. The *Derby*

²¹ Adrian Randall and Edwina Newman, 'Protest, Proletarians and Paternalists: Social Conflict in Rural Wiltshire, 1830-50', *Rural History*, 6, 2 (1995), 205-227 (pp.222-3).

²² John Tosh, *The Pursuit of History* (Harlow: Pearson Education Limited, 2000, first published 1984), p.42.

²³ J. E. Archer, "'A Fiendish Outrage'? A Study of Animal Maiming in East Anglia, 1830-1870', *Agricultural History Review*, 33 (1985), 147-57 (p.148).

²⁴ J. D. Andrew, 'The Derbyshire Newspaper Press, 1720-1855' (unpublished M. A. thesis, University of Reading, 1950), p.283.

and Chesterfield Reporter's circulation continued to grow and within twenty-one years of its foundation had a larger sale than any other newspaper in Derbyshire.²⁵ This newspaper was the Whigs' mouthpiece in the county and much of the Liberal success in the borough and county was allegedly due to the newspaper's vigorous support.²⁶ Both newspapers shared an equal animosity for each other and their feelings often spilled over into their reports. On one occasion the *Derby and Chesterfield Reporter* had great delight in reporting a 5 November celebration held at Brampton Moor where its arch enemy the *Derbyshire Courier* fell foul of a local mob. At this event an effigy of the bishop of the diocese was carried through the neighbourhood and burned. The bishop 'together with the *Derbyshire Courier*' became the mob's target because they were seen 'as the partisans of the lords and bishops who rejected the reform bill'.²⁷

These two newspapers reported signs of protest, unrest and discontent in any shape or form. Of particular interest are incidents of arson, poaching and animal maiming and how the local authorities responded to these acts of protest. Although not used to the same extent, other newspapers, have been utilised. Included in these is the Anti-Corn Law League newspaper *The League*. Although its life span was short—it ran for only three years (1843-6)—it did offer a different perspective to the *Derbyshire Courier* and the *Derby and Chesterfield Reporter*. As with the *Derbyshire Courier*, there are full editions of *The League* readily available. The final newspaper used, though on a very limited basis, is *The Times* daily newspaper. This publication offered a more in-depth national viewpoint on such matters as the game laws.

Previously, the Record Offices have been mentioned; now it is necessary to discuss them in greater detail. Sources from two have been consulted: the LRO at Matlock, near

²⁵ Andrew, 'The Derbyshire Newspaper Press', p.252.

²⁶ Andrew, 'The Derbyshire Newspaper Press', pp.131-34.

²⁷ *Derby and Chesterfield Reporter*, 10 November 1831.

Derby, and the PRO in London. Discussing the Local Record Office first, far greater use of its resources have been made than the PRO. The LRO contains a set of Quarter Session records for Derbyshire for the period 1830-50. Although not fully complete (small quantities of data are illegible due to flood damage) there still remains sufficient data to offer an interpretation on criminal activity. Unfortunately, Petty Sessions records cannot be used to complement and to contextualize the Quarter Session records since they are too piecemeal and fragmented. Other documents which proved to be of interest are the local workhouse minutes, which contain views and reactions of the local Guardians regarding the establishment and maintaining of the Poor Law Amendment Act. Also contained in these minute books are references to any signs of unrest, unruly behaviour and protest relating to the Poor Laws. Fortunately, large proportions of the minutes from these meetings still exist and in many cases go into great detail in relating the views, thoughts and deeds of those present. Although there are not full records for all the Unions available, there is sufficient material on which to make an assessment as to what degree this Act was implemented.

The next set of sources are estate documents which contain details on diverse matters ranging from game preservation to donations of alms. Estate documents are stored in the archives either on the estates themselves, or at Matlock Local Record Office. Where the documents are deposited depends upon whether the estate is still owned by the family or it is in the hands of a private organisation, such as the National Trust. One set of papers are the account records of the Duke of Devonshire which are held at the family home Chatsworth House. Contained in these accounts are annual costs incurred for game preservation, such as how much money was spent on food for the reared pheasants. Further categories include medical treatment of estate keepers; especially those involved in affrays with poachers. One interesting item in each yearly account is the entry for compensation paid to tenants and neighbouring estates for

repairs to property caused by game. The accounts also offer an opportunity to see what charitable aid consisted of and its annual cost. These sets of accounts are fairly comprehensive, although there are a few inconsistencies. From 1830-34 there are full accounts on game, deer, ponds and fisheries for both Hardwick Hall and Chatsworth. In the 1835 accounts there is no mention of expenditure for game preservation and these costs do not reappear again until the 1848 accounts. However, there are full accounts for deer and ponds and fisheries. From 1836 the Hardwick accounts disappear from the books. Although there is a break in the accounts for game, the accounts for ponds and fisheries prove poaching was an ongoing concern for the estate during the whole of the twenty-year period.

The PRO contains a full set of Assize Records. However, at the time of this research records from 1843-50 were temporarily unavailable as repair is being undertaken. Of note there are two final sets of sources utilised at the PRO, and they are correspondence between local authorities and the Home Office and pleas of clemency. In the correspondence signs may indicate the state of mind and the actions taken by those in power during times of crisis. The pleas for clemency are of use to see how many people signed them, who they were, and the response given by the Home Office.

Next are Parliamentary Papers, which cover a wide range of topics and frequently contain questions and answers on the subjects under review by Parliament. One such paper is the 1846 Select Committee Report on the Game Laws. This report contains first-hand comments by farmers and landlords on how the game laws operated throughout the country. This volume offers a chance to gain an insight into the varying views held over the question of game.

Research into the operation of the Poor Law Amendment Act 1834 is made in an attempt to gain an understanding of deliberations into the question of poverty—how the authorities chose to deal with the problem and their attitudes towards the poor

themselves. This extensive volume of work with its questions and answers on poverty throughout the country is extremely valuable to the historian. It allows comparisons and contrasts about what treatment, if any, the poor received, county by county. The final example is the 1839 Rural Constabulary Act. This was a controversial Act and its legislation was permissive not mandatory. The interest in this legislation is to see how close Derbyshire's authorities came to implementing any of the legislation contained in this Act.

In conjunction with the Parliamentary Papers, I have also used reports from both the House of Lords and House of Commons as recorded in *Hansard*. The main areas of attention will be the debates on game, policing and poverty.

Further texts of the period include books and pamphlets of certain early nineteenth-century writers whose work on rural life did not lack in controversy and in specific cases because of their controversial views attracted the attention of the government. One such writer was William Cobbett, who in his *Rural Rides* did not spare any sarcasm, vitriol or wrath in his attacks on what he saw as changes for the worse in rural areas.²⁸ His ideas were highly opinionated and in some instances at odds with other reformers of the period. On the question of game and poaching it was interesting to read the accounts of the two main protagonists—the poachers and the gamekeepers. Such works as *The Gamekeeper at Home*²⁹ and *The Confessions of a Poacher*³⁰ offered such an opportunity. Here we gain an insight into the two sides of the war and what each protagonist thought of the other. These lives at times were not so distinct, when poachers turned gamekeepers and at times illegally sold game.

²⁸ William Cobbett, *Rural Rides* (London: Macdonald, 1958, first published 1830).

²⁹ Richard Jefferies, *The Gamekeeper at Home: Sketches of Natural History and Rural Life* (London: Smith, Elder, 1878).

³⁰ Geoff. R. Worrall (ed.), *The Confessions of a Poacher* (Tideline: Rhyl, 1972, first published 1890).

1.3 SECONDARY SOURCES

Along with the use of primary sources, several historians' works are called upon vital for secondary source information. The academic study of rural life in England is not a new area of research. Two of the early pioneers in this field were the Hammonds who produced their standard text *The Village Labourer*.³¹ This work, it is said, was both a history book and a contribution to the political debates of the last years before the Great War.³² The unwitting legacy of this book is its contribution to a belief that after the Swing Riots of 1830-31 the agricultural labourers remained passive for the remainder of the century.

During the 1960s research 'from the ground up' was greatly enlarged by three historians, Thompson, Hosbawm and Rudé. Their work both opened up a whole new chapter in social history, and the debates on rural life even further. Investigations into rural life continued throughout the 1970s and 1980s and up to the present day. Notable during this period is Archer who has written extensively on the subjects of arson, animal maiming and poaching in East Anglia and poaching in Lancashire. One other notable writer on the subject of poaching whose works are called upon is Jones, who wrote in depth on the Victorian poacher. These studies will form a yardstick against which a comparison of Derbyshire can be made. Also they will help to determine whether these crimes in Derbyshire fitted similar, or had their own distinctive patterns.

More recent research on poaching suggests:

historians have generally explained the pronounced seasonal patterns of nineteenth-century poaching in economic terms, emphasising the apparent correlation between annual peaks in offending and cyclical periods of unemployment and poverty. There has been little acknowledgement of the role

³¹ J. L. and Barbara Hammond, *The Village Labourer* (London: Longman, 1978, first published 1911), p.131.

³² Alun Howkins, *Reshaping Rural England: A Social History, 1850-1925* (London: Harper Collins, 1991), p.35.

nature played in determining that most poaching activity occurred in the autumn and winter months.³³

This view is certainly a moot point, and is worthy of further discussion.

For background material when examining crime and policing, the works of Emsley and Taylor are called upon.³⁴ The work of Bushaway has been useful for insights into local customs and practices.³⁵ For a general view of the Victorian period there are such works as that written by J. F. C. Harrison.³⁶

For an insight into the activities and the stance taken by the Anti-Corn Law League, over the question of the game laws, reference is made to such works as those produced by Chester Kirby.³⁷ The heated exchanges between Wells and Charlesworth over the subject of protest are well documented.³⁸ The thousands of words written over this debate, as to whether arson replaced collective action, offer important clues when looking to see what forms of protest took place in Derbyshire.

Finally, valuable material relating to episodes of Derbyshire's history is to be found in several texts. While not all specific to my area of research, they have pointed me in directions I would possibly not have taken. Two texts of particular interest are those by Garner³⁹ and Williams.⁴⁰

1.4 TOPOGRAPHY OF DERBYSHIRE

Derbyshire is a midland, and almost central county, bounded by Yorkshire in the north, Leicestershire in the south and south-east, Nottingham in the east and

³³ Harvey Osborne, 'The Seasonality of Nineteenth-Century Poaching', *Agricultural History Review*, 48, 1 (2000), 27-41 (p.27).

³⁴ Emsley, *Crime and Society in England*, David Taylor, *Crime, Policing and Punishment in England 1750-1914* (Houndmills: Macmillan, 1988).

³⁵ Bob Bushaway, *By Rite: Custom, Ceremony and Community in England, 1700-1880* (London: Junction, 1987).

³⁶ Harrison, *Early Victorian Britain*.

³⁷ Kirby, 'The Attack on the English Game Law System in the Forties' and 'The English Game Law System'.

³⁸ Reed and Wells (eds.), *Class, Conflict and Protest*.

³⁹ Edward Garner, *Hanged for Three Pennies* (Derby: Breedon, 2000)

⁴⁰ Cliff Williams, *Driving the Clay Cross Tunnel: Navvies on the Derby/Leeds Railway* (Cromford: Scarthin Books, 1984).

Staffordshire in the west. At its greatest length it is fifty-six miles long and at its breadth thirty-three miles wide, with a total circumference of two hundred and four miles. The area of the county is 663,180 acres (268,385.26 hectares) and by the mid-1840s consisted of 551,000 acres (222,986.64 hectares) of arable, pasture and meadow lands.⁴¹

Derbyshire during the period 1830-50 was a county of contrasts, both geographically and economically. Farming in Derbyshire had a long history. It was a system described in the following terms:

Derbyshire may not be a great agricultural county, but at least it has the great advantage of the small-farm system thoroughly well established, for big farms have never existed. Indeed, on very many estates, not only can the existing farms be traced back as embracing much the same acreage for two or three hundred years, but also as being farmed by the same family during those centuries or, at any rate, for many generations.⁴²

The type of farming adopted relied to a great extent upon the geography and the weather conditions associated with the different areas, factors which varied and split north and south Derbyshire. North Derbyshire contains the barren Peak District, the High Peak, 'very subject to violent storms of wind and rain, which, with the high elevation of the county, render it cold and backward, and the vegetation more bulky than nutritious'.⁴³ Even in the lower parts of the Peak wheat did not grow well, and as a result the more hardy cereals, especially oats, were the predominant crop. Due to the combination of these harsh conditions, poor soil and disadvantageous weather, farmers found it more viable to keep animals, mainly sheep and cattle. In contrast to these very difficult northern conditions, farmers in the south operated under more advantageous farming circumstances, with more clement weather and more fertile soil.⁴⁴ Grassland accounted for nine-tenths of the county's farming land. Because of these types of soil

⁴¹ Samuel Bagshaw, *History, Gazetteer of Derbyshire, 1846* (Sheffield: Saxton, 1846), p.1.

⁴² William Page (ed.), *The Victoria History of the Counties of England: Derbyshire*, 2 vols (London: Dawsons, 1970, first published 1907), vol 2, p.308.

⁴³ James Caird, *English Agriculture in 1850-51* (London: Frank Cass, 1968, first published 1852), p.392.

⁴⁴ Bagshaw, *History, Gazetteer of Derbyshire*, p.14.

and climate, farming in Derbyshire, as Fig.1:1 illustrates, concentrated on dairy farming and stock breeding.

Fig.1: 1 Land in use, crops in Derbyshire c.1836

Land use.	% of total land area enumerated in reports on tithe agreement.	Estimated acreage of the whole county.
Arable	25.3	166,426
Grass	62.0	408,587
Wood	7.1	46,649

Source: J. V. Beckett and J. E. Heath, *Derbyshire Tithe Files, 1836-50* (Nottingham: Technical Print Services, 1995), p.xxvii.

1.5 DEMOGRAPHY

During this period, Derbyshire, like other parts of England, underwent a rapid rise in its population. In 1801 this stood at 161,142, by 1851 it reached 313,641, consisting of 156,360 males and 152,281 females.⁴⁵ Increasing industrialization significantly altered the county's demography, bringing about a 'large population movement towards the coalfield and industrial manufacturing areas on the eastern border and on the outskirts of Derby'.⁴⁶

The living standards of the population reveal variations as marked as those in its geography. At the top end of the scale sit a small number of extremely wealthy families, although there were signs some of these families' fortunes were on the decline. Taking up a position at the other end of the scale were the majority of people. Unfortunately for many of these folk, poverty and unemployment were a constant risk. In the rural areas an illness to a working adult, poor yields, a decline in harvest work, the withdrawal of a tenancy or an increase in rents could very quickly lead to an economic disaster. While many poor families were struggling to buy enough basic food to live on, the gentry had the opportunity of exhibiting their extravagances. It was reported in 1832, for example,

⁴⁵ Frances White, *History, Gazetteer and Directory of the County of Derby* (Sheffield: Ward, 1857), p.46.

⁴⁶ Gladwyn Turbutt, *A History of Derbyshire*, vol.4, p.1563.

that 'the entertainments given at Chatsworth during the last nine weeks have been upon a scale of princely magnificence; 20 oxen, 141 sheep, besides calves, pigs, poultry, game, & c, have been consumed, making 2000 stone of beef and mutton alone'.⁴⁷

1.6 POLITICS

As in most other aspects of Derbyshire life, its politics contained sharp contrasts. For voting purposes the county was divided into three divisions, those of Derby, North and South Derbyshire. From 1832 each division returned two members to Parliament. In the north of the county the Whigs held political control from 1830-50. In this period both members remaining Liberal, as the Whig party was becoming known, and one of them was always a Cavendish. The Whig Party enhanced its influence over the county by always controlling the borough of Derby. In the southern division the political scene was not so stable. From 1832-35 the Whig Party was in control; however, in 1835 it lost both seats to the Conservatives, who remained in power until 1847. Further political upheaval then arose when two candidates changed their political affiliation, and became Protectionists.⁴⁸

1.7 INDUSTRY

Derbyshire's industries, transformed by the Industrial Revolution, were in sharp contrast to its spa towns such as Buxton, and its rural areas which contained some of England's most magnificent landed estates, such as Chatsworth House. With the aid of its canal system, Derbyshire witnessed, in comparison to many other counties, an early industrial revolution, 'a revolution as important in national history as the better known "revolution" in Lancashire and the West Riding'.⁴⁹ Derbyshire's industrial base consisted of a variety of manufacturing industries, not all of which were evenly spread

⁴⁷ *Derby and Chesterfield Reporter*, 8 November 1832.

⁴⁸ Charles R. Dod, *Electoral Facts From 1832-53 Impartially Stated: Constituting a Complete Political Gazetteer* (Brighton: Harvester, 1972, first published 1853), pp.80-82.

⁴⁹ Asa Briggs, *The Age of Improvement*, p.46.

throughout the county. Industries such as hosiery, lace, cotton, iron, cutlery and woollen-cloth were evenly distributed throughout the county.⁵⁰ Others, like tool manufacturing—consisting of scythes, sickles and reaping hooks—concentrated mainly along its northern border, close to the steel production of Sheffield.⁵¹ Mining predominated in northern and eastern parts.

Thanks to the output from these industries, Derbyshire by 1846 ranked fourth in the league of manufacturing counties in England. However, varying economic forces were taking place which would lead to a decline in many of these traditional industries. Due to a lack of demand caused by changing fashions, as in glove and silk manufacturing, workers in towns and villages where these industries were situated experienced high unemployment, or short-time working. One town badly hit by a decline to its traditional industries was Belper, which during the eighteenth century had grown enormously, mainly due to the establishing of a cotton works. Here ‘the Strutts had created a “company town” at Belper and transformed a poor village inhabited by nailers into the second largest town in Derby’⁵² By the middle of the 1840s, due to mechanisation of old traditional skills, workers in nail production were facing an uncertain future. As one report declared, ‘trade is exceedingly dull in Belper’.⁵³ Prior to the mid-1840s, there were 400 people employed in producing common nails, and 250 people in producing horse nails. By 1846 many traditional methods of nail production were under threat from mechanization, which resulted in unemployment for many workers.⁵⁴

Another industry which took a major fall in economic performance due to variable factors was lead mining. During the 1830s demand for Derbyshire lead, along with that of other English producers, suffered from the unfair competition of cheap imported lead

⁵⁰ Bagshaw, *History, Gazetteer of Derbyshire*, p.25.

⁵¹ Bagshaw, *History, Gazetteer of Derbyshire*, p.46.

⁵² Asa Briggs, *The Age of Improvement*, pp.46.

⁵³ *Derbyshire Courier*, 29 May 1847.

⁵⁴ Bagshaw, *History, Gazetteer of Derbyshire*, p.20.

from Spain, which again resulted in short-time working or loss of jobs. Adding to the uncertain future for the lead miners many of the mines' deposits were exhausted. Such was the economic strain placed upon some miners they were forced to work for next to nothing or in some cases for nothing, or else forfeit their homes. At one village, Wirksworth, many miners owned their own cottages providing they did not seek parochial assistance, as soon as they sought aid they forfeited their homes. Because of these harsh conditions placed upon them miners were willing to endure long periods of work for little or no remuneration, at times up to a period of six months, more often than not living upon credit. One report asked 'how, or upon what, many of them do to exist, their neighbours themselves cannot explain'.⁵⁵ The Slacks were one example of a family whose finances went into a severe decline. Thomas Slack lived in his own cottage along with four acres of land which had been in the family's possession since the days of his grandfather, who bought the property out of the profits made from lead mining. However by 1835 with lead deposits near exhaustion and finances declining the family were forced to sell their property. Eventually Thomas Slack's son, rather than operating the family business, become a wage-earning labourer. This was not an isolated incident, many families also found themselves in the same predicament, which in turn led to a major shift in land ownership. Where previously land ownership had consisted of numerous small parcels owned by many, now there were large tracts of land owned by a few.

Socially these changes were to have a profound effect, especially when many of these landlords were absentees. One criticism of absentee landlords was their unwillingness to put anything back into rural areas, especially during times of economic

⁵⁵ Robert Slack, 'Land Tenure in a Lead Mining Village: Brassington, 1835', *Derbyshire Miscellany*, 11, 1 (1986), 14-18, (p.16).

hardship.⁵⁶ The characteristic of land ownership was exemplified at Brassington situated between Wirksworth and Ashbourne. Here total land acreage was 4023 acres, of which sixty-four percent was owned by absentee landlords.⁵⁷

Derbyshire has a long history of coal mining; initially with coal bulky and difficult to transport, most went to local markets. Circumstances changed with first the canal systems and then later the railways, both of which opened up whole new markets. When these markets expanded so too did mining and new mines required additional manpower. Taking up many of these new jobs were the young men, many of whom left traditional agricultural jobs. This in turn applied pressure on the agricultural industry and helped to sustain higher than average wages for agricultural workers. Wage rates for miners varied depending upon their age, boys earned 8d a day and men 2-3s a day. Usually miners worked a contract system 'under which colliery managements entered into a collective contract with groups of men for specified tasks'.⁵⁸

In Derbyshire throughout the twenty-year period under discussion poverty in different areas, and among various groups of people, continued to be a major problem. For diverse reasons local authorities were never able to come to grips and solve these economic crises. Their main response to an economic crisis was to hold an inquiry. These rarely, if ever, came up with any concrete and helpful solutions, probably because those involved in these inquiries were totally ignorant of the facts. In 1847 at Derby, such a meeting was called in an attempt to find a solution to the problem of poor economic performance. During this inquiry, a claim was made that the levels of poverty had peaked and the period was approaching when there would be a rise in the levels of

⁵⁶ Eric J. Evans, *The Forging of the Modern State: Early Industrial Britain, 1783-1870* (London: Longman, 1993, first published 1983), pp.145-46.

⁵⁷ Slack, 'Land Tenure in a Lead Mining Village', p.16.

⁵⁸ Turbutt, *A History of Derbyshire*, vol. 4, p.1438.

employment.⁵⁹ This optimism was not justified, and many industries in Derbyshire continued to remain in economic depression. During the early part of 1848 one regional newspaper carried two reports on the plight of Derbyshire's industry. The first report commented on 'the depressed state of trade' in the area of Dronfield. The second reported that, 'the number of furnaces blown out in December 1847, in consequence of the depressed state of the trade, is thirty-eight'.⁶⁰

1.8 AGRICULTURE

Although the county sustained a strong industrial base it also had a heavy reliance upon agriculture, as the following figures indicate.

Fig 1: 2 Employment of Derbyshire families, 1831.

Families in agriculture	13,324
Families chiefly employed in trade, manufactures and handicraft	20,783
All other families not comprised in the two proceeding clauses	4,208

Source: 1831 Census, Abstracts of the Answers and Returns, 3 vols (Ordered by the House of Commons to be Printed, 1833), vol 1, L.314, pp.116-17.

If industrial workers of Derbyshire were struggling under financial hardships, their counterparts in rural areas fared no better. Under the title 'Decline of the Agricultural Interest', an article in the *Derbyshire Courier* discussed reasons behind the hardships facing agriculture in the early 1830s. It declared: 'of the existence of distress in this county few will now be bold enough to express a doubt'. The crux of the argument concerned farmers' costs which had continued to rise over the past fifty to sixty years, but during the same period the value of their produce had not risen by the same extent. In particular rents rose threefold, the Church Assessments and Poor Rates rose sixfold (see Appendix 1). For a farmer to cover these increasing costs it would require an estimated three times the volume of crops presently grown. The explanation for this

⁵⁹ *Derbyshire Courier*, 30 January 1847.

⁶⁰ *Derbyshire Courier*, 15 January 1848.

arithmetic is as follows. In 1761 a farmer needed crops to the value of 1s to pay his duties of rent and taxes, in 1832 crops valued at 3s were required. Other increased costs included agricultural labourers' wages, if a farmer continued to pay the 1761 wage rate, which was 8-10d per day, and 1s during harvest time, a worker would now require support from the parish.⁶¹

In 1844 a Parliamentary Committee inquiry into the condition of agriculture made reference to labourers' wage rates. Part of this discussion related to farm workers in and around the village of Bakewell. In reply to a question of how much labourers earned, Greaves, a spokesman for Bakewell, replied that it was possible for them to earn 12s a week.⁶² In his highly regarded study of English agriculture, Caird confirms these rates. He cites farms on the Duke of Devonshire's estate where a labourer could expect to earn between 10s-12s without beer. In addition to these rates in-door men would have their meals provided, which would consist of the following. Breakfast: porridge, bread and cheese. Each man took with him a pint of ale and as much bread and cheese as he required when he worked in the fields. Dinner: either bacon, beef, or mutton, and pudding, with small beer *ad libitum*. Supper: milk porridge and bread and cheese. These rations were supplemented at harvest time when each man received an extra quart of ale.⁶³ In his overall comments on local farming Caird states:

in Derbyshire the land is chiefly in grass, carefully managed, and the small proportion of ploughed land receives minute attention. The farms are small comparatively, being from 100 to 300 acres, and the farmers superintend their own business. They are not encouraged by their landlords to add farm to farm without being provided with adequate capital. They depend for their returns more on the produce of the dairy, breeding and sheep stock, than on corn.⁶⁴

⁶¹ *Derbyshire Courier*, 31 March 1832.

⁶² Report from the Select Committee on Commons Inclosures with Minutes of Evidence and Index, *Agriculture*, February-September 1844 (Shannon: Irish University Press, 1968), p.148.

⁶³ Caird, *English Agriculture*, p.395.

⁶⁴ Caird, *English Agriculture*, p.406.

For Caird rural poverty in this part of Derbyshire did not seem to be a major problem; he considered only one group of workers suffering from economic hardship. He explains:

in Bakewell there are no poor but the frame stocking-knitters, who were established in their trade before power-looms were invented. They still continue to work at a business to which they were brought up, although it scarcely now affords them maintenance.⁶⁵

The framework knitters were a group of industrial workers who were hit particularly hard during the economic slumps of the 1830s and 1840s, and more of whom will be mentioned later.

Agricultural workers' wage rates were higher than those paid to many southern counties' labourers. One reason for the higher wage rates was the competition between railway construction, industry and agriculture for the same labour. Because of this competition from other sources, farmers in Derbyshire, unlike farmers in East Anglia, could not force wage rates down.⁶⁶ Although there were complaints of the ticket system operating in Derbyshire, this system of payment to agricultural workers could not work effectively while there were alternative sources of employment. This economic stimulus is highlighted by Chambers and Mingay who argue, 'both Wiltshire and Lincolnshire were primarily agricultural counties with few industrial occupations to attract the labour away from the farm and pull up wage rates'.⁶⁷ Although wage rates were higher in comparison with southern counties, when they were compared to wage rates of the more northern counties Derbyshire ranked fifth in a table of seven.⁶⁸ However, even though the Derbyshire labourers may have been earning extra money, it is highly unlikely that it was enough to buy a sufficient diet (see Appendix 2). The examples of

⁶⁵ Caird, *English Agriculture*, p.400.

⁶⁶ K. D. M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900* (Cambridge: Cambridge University Press, 1985), p.124.

⁶⁷ J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (London: Batsford, 1970, first published 1966), p.137.

⁶⁸ Caird, *English Agriculture*, p.512.

weekly wages cited postulate continuous employment 'which was far from the lot of most labouring men'.⁶⁹ Of these times 'old men who later looked back on their childhood in the 1830s and 1840s recalled that they felt hungry almost all the time'.⁷⁰ In most cases, it would be fair to say, 'a skilled man in constant employment was probably as well-off as he had ever been, but many men did not earn enough to feed themselves and their families'.⁷¹

A benefit of industrialization may have been higher wage rates in agriculture; however, there were also disadvantages. In counties like Derbyshire where the economy was a blend of industry and agriculture, it was usually a case of the prosperity of each would be closely linked, 'some industries, like brewing and milling, depended directly upon agricultural products, and most agricultural areas welcomed the increase of industrial wealth and of urban demand for farm products'.⁷² In some instances in Derbyshire there was a closer link between agriculture and industry, as Daunton has noted:

some upland areas had significant industry, complementing stock-rearing which did not require large amounts of labour: they developed industrial by-employment such as knitting in the Yorkshire Dales or weaving in parts of the Lake District; the Peak District of Derbyshire and the Pennines in Co. Durham were mined for lead and copper.⁷³

This symbiosis between agricultural products and industry received Parliament's attention during a hearing into agriculture. On this occasion William Smith, a south Derbyshire farmer, was the interviewee. Question: 'the price of meat this year has kept up beyond the average proportion between the price of wheat and the price of corn? — Yes, I think so'. Question: 'to what do you ascribe that? I should almost say it was

⁶⁹ Harrison, *Early Victorian Britain*, p.73.

⁷⁰ Harrison, *Early Victorian Britain*, p.73.

⁷¹ L. Marion Springhall, *Labouring Life in Norfolk Villages, 1834-1914* (London: Allen & Unwin, 1936), p.21.

⁷² Asa Briggs, *The Age of Improvement*, p.31.

⁷³ M. J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850* (Oxford: Oxford University Press, 1995), p.27.

owing to the manufacturing towns, the mechanics having more money to lay out; it sells well in large towns'.⁷⁴

If local industries were suffering from high unemployment then demand for agricultural produce would be low. The knock-on effect of this would mean farmers would begin to suffer financial hardship, with the result they would commence laying off their agricultural workers. In counties with mixed economies there was a possibility that when agricultural labourers faced economic hardship they could seek alternative employment in industry.

1.9 CRIME

At one time, prior to my period of research, Derbyshire had a higher hanging rate than Tyburn and Newgate. Between 1785 and 1810 slightly more than a quarter of those sentenced actually mounted the scaffold. Set out below is a breakdown of crime figures illustrating this point.

Fig.1: 3 Capital convictions for Derbyshire 1770-1830.

<u>Crime</u>	<u>Sentenced</u>	<u>Executed</u>
Horse stealing	64	4
Sheep stealing	56	2
Breaking into dwelling	55	-
Burglary	47	12
Highway robbery	16	5
Stealing in dwelling house	14	-
House breaking	11	3
Murder	10	9
Stealing	9	-
Shop breaking	9	1
Escaping transportation	6	1
Assault/stealing from person	6	-
Firing haystacks	6	4
Robbery	6	2
Uttering forged notes	5	3

⁷⁴ Report from the Select Committee on Agriculture with the Minutes of Evidence, Appendix and Index, *Agriculture*, 1833 (Shannon: Irish University Press, 1968), p.590.

High treason	4	2
Rape	3	2
Stealing cattle	3	-
Stealing cheeses	3	-
Stealing from inn	2	-
Picking pockets	2	1
Returning from transportation	2	-
Malicious wounding	2	-
Robbery of person	1	-
Intent to murder	1	-
Grievous bodily harm	1	-
Assault/robbery	1	-
Fraud	1	
Horse wounding	1	1
Stealing from church	1	-
Setting fire to coal stock	1	-
Breaking into weaving shop	1	-
Stealing from person	1	-
Stealing geese	1	-
Stealing shot guns	1	-
Breaking into office	1	-
Stealing clothing	1	-
Entering dwelling	<u>1</u>	<u>-</u>
Total	<u>357</u>	<u>51</u>

Source: Garner, *Hanged for Three Pennies*, p.195

Although these figures are not explicit in details of the crimes committed, we can see how certain crimes such as arson were not a new phenomenon. Although Derbyshire had witnessed a high degree of capital offences, the county did not suffer a high degree of rioting. There was one main exception, and that was the Pentrich Rising in 1817, which resulted in three men losing their lives on the gallows.

CHAPTER 2 ATTEMPTS AT MAINTAINING LAW AND ORDER

2.1 POLICING

For various reasons, which I will explain later, installing an efficient system of law and order was never going to be easy. Policing was an emotive subject, no-one disagreed over the quality of the existing system of policing; there was unanimous agreement—policing was poor. Therefore the lack of enthusiasm in producing a more professional police force is all the more surprising considering the volume of crime taking place. There were individuals who tried in vain to improve the system; but these were in a minority. Rarely were efforts made to improve policing until local social tensions increased to a worrying degree. The authorities then attempted to take steps to curtail matters, albeit on a temporary basis. Heanor offers us a typical example of this lack of interest shown in law and order and the reasons why there was little eagerness.

On the 28 April 1833 an Act of Parliament governing Lighting and Watching of Parishes entered the statute books. In Heanor, five years after its introduction there had been no noticeable action taken to implement the Act. However, reports in the police minutes claimed crime was on the increase and urgent action was required to halt the criminals. On the 6 September the Heanor Police Committee met and decided that:

in consequence of the lamentable increase and audacity of deperadators in the township and neighbourhood of Heanor a meeting of the ratepayers was held on Sept 6th at which it was agreed unanimously to adopt and carry into effect a portion of the Act of the 3 & 4th of William 4th Cap 90 for watching and better preserving of the peace [...] for which purpose a rate of 6d in the pound was agreed upon.¹

In October 1838 Heanor's Police Committee took appropriate steps and declared, 'it is determined that a constable be appointed with a salary not less than one guinea per week'. It was also agreed that along with his wages 'a residence for the constable be

¹ Heanor Police Committee, 6 September 1838, D3659/2.

provided without delay'.² Although not extravagant, this remuneration was relatively good, and within a short space of time a suitable candidate was appointed. John Hutchinson took up his duties as a constable for Heanor on 2 December 1839; however, his tenure lasted a little over a year. On 2 December 1839 Hutchinson wrote to his superiors, explaining his reasons for resigning. He declared:

I am extremely sorry to be under the necessity of tendering my resignation as police constable (not with the least disrespect unto you Gents) but the unpleasant circumstances which have transpired relative to myself and the police rate with the parishioners generally, I cannot with any degree of comfort remain with you much longer.³

Hutchinson tendered one month's notice. Collection of the police rates, the reason behind Hutchinson's departure, proved to be an impossible task. In April 1839 the rate-collector reported 'the difficulty he has in collecting the rate'.⁴ Unfortunately for the official, matters did not improve and a short time later he ran into stronger opposition. Now 'the difficulty' changed into outright refusals to pay the rate. The following extract taken from the minute book explains the latest turn of events:

the collector reports that he is prevented from proceeding with the collecting of the rate in consequence of the Butterly [sic] Company and others in the parish refusing to pay amongst whom are some of the Inspectors and Overseers.⁵

On one occasion a Poor Law official's refusal to pay turned into open defiance. It was reported how 'the Overseer of the Poor having objected to pay his rate ordered that F. J. Howitt and Henry Eley do take out a summons forthwith to complete the payment'.⁶

Matters came to a head in the following month when it was necessary to evaluate the rate for the second year. The proposal for the new rate aimed to raise £123 19s 3d. Broken down would mean payments of 3d on land and 9d on other property. Immediately this was objected 'to by various persons present'. The motion was put to

² Heanor Police Committee, 1 October 1838, D3659/2.

³ Heanor Police Committee, 2 December 1839, D3659/2.

⁴ Heanor Police Committee, 1 April 1839, D3659/1.

⁵ Heanor Police Committee, 1 July 1839, D3659/1.

⁶ Heanor Police Committee, 4 November 1839, D3659/1.

the Chairman and ‘negated by a large majority’. As a result of these proceedings a decision was made to poll the ratepayers. This poll went ahead and unsurprisingly the new rate was voted down by a large majority. As a consequence, a modified rate set for the second year stood at 1d in the pound for land and 3d in the pound for other property.⁷ The events at Heanor were typical, and illustrate the scale of the problem facing those who wished to introduce a more professional law enforcement. The following case studies taken from around Derbyshire illustrate the various approaches adopted towards law and order.

The building of a new railway line, and the ensuing disorder caused by the construction workers, resulted in a variety of responses from the authorities. In November 1837 Chesterfield’s magistrates swore in an experienced police officer from London whose job it was to aid and advise local constables. In May 1838 a troop of hussars from nearby Nottingham were drafted in to Clay Cross, a measure frequently resorted to by local authorities. This was a precautionary move, to deal with any trouble which may arise. However at that particular time there were no major outbreaks of violence and their stay at the village was brief.⁸ The short stay of the army may have had more to do with government policy than the army’s effectiveness, for as Edsall points out ‘it was [...] in the interests of the government to limit strictly both the scope and duration of direct interference in local peace-keeping operations’.⁹ Or was the reason nearer to Foster’s view in that the army was a focal point of aggression rather than acceptance? He has this to say:

in addition to being a permanent target for radicals who campaigned against a standing army on grounds of liberty, use of the army often represented massive

⁷ Heanor Police Committee, 9 November 1839, D3559/1.

⁸ Williams, *Driving the Clay Cross Tunnel*, p.65.

⁹ Nicholas C. Edsall, *The Anti-Poor Law Movement, 1834-44* (Manchester: Manchester University Press, 1971), p.103.

overkill on the part of the authorities, and even if its use was justified its presence may well have provoked rather than subdued or deterred a riot.¹⁰

A more recent historian notes: 'fears were widespread that the use of the yeomanry or the regular army was counterproductive'.¹¹ These views presented by these historians on the negative effects of yeomanry/army do not conform to the use made of them by the local authorities. In terms of part-time yeomanry at the authorities' disposal 'the East Midland shires, Derbyshire, Leicestershire and Nottinghamshire, teeming with half-starved and desperate framework knitters, were also relatively well off, having at their command 1,450 men assembled in 20 different troops'.¹²

Under an Act covering payment to Constables for keeping the Peace near Public Works (1 and 2 Vict. c 80) railway directors and shareholders were liable to pay the costs of hiring any special constables appointed. According to Coleman, 'this power was little used, and at best it was only a way of repressing a riot once it had started'.¹³ Although there were no riots there were signs of a growing sense of threat from the navvies. If directors of other railway lines had not felt the need to organize special constables to protect their lines, the directors of the NMR certainly did. In early 1838 the NMR board of directors took action and applied to the Home Office for a small police force to be stationed at or near Clay Cross. Later in the year navvies were again a centre of attention. A local JP, E.S. Chandos-Pole Esq.,

called the attention of the Bench of Magistrates to the difficulty there existed at the present time of keeping the peace, and enforcing due obedience to the laws in many of the townships upon and in the neighbourhood of the line of the North Midland Railroad, within the county of Derby.¹⁴

¹⁰ David Foster, *The Rural Constabulary Act, 1839: National Legislation and the Problems of Enforcement* (London: Bedford Square Press, 1982), p.5.

¹¹ David Taylor, *Crime, Policing and Punishment in England*, p.75.

¹² F. C. Mather, *Public Order in the Age of the Chartists* (Manchester: Manchester University Press, 1959), p.145.

¹³ Terry Coleman, *The Railway Navvies* (London: Book Club Associates, 1972, first published 1965), p.125.

¹⁴ *Derbyshire Courier*, 20 October 1838.

This 'small' police force proved to be insufficient for the task facing it as later reports testify.

In January 1839 the navvies were again the centre of controversy, when they were responsible for causing considerable trouble. Calming this situation required 'the energetic exertions of the London policeman stationed in the neighbourhood'. The intervention of the two police officers led to charges against two railway workers, in one case with damaging property and in the other with breaking and destroying windows.¹⁵

Considering the social unrest caused by the navvies one would assume law enforcement would be a priority, but not in Derbyshire. Historically Derbyshire's authorities held a general apathy towards establishing a more professional type of policing. Although as an idea it was agreed in principle, in theory there were major obstacles to overcome. When many parts of southern Britain and parts of Derbyshire witnessed the effects of the Swing riots, Chesterfield was struggling to set up a winter night watch. During a council committee meeting an agreement was reached whereby the borough would be divided up into divisions. In each division two members would represent the committee and canvas for subscriptions to fund the watch. Unfortunately this decision was a little over-optimistic and by the following Friday it was necessary to call a further meeting, this time to discuss the failure to raise sufficient funds. Blame for the lack of contributions was laid upon 'a number of respectable inhabitants having refused to subscribe to the general fund'.¹⁶

If confirmation of the need for a more efficient police force was necessary, it came the following month at a Court Leet and Great Court Baron meeting. Here views were

¹⁵ *Derbyshire Courier*, 26 January 1839.

¹⁶ *Derby and Chesterfield Reporter*, 23 September 1830.

expressed in favour of establishing a police force and the reasons why it was necessary.

There was a belief:

on Police Establishments, shewing the good effects produced by them in those towns where they were adopted, and shewing, that if Chesterfield were blessed with one, every nuisance, which now disgraces the town, would be done away with, and even the Court itself might in future be disposed with.¹⁷

No matter how intense the debates became over establishing a better standard of policing, there was never any doubt amongst the ruling classes the present force was inept. As many local JP's testified, the system of policing in Derbyshire was totally inadequate to combat many types of crime. Sheep stealing was a frequent event and yet the number of thieves caught was minimal. Bagshaw, a member of the council who debated the Rural Constabulary Act, agreed the present system was lacking. In his opinion, policing was as bad as it could be, far from being active and capable he admitted to 'its complete and entire incompetency'.¹⁸ There were many reasons why the policing system was inefficient and they were easy to see. In part the inadequacy lay in a lack of suitable candidates, and, once employed, retaining the services of those candidates.

There is some debate amongst historians concerning the old watch system's efficiency. In one historian's view caution should be exercised before hasty conclusions are reached over this matter. He believes:

as the ardent nineteenth-century police reformers like Edwin Chadwick and subsequent traditional police historians have maintained, there was laxity and a reluctance to act among some of the parochial police, and some of the watchmen were drunkards or too old and lame for their tasks. But there were many contemporaries who believed that the developments in the existing system of watches and parochial constables were helping to control crime and disorder, and such historical research as has been done into these police systems suggest that they should not be dismissed out of hand as corrupt, lax and inefficient.¹⁹

¹⁷ *Derby and Chesterfield Reporter*, 28 October 1830.

¹⁸ *Derby and Chesterfield Reporter*, 7 November 1839.

¹⁹ Clive Emsley, *The English Police: A Political and Social History* (London: Longman, 1996, first published 1991), p.36.

These are contentious views put forward by Emsley. The evidence for Derbyshire proves this system was not suitable for the role intended. A large percentage of the force did not leave of their volition; they had to for disciplinary reasons. The major reason for these dismissals was drunkenness. At the Wirksworth Petty Sessions, for example, Thomas Beeley received a fine of twenty shillings for 'being intoxicated in the execution of his duty'.²⁰ In January 1836 seven new men were recruited to the watch, within approximately four months of starting, six had either left or had been dismissed.²¹ One of the watchmen was dismissed 'for receiving money under a false representation'.²² The second dismissal involved an officer found intoxicated for the second time while on duty.²³ A perplexed council listened to a description of how all of their watch had indulged in a bout of drinking. Facing a charge of reporting for duty intoxicated, constable Brailsford explained how this had occurred: 'that he was with three others, called upon by the rest of the Police to pay for his "Foot Ale" on his first receiving a full week's pay agreeable to their custom'.²⁴ Brailsford escaped with a reprimand, and the Superintendent received an order to immediately notify the remaining members of the Watch to cease this practice immediately.

Choosing appropriate candidates for the job of a policeman was not easy as 'persons of respectability shunned the job' and among those chosen 'illiteracy was a common fault among petty constables, whilst in Leicestershire Copyhold Court elected for three successive years the most drunken man in the village to serve as constable'.²⁵ The number of men involved in the present system varied according to circumstances. The

²⁰ Wirksworth Petty Sessions, 4 September 1832, D199/1/1.

²¹ Williams, *Driving the Clay Cross Tunnel*, pp.63-66.

²² *Derby and Chesterfield Reporter*, 9 June 1836.

²³ *Derby and Chesterfield Reporter*, 7 July 1836.

²⁴ DBR, Council Minutes, Watch Committee, 1836-46.

²⁵ Mather, *Public Order in the Age of the Chartists*, p.77.

authorities, due to reasons of costs, kept their forces to a minimum, as the following example suggests. Chesterfield up until 1846 did not employ a daytime policeman, a watch only operated at night-time. By October 1846 a change of opinion took place and two watchmen were employed for the daytime shift. Rather than incur the ratepayers' wrath over the extra costs involved in hiring these extra men, it was thought prudent to finance this exercise by reducing the night watchmen, from eight to seven.²⁶

An ever-recurring theme in Derbyshire's crime control was the adoption of short-term measures. Only when circumstances dictated were extra men drafted in, usually when large numbers of people were expected to gather, and then only on a temporary basis. At one celebration to mark the coronation of Queen Victoria twenty-four constables were temporarily employed at a extra cost to the authorities of £3 16s for the day. Other celebrations received similar treatment. To monitor the crowds at a fair in Chesterfield required the services of four temporary officers, at a cost of 2/6d each. An insight into the ever-fluctuating numbers of constables can be derived from the accounts. In May of the same year the quarterly costs for the watch amounted to £69 3s 10d. This quarterly bill always fluctuated, rising and falling but reaching a peak of £102 4s in November 1847.²⁷

Heanor's Police Committee's solution to policing the forthcoming celebrations followed the time-honoured method, a temporary increase in numbers. They doubled their police force and decided that the officer 'be allowed an assistant for four nights during the feast week'.²⁸ As in other areas, in this period Derbyshire authorities were fearful and disapproved of fairs and any other occasion that resulted in large crowds gathering. Fearful of large crowds they may have been, but no way disturbed enough to

²⁶ T. P. Wood, *Almanac* (Chesterfield: Edmunds, 1926), p.287.

²⁷ LRO, General Ledger, February 1836-February 1885, Watch Committee, D1504/71.

²⁸ Heanor Police Committee, 5 August 1839, D3659/1.

alienate ratepayers and install a full-time police force.

One notable exception worth mentioning is Staveley. The village council met in March 1840 for an annual review to discuss whether or not to maintain the services of their officer sworn in April 1839; and for once a positive action took place. As the report on the meeting held to discuss the matter noted:

a parish meeting was held at Staveley, on Tuesday last, to consider how far it was desirable to continue the services of Wragg, the policeman, until the question of establishing a rural police throughout the country was decided, - when it was unanimously resolved, that in consequences of Wragg's perseverance and energy in the detection and apprehension of Platts and others his services should be continued, and also that a handsome reward should be given him in testimony of the approbation of his exertions.²⁹

However, such action, as taken by those at Staveley, was an exception.

At Belper in 1837 a meeting was held 'to consider the propriety of voluntarily agreeing to an act passed in 1837, to enable parishes to assess themselves, to maintain constables, and defray other necessary expenses'. Previously financing the police costs had been defrayed out of the poor rates, however under the new legislation this was now illegal. This proposed idea for new funding did not meet with unanimous approval by the board, initially moved by the chair, A. N. Harrison Esq., and seconded by Ingle, the motion ran into immediate opposition. James Webster proposed a delaying tactic, which called for an adjournment on making a decision for the next twelve months. This proposal was also seconded, but this time, unlike the previous motion, it found more favour and it passed with a large majority.³⁰ The use of delaying tactics to avert making a major decision proved to be a habitual tool at these meetings as the following section emphasizes.

Coinciding with the persistent problem of sheep stealing, which at the time caused local authorities major concerns, a further debate arose over policing in Derbyshire. On

²⁹ *Derby and Chesterfield Reporter*, 12 March 1840.

³⁰ *Derby and Chesterfield Reporter*, 9 November 1837.

this occasion it was whether or not to accept the guidelines laid out in the Rural Constabulary Act 1839. To put this particular Act on the statute books had not been easy, it had a torrid passage through Parliament.³¹ However, compared to the attempts to implement the Act in Derbyshire, the passage through Parliament was easy. Adoption of this Act was permissive. Local magistrates at a General or Quarter Sessions, or an Adjournment held the responsibility on whether to adopt the Act or not. If the Act was implemented each county would be self-governing with no recourse to a central authority. Despite this freedom, the controversial point lay in how payment for the new force would be raised. The suggestion was that finance would be met out of the county's own finances.³²

Without doubt, throughout the country, this Act proved to be a controversial subject, and for two main reasons. The first point concerned costs; to employ more police officers would prove to be too expensive, and more importantly a burden on the ratepayers. Regarding the second contentious point, a general consensus of opinion saw the new police as an attack on a person's civil rights. Such was the national interest in these debates *The Times* often carried reports of them.³³ Many of these meetings became quite heated and vociferous; Derbyshire's meetings were no exceptions. Those Derbyshire magistrates who wished to adopt the Act met with severe resentment. At a meeting, previously postponed, held in November 1839, Bulguy, the Chair at the Quarter Sessions, gave an eloquent speech in favour of accepting the Act. He told the other members 'he was aware that some persons had considerable objections on the grounds of expense; but some objected to it under the idea it was an infringement upon their liberty'. But, he countered these arguments by adding: 'this bugbear he considered

³¹ *Hansard* (Commons), 7 August 1839.

³² Oliver MacDonagh, *Early Victorian Government, 1830-1870* (London: Weidenfeld & Nicolson, 1977), p.174.

³³ For example *The Times*, 21 October 1839.

perfect nonsense, for the vigilance which would be exercised, under the law, was what all good men would have, and bad men dread'. Continuing he added: 'the question for consideration was, should they adopt the act or not; and if so, to what extent?' He assessed the quality of policing with the words: 'it was quite clear that at the present time the police force of the county and the country districts generally was quite inefficient for the purpose of protection'. Thomas Gisborne, MP, added his view on why the present system of policing was of a poor quality. He argued 'that principle was this, that a constable should be a constable and nothing else; not one year a constable and the next a farmer, as was now the fact'.³⁴ This was a justifiable comment by Gisborne as a few months earlier at Bakewell Constable William Brightmore, as part of his official duties, received payment for white washing coal and cleaning straw.³⁵ Presumably, from the negative attitude taken against modernising the police force, many of the magistrates were less than impressed with the results of the forces set up in Derby (Feb 1836) and Chesterfield (Jan 1836).³⁶

In the meeting Bulguy answered his critics' question over the cost of implementation, he replied, 'with regard to the expense, he thought the county rate would, if the plan were tried, ere long find a great set-off in a decrease of charges now incurred in the prosecution of the felons'. This proposal was accepted by James Holworthy. However W. J. Bagshawe speaking for north Derbyshire stood up and vehemently opposed the motion. He like all the rest agreed the present system lacked efficiency. But 'he had spoken to many individuals in that division concerning the measure now proposed for their adoption and every one of them considered it prudent

³⁴ *Derbyshire Courier*, 9 November 1839.

³⁵ C. R. Allcock, 'Some Notes on Law and Order in Bakewell', *Bakewell Miscellany*, 1 (1974), 7-14 (p.10).

³⁶ See David Phillips and Robert D. Storch, *Policing Provincial England, 1829-1856: The Politics of Reform* (London: Leicester University Press, 1999), pp.195-97. Here the authors stress the paramourcy of cost.

not at present to enter upon it'. Bagshawe expanded his reasons for objecting to the Act; he continued saying:

not, as he said before, from any indisposition to try the Act of Parliament, nor from any belief that a new system was not wanted, but solely because he thought the justices and rate payers were not in possession of sufficient information to warrant any other course.

The debate raged on without reaching any firm decision, and further delaying tactics were introduced. Now 'the Court thought it desirable that the act should be adopted, subject to an inquiry of the extent of force desirable, and the consequent expense to be made by a Committee of Magistrates'.³⁷ As a result of this last suggestion no decision on implementing the Act was taken, and the stalemate remained. The only agreement reached involved the setting up of a committee to look into manning levels of the proposed new force. Therefore no one would make a decision before the committee released its findings. It was expected a further report would be given at the next Quarter Sessions, which were due to be held on 31 December 1839. The committee appointed to investigate the costs consisted of John Bulguy (chairman), Lord Waterpark, Sir George Crewe, Sir Oswald Mosley, William Evans, William John Bagshawe, William Mundy, John Harrison, Edward Strutt, Charles Clarke and James Oakes.

Over the following weeks there were numerous newspaper reports concerning petitions sent in from different parts of Derbyshire. The thrust of these petitions concerned reasons why the Rural Constabulary Act should or should not be accepted. The *Derbyshire Courier* carried a copy of a letter sent in by Brailsford's road surveyors. These surveyors 'after proper consideration, agree in sentiment that there is no necessity in our several parishes for the adoption of the New Police Act, and to protect other parishes where it may be needed would be a hardship'. In conclusion the report claimed twenty-eight surveyors signed the petition, and allegedly more would have signed but

³⁷ *Derbyshire Courier*, 9 November 1839.

they had left the district.³⁸ The following week's edition contained another report this time from Ashbourne calling for the rejection of the Act, along with a note saying other parishes would be following suit.³⁹ Two weeks later and the debate over the Act had not subsided, only on this occasion there were reports printed for and against implementing the Act. The first report contained figures refuting arguments claiming implementation would prove to be too costly. The author offered calculations illustrating how conforming to the guidelines laid out in the Act would not cost £4,000 a year. This figure when apportioned out related to a payment of less than 9s a year for those who owned property of £100 a year. Reports showing approval for the implementation of the Act were by a long way in the minority. The second report aired the views of Chapel-en-le-Frith's Union, which like the majority of reports offered a negative response. Representing the Union, Marshall said 'that the rate could receive no equivalent, by any services the police could ever render them'.⁴⁰ By the end of the year the *Derbyshire Courier* carried only one report where a district agreed to introduce the Act, and that interestingly enough it was Staveley.⁴¹

When, later that year, the rearranged Quarter Sessions met to hear the committee's recommendations, what they heard fell a long way short of the recommended government figures. In the committee's view a force should consist of one man for every three thousand inhabitants, which was only one-third of those recommended by the Act. This recommended force was to consist of:

	£
1 Chief Constable, at a salary of £300 per annum	300
6 Superintendents, £75 each and clothing	486
60 Constables, 18s. per week	2,808
Clothing for 60 constables, £6 per man	360
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67	<hr/> 3,954
	Total annual expense

³⁸ *Derbyshire Courier*, 30 November 1839.

³⁹ *Derbyshire Courier*, 7 December 1839.

⁴⁰ *Derbyshire Courier*, 21 December 1839.

⁴¹ *Derbyshire Courier*, 28 December 1839.

Source: Rev. Charles John Cox, *Three Centuries of Derbyshire Annals*, 2 vols (London: Bemrose, 1890), vol 1, p.113.

After all the time and effort taken by the committee a deadlock still remained, because the members could not reach a positive decision over these manning levels. The debate over the policing of Derbyshire had not yet run its course, it would be some time before an agreement was met. October 1840 and the debate over the Rural Constabulary Act continued to drag on, and yet another meeting deliberated over the question. Although the debate became heated with angry exchanges between those for acceptance and those against, it resolved nothing. In a fresh attempt to get things moving and obtain a resolution three options were forwarded:

- 1.— adopt the Act.
- 2.— adopt the Act in some districts only.
- 3.— abandon the Act.

After a lengthy debate on these points the chairman Gisbourne, frustratingly exclaimed,

it was very evident that there would not be a sufficient majority for the partial adoption of the bill, to carry on the working of the act beneficially, and as he did not wish to persevere vexatiously he should recommend that the question should rest where it did.⁴²

After more protracted debates this option received approval and the meeting moved onto other business, again a hostile reception to this Act from Derbyshire's ratepayers had won the day. Subsequent to all of the time consuming debates and wrangling, the committee were at an impasse, one which would not be resolved for several years.

Regarding the second contentious point of this Act, the infringement of civil rights, this raised as much debate in and out of Sessions as did costs. In other counties the introduction of rural law enforcement met with similar lack of enthusiasm; for example 'the introduction of the rural police force in Wiltshire in 1840 was seen by many as a further intrusion by central government into local affairs and the expense of this

“Government gendarmerie” to the ratepayer was a major cause of hostility’.⁴³ Similar reactions faced the establishment of the Lancashire Constabulary, the middle class resented the added expense and the working class saw them as an interference to their daily lives.⁴⁴ In a Quarter Session Meeting, Hartshorne referred to ‘an infringement upon their liberty’. This was a reference to a widely held belief that the development of a police force would resemble a continental system, operating as spies rather than a law enforcement agency. Again quoting Emsley, ‘in England the centralized systems of police to be found in Paris and in the shape of the *Maréchaussée* (and its successor, the *Gendarmerie nationale*) were an anathema’.⁴⁵ In Derbyshire petitions from all over the county continued to arrive airing views of disapproval. One petition from Breadsall echoed the thoughts of many. The petitioners ‘went on to express a fear which other people felt as well - the fear that a paid, uniformed police would terrorise and spy on ordinary citizens’.⁴⁶

Derbyshire continued with its existing law enforcement system until 17 March 1857, when a constabulary was finally set up under the County Borough Police Act 1856. This episode of fractures in Derbyshire’s governing bodies shows how discontent was not a simple matter of upper versus lower classes. At times discontent could lead to members of one social group forming an alliance with members of other social groups to obtain a required result. This episode I would suggest points to a strengthening and forceful social group of ratepayers who were gradually gaining ground on an ever-weakening magistracy.

Overall policing in Derbyshire throughout this period was of a low quality, no better

⁴² *Derby and Chesterfield Reporter*, 22 October 1840.

⁴³ Randall and Newman, ‘Protest, Proletarians and Paternalists’, p.219.

⁴⁴ Archer, ‘Poaching Gangs and Violence’, p.32.

⁴⁵ Clive Emsley, ‘Police 2’ *Crime and Policing in Europe since c.1750*, 5 (Milton Keynes: Open University, 1997), p.63.

⁴⁶ E. G. Power, *Hanged for a Sheep: Crime in Bygone Derbyshire* (Cromford: Scarthin, 1988, first published 1981), p.45.

than the old watch system it replaced. Rather than detecting and catching criminals policing priorities focused on enforcement of the bye-laws. When faced with any form of dissension the authorities preferred to resort to short-term measures. Frequently this involved bringing in armed forces, and treating the workers as revolutionaries. Another favoured tactic was the use of extra temporary constables, such as on fair days where 'the history of protest shows that it frequently coincided with holidays, the traditional time for ritual and festivity, when recreation could give a nudge in the direction of riot'.⁴⁷

Although groups of people gathered in shows of protest, such as strikes, compared to other counties, mob violence in Derbyshire remained limited, the one exception were the Reform Riots in 1831. From the evidence it would seem the authorities' actions were first and foremost governed more by financial restrictions than a need to install a more professional form of policing. However one other reason I suspect had all to do with the lack of violent protests. At the beginning of the decade when there were signs of unrest local authorities willingly responded to official communiqués, which suggested:

at the same Time, therefore, that you will maintain a strict Observance of the Law you will not fail to use the greatest Activity for the Detection of those Offences which have unfortunately been lately of so frequent occurrence and for the securing of Persons of suspicious Character, always bearing in mind that the Law invests Justices of the Peace with the fullest Powers for these Purposes, and affords the most ample Protection to those of them who act with a view to the Furtherence of public Justice and without any corrupt or malicious Motive.⁴⁸

Once the troubles were over this advice was forgotten about until the next set of troubles.

One argument contends that 'ratepayers in general seem to have been less worried by

⁴⁷ Barry Reay, *The Last Rising of the Agricultural Labourers: Rural Life and Protest in Nineteenth-Century England* (Oxford: Clarendon, 1990), pp.102-3.

⁴⁸ Special Constables for the Peak, 4443, box 57.

threats to order than by threats to their pocket; after all, serious disorder could always be suppressed by use of the army and/or by squads of Metropolitan Police'.⁴⁹ This certainly seems to be true of Derbyshire. The authorities responded to the communiques, such as the one mentioned above, by calling in troops and enlisting special constables, which cost nothing. However the same authorities were willing to reject an Act of Parliament which would have cost them money. Arguments for a more professional force, which were accepted in other counties, and mooted in local Quarter Sessions, failed to gain assent in Derbyshire.

2.2 CIVIL FORMS OF SOCIAL CONTROL

If some local authorities were slow in implementing policing as a form of social control, there were clergy and business men who were more enthusiastic in establishing their own brand of social control. Because at a time when many of Derbyshire's old established hierarchy, for one reason or another, could not or would not respond to the destitutes' needs, a new breed of authority was waiting to step in and take control, the new industrialist. At a price, 'the industrious poor, educated and moralised in the schools and lodged in scientifically approved dwellings, were to be watched over by police and overseers'.⁵⁰

At Staveley it was not only civil action taken to improve law and order, the local clergy also added their influence. In April 1840 several influential people called a meeting of the village churchwardens to discuss their fears as regards local criminal activity. The concerns of those present were then printed on a circular, which stated:

it was unanimously resolved, that the degraded state of society in this Parish is very greatly to be deplored, and that it calls for the united exertions of all well disposed persons, to check the evils thereof, and to promote and encourage better and higher moral feeling.

⁴⁹ Emsley, *The English Police*, p.46.

⁵⁰ A. P. Donajgrodski, "Social Police' and the Bureaucratic Elite: a Vision of Order in the Age of Reform' in A. P. Donajgrodski (ed.), *Social Control in Nineteenth-Century Britain* (London: Croom Helm, 1977), 51-76 (p.71).

That this Meeting very much regrets the malicious and revengeful spirit lately manifested and that the praiseworthy exertions of the Rector for the benefit of the Parish, be so rewarded.

That a Declaration, in agreement with these Resolutions, be drawn up and signed by those who approve thereof.

That the above be Printed and a copy sent to the Steward of his Grace the Duke of Devonshire and other Owners of land in this Parish, and their co-operation solicited.⁵¹

The rector referred to in the circular was the influential Bernard Moore inaugurated as the parish priest in 1838, and described as 'a divine who enjoyed the respect of the parishioners in an eminent degree'.⁵² His arrival in the parish coincided with Staveley suffering from various criminal activities, in particular the navvies' unruly behaviour.

One week after the navvies caused a disturbance in the village Moore very quickly made his mark and instructed local publicans on their moral and religious duties towards the Sabbath. From then on the publicans 'took the very drastic step of keeping their doors closed on Sunday in order to withhold drink from the navvies'.⁵³ Moore's action saved Staveley from further major outbreaks of unruly behaviour, but did little for its neighbouring villages. The following week, 'a number of railway labourers, finding that they could not gain admittance into the public-houses at Staveley, proceeded to Bolsover'.⁵⁴

Religious fervour and moral crusades were not uncommon, all over the country similar exercises took place. Not all of these actions were as direct as Moore's, more often than not actions were limited to preaching from the pulpit. Six years after Moore took his moral stand the Rev. Page was preaching:

nay, by multiplying beer shops in solitary places, and permitting public houses to keep open on Sundays and late at night, we have been guilty of putting

⁵¹ Staveley Printed Circular, D661 1A/PV7.

⁵² J. M. Bestall, *History of Chesterfield*, 5 vols (Chesterfield: Derbyshire Print, 1978), vol 3, p.34.

⁵³ Bestall, *History of Chesterfield*, p.34.

⁵⁴ *Derby and Chesterfield Reporter*, 7 June 1838.

temptations in the way of the poor, which many of them, and especially the younger, have not been able to resist. What wonder, then, that they are wicked?⁵⁵

Moore certainly made a lasting impression as Staveley's parish priest, and the signs are he wielded a considerable amount of power and authority. To mark his retirement in 1847, 'the *respectable* portion of the parishioners' attended a meeting in his honour.

During the meeting:

the address was accompanied by one from the innkeepers of Staveley, thirteen in number, also expressing their regret at the great obligations they were under for his wholesome regulations in preventing the desecration of the Sabbath from drunkenness etc., and their desire to continue these regulations under his successor.

Moore's attitude to sobriety and clean living were echoed by many of the local industrialists.⁵⁶

Magnates like Stephenson of Clay Cross and Barrow of Staveley put in place their own strict rules of conduct. Stephenson one of the prime movers in the construction of the now-completed NMR, needed to establish a local coal supply to fuel his trains. For his source he chose the coal seams in and around Clay Cross, and invested £3000 in a coal mine. Stephenson's experience of working in and around Clay Cross made him well aware of social problems. To tighten up and cut down on social misbehaviour, he imposed strict rules and regulations on any persons who worked for his company. In order 'to maintain the peace of Clay Cross, he was quite prepared to eradicate the traditional amusements, to introduce the notion of self-help and to insist on compulsory medical insurance'. In other words, Stephenson introduced, like many of the new industrialists, his own and a new brand of paternalism. To achieve this he set out to erase the men's drinking habits and banned them from keeping fighting dogs and fighting cocks. In return he invested £8,262 in building eighty-eight houses of a

⁵⁵ Rev. L. F. Page, *Incendiarism; Its Cause, Call, Wickedness, Folly, and Remedy* (London: Thompson, 1844), p.57.

⁵⁶ Arthur Court, *Staveley: My Native Town* (Sheffield: Northend, 1948), p.19.

standard higher than many in the neighbourhood. Each house contained a living room, scullery and two bedrooms along with a thirty-foot garden.⁵⁷ Providing 'improved housing, it was also believed, had a powerful moral effect, encouraging cleanliness, thrift, and sobriety'.⁵⁸ To meet the cost of their welfare benefits, every married collier paid out of his wages sixpence a fortnight and every unmarried man three pence towards medical insurance.⁵⁹

Every aspect of a labourer's working and social life were now scrutinized and modified with an aim of controlling his life. If he broke his rules, he would find himself without a job and home, old and established pastimes were no longer morally acceptable.

If policing failed to ensure law and order throughout the county, there were attempts of social control in clearly defined areas. A few local landlords like Crewe still maintained control over their estate villages; however the new industrialists now began to increase their control. Using a combination of housing and work, these industrialists now had an opportunity to exert a greater influence over a greater number of people than the landed gentry ever did.

⁵⁷ Stanley Chapman, *The Clay Cross Company* (Old Woking: Bivwater, 1987), pp.8-9.

⁵⁸ Mingay, *Rural Life in Victorian England*, p.92.

⁵⁹ Chapman, *The Clay Cross Company*, pp.8-9.

CHAPTER 3 POACHING

3.1 AN INSIGHT INTO POACHING

To find out exactly what implications poaching held for the rural life, it is necessary to determine who were the poachers, and what type of persons made up this tight-knit fraternity who caused the authorities so much strife and grief. Also, an investigation is made into the reasons why certain poachers were willing to break the game laws, and risk a possibility of draconian sentences. Under certain circumstances offenders, if caught, faced the possibility of transportation for several years. To many suffering this fate 'transportation, for no matter how short a term, was virtually a life sentence because return from Australia was impossible for all but a very few'.¹ Nevertheless, certain poachers took this risk and were not adverse to using violence to aid their escape.

Drawing results from his findings, Rule concludes poaching is a 'social crime', a crime not seen to be so by many in the local community.² This is a debatable point, as it can be argued that poaching was a far more complex subject. Likewise, it can be contended, as Wells has, that poaching and arson can be placed under the same umbrella and described as acts of protest. Wells argues, 'yet arson became a continuous form of rural protest in nineteenth-century England, even it [sic] its intensity varied. So too did that other form of covert social protest, theft, as any history of the game laws shows'.³

To illustrate how poaching cannot simply be classed as a 'social' crime, or an act of

¹ E. W. Bovill, *English Country Life, 1780-1830* (London: Oxford University Press, 1962), p.182.

² J. G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, 1 (1979), 135-153 (p.136).

³ Roger Wells, 'The Development of the English Rural Proletariat and Social Protest, 1700-1850', *Class, Conflict and Social Protest*, 29-53 (p.45).

protest, an hypothesis will be offered. This will contain several examples where poaching was used as an act of recreation, profit or necessity.

3.2 GAME LAWS

By the early nineteenth century countless forms of legislation covering the question of game—mainly determining who could and who could not hunt—littered the statute books. The primary intent of the game laws was to safeguard the aristocracy's rights and status, as Kirby explains:

if, however the exact meaning of the game laws is sometimes difficult to establish, their intent is not. The purpose of the game laws was to ensure that the hunting of game - particularly hares, partridges and pheasants - was the exclusive privilege of the landed gentry.⁴

As a result of continuing legislation the game laws became a maze of complex laws.

Initially the game laws arrived on the statute books to protect hunting rights, but the repercussions emanating from them were felt far and wide throughout society. According to one nineteenth-century writer 'there can be no doubt whatsoever, that these laws are one of the chief causes of the demoralization of the peasant classes'.⁵ A modern view held by Thompson regards the game laws as a weapon to be used against the poor. Of these oppressive laws he believed the 'Game Laws, with their paraphernalia of gamekeepers, spring-guns, mantraps and (after 1816) sentences of transportation: all served, directly or indirectly, to tighten the screw upon the labourer'.⁶

A more scathing explanation of the game laws is that:

their purpose was to secure the rights of landowners to enjoy their favourite sport - killing living things - against propertyless clods, for whom the acquisition of a rabbit or a pheasant could mean the difference between a child's survival or continued malnutrition leading directly or indirectly to early death.⁷

⁴ P. B. Munsche, *Gentlemen and Poachers* (Cambridge: Cambridge University Press, 1981), p.8.

⁵ Joseph Kay, *The Social Condition and Education of the People*, 2 vols (Shannon: Irish University Press, 1971, first published 1850), vol 1, p.594.

⁶ E. P. Thompson, *The Making of the English Working Class* (London: Penguin, 1991, first published 1963), p.245.

⁷ Eric J. Evans, *The Forging of the Modern State*, p.145.

In rural society 'the game laws might have been a potent symbol of class privilege but as a practical means towards enforcing it they were a constant source of frustration'.⁸ By the first part of the nineteenth century these laws played a significant part in the lives of people in Derbyshire. Few people especially in rural areas escaped contact with them, whether it was the landed aristocracy, JPs, gamekeepers, farmers or labourers in all their guises.

As far back as 1390 the 'first statute' to 'protect' wild animals from the 'unworthy' entered the law books. This law stated that 'all persons were forbidden to keep hunting dogs or kill "Deer, Hares, nor Conies, nor any other Gentlemen's Game"' unless they had real estate worth forty shillings a year, or in the case of clergy an annual income of ten pounds'.⁹ From this point on what occurs is a catalogue of legislation whose sole purpose was to eliminate poaching and protect the rights of a minority. In an ever out of control spiral, a series of laws that failed in their intent to halt poaching were added to, resulting in a congested statute book. Interpreting this complex set of legislation proved to be beyond the scope of many local JPs and at times completely baffled them.

In 1650 Colonel Saunders issued an order to the Derbyshire constables containing a list of fines to be implemented for poaching offences. Amongst these were a fine of 20s for anyone destroying game and a fine of 40s for anyone owning a greyhound or setter, 'except such as had an estate of inheritance of £10 per annum, or an estate for life of £30, or the value of £200 in goods or chatels'. Saunders spoke for the majority of the aristocracy when he disparagingly commented on a certain class of people who hunted, he caustically remarked:

of late yeares the severall games above mencioned have been more excessively spoyled and destroyed then hath in former tymes, especially by the vulgar sort of

⁸ John Fisher, 'Property Rights in Pheasants: Landlords, Farmers and the Game Laws, 1860-80', *Rural History*, 11, 2 (2000), 165-80 (p.166).

⁹ Kirby, 'The English Game Law System', p.240.

people and men of smalle worthe imployinge most parte of there tyme in takinge such said games, thereby bringing themselves the rather unto poverty.¹⁰

The speed at which legislation covering poaching came into law would quicken and continue to do so at a rapid rate. All the legislation affecting game laws will not be mentioned, however those that are mentioned I see as the major statutes put into place in an attempt to control poaching.¹¹

Legislation of 1671 tightened up the hunting qualifications. These new qualifications were: first, ownership of land worth £100 per year, or being the son or heir-apparent of an esquire or a person of a higher degree. Second, being a leaseholder (for 99 years). Third, holding franchises of park, chase or free warren. This was a major piece of legislation in more ways than one, along with altering the hunting qualifications, this new law,

succeeded in transferring to the gentry most of the crown's prerogative rights in the field of game preservation. Since the time of the Conquest, English monarchs had claimed both the right to hunt wherever they pleased and the right to take whatever measures they thought proper to ensure that there was an adequate supply of game. After the passage of the Game Act, however, the king had to share the exercise of these rights with several thousand country gentlemen.¹²

These 'several thousand country gentlemen', who still remained a minority of the population, were not willing to share their new-found privileges with the majority of folk. Dilution of this prerogative was non-negotiable, it now was a case that 'shooting not hunting with hounds, became the characteristic upper-class sport'.¹³ These changes to the laws were made with one intent. They were 'devoted to the protection of the monopoly of this class, compromising less than one in ten thousand of the people of

¹⁰ Cox, *Three Centuries of Derbyshire Annals*, vol 2, p.81

¹¹ For a concise overview of poaching legislation see Kirby, 'The English Game Law System'.

¹² P. B. Munsche, 'The Gamekeeper and English Rural Society, 1660-1830', *Journal of British Studies*, 20 (1981), 82-105 (p.86).

¹³ Charles Chenevix Trench, *A History of Marksmanship* (London: Longman, 1972), p.128.

England'.¹⁴ However, Hay sees the imposition of the game laws as having an even more sinister intent; he argues:

the game laws were important to the gentry not only because they concerned deer and pheasants, but also, quite simply, because they were laws. If sporting was one major prerogative of country gentlemen, the other was the administration of justice.¹⁵

Nevertheless for those on the receiving end and those who administered this so-called 'justice', the laws proved to be incomprehensible.

Fifty years later saw the introduction of the Black Act 1723, which, while significant to criminal law generally, brought with it stringent measures against those caught poaching. The significance of this Act is that:

although a tendency to attach the death penalty to new descriptions of offence can be noted in previous decades, the Black Act of 1723, which coincided with the year of Walpole's final political ascendancy, signaled the onset of the flood-tide of eighteenth-century retributive justice. Its passage suggests not only some shift in legislative attitudes, but also perhaps some complicity between the ascendancy of the Hanoverian Whigs and the ascendancy of the gallows.¹⁶

This Act brought with it at least fifty distinct new capital offences; by breaking these down even further into individual categories of persons committing crimes the actual number of offences rose to over two hundred.

Later legislation, such as the 1770 Act, increased the severity of punishment for certain poaching offences. Anyone convicted of killing game of any kind between sunset and sunrise faced imprisonment for no less than three, and no more than six, months. Increased punishments awaited those convicted of a second offence; for the recidivist there was a possibility of imprisonment for not more than twelve months, nor

¹⁴ Hammonds, *The Village Labourer*, p.131.

¹⁵ Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Penguin, 1988, first published 1975), p.248.

¹⁶ E. P. Thompson, *Whigs and Hunters: The Origins of the Black Act* (London: Penguin, 1975), p.23.

less than six months. The severity of punishments increased further when in 1803 Ellenborough's Act made it a capital offence for anyone physically resisting arrest, including levelling a firearm at their would-be captors. After years of punitive legislation 1827 saw a minor relaxation in the game laws with the banning of spring-guns and mantraps. This relaxation in the law had nothing to do with humanitarian feelings towards poachers; spring-guns and mantraps were lethal weapons and indiscriminate towards who or what they claimed as their victims. Children playing, people out walking and even gamekeepers fell prey to these vicious weapons' deadly powers.

In 1828 the Night Poaching Act was passed, which in the twenty-first century, still remains one of the basic game laws. In content this Act sought to distinguish between the various species of game. One group defined by the Act contained hares, pheasants, partridges, grouse, heath and moor game, black game and bustards; the other category contained rabbits. From now on:

it was an offence to take or kill either at night; but, while night trespass in order to kill game was illegal, it was not an offence to trespass at night in search of rabbits; rabbits had actually to be taken or killed to constitute an offence. Moreover to prosecute a poacher for trespass in search of game, it was necessary to prove that he had in his possession a gun, net snares 'or other instrument'. A lurcher would not count as an 'instrument'.¹⁷

It is worth mentioning at this point that there was an animal, which did not come under the game laws, but it too was illegally killed on a regular basis, and that was the sheep. A more detailed examination of this crime is given in Chapter 5, pp.203-214. Besides codifying game, this Act also relaxed some sentences for game offences. Now certain types of poaching ceased to be transportable offences, except in particular circumstances, specifically third-time offenders and in instances of violence against

¹⁷ Charles Chenevix Trench, *The Poacher and the Squire* (London: Longman, 1967), pp153-4.

gamekeepers. These ever-mounting amounts of legislation put into place to combat poaching met with an ever-increasing amount of poaching; a problem recognised by the Derbyshire magistrates. In 1830 as a response to these increasing crime figures, twenty-six Derbyshire magistrates petitioned the House of Lords 'praying for an amendment of the game laws'.¹⁸ The local magistrates unquestionably believed 'it appearing to this Court that the present Game Laws are altogether inefficient for the prevention of poaching and that, that offence with all its injurious consequences, so far from having been checked, is very greatly increased'.¹⁹

In a bid to combat and lower this growing number of offences the 1831 Game Reform Act made the statute books. In an attempt to lower the number of poaching charges several changes to the existing laws were made; one was an effort to reduce the aristocracy's stranglehold over game in general. Many people firmly believed that by reducing class discrimination, so evident in shooting, the problem would be solved. Under this Act property ownership would no longer be a prerequisite; in theory anyone taking out a certificate was able to hunt. However in reality the intention and how matters transpired were worlds apart. The landed aristocracy were not so easily swayed into giving up their privileges and reacted accordingly. To enable them to circumvent the new legislation they inserted clauses into their tenants' leases prohibiting farmers from hunting on their rented land. Failure by farmers to accept such leases would obviously mean a loss of tenancies.

The second change to legislation involved the emotive subject of selling game. Previously, due to a loophole in the law, it had been illegal to sell game, but not to buy. Now selling became legal. In contrast to the easing of legislation there were further bids

¹⁸ *Derby and Chesterfield Reporter*, 18 February 1830.

¹⁹ DQSR, Q/SO1/28.

at increasing the severity of punishments for convicted criminals; however these attempts failed. The proposals were for increased sentences for the first and second time offenders. These sentences would have been four months for the former, and eight months for the latter. For a third offence there was a suggested two year gaol sentence. However these proposals were rejected by the House of Lords which restored the original sentences of the 1828 Act. Punishments now were anyone caught poaching 'after the expiration of the first hour after sunset and before the beginning of the last hour before sunrise', would face the possibility of imprisonment.²⁰ For those caught poaching in daylight hours punishments were: £5 for killing game without a certificate and £2 for trespassing in search of game, rabbits, snipe, woodcock, quail or landrail. A fine of £5 was a possibility if an armed gang of five members or more was caught poaching, or there was a refusal to give a correct name and address.²¹

Finally, after all this political wrangling certain statutes remained unchanged. Night poachers faced the threat of transportation and game remained the property of the landowner and not the occupier. Commenting on the success of this latest Act Emsley maintains: 'the most extreme inequalities of the Game Laws were swept away in 1831'.²² A strong point can be made that this was not the case. What actually happened was that the outcome of the 1831 statute did not produce the anticipated results. In reality events were more to do with the fact that 'since the Act vested the right to game in the owner of the land, this restricted the right to the landlord or to the few wealthy people who could afford to rent a shoot'.²³

²⁰ DQSR, Q/SO1/30.

²¹ Trench, *The Poacher and the Squire*, p.154.

²² Emsley, *Crime and Society in England, 1750-1900*, p.82.

²³ Alun Howkins 'Poaching and the Game Laws, 1840-1880', in Sandra Burman and Barbara E. Harell-Bond (eds.), *The Imposition of Law* (London: Academic, 1979), 273-87 (p.278).

Even after the 1831 Act took away property qualifications, the landed classes held the belief that hunting game still remained their exclusive right, a belief they put into practice. Kirby in his work on the game laws explains:

the landed classes felt that, although they no longer had the benefit of property qualifications to protect them, they could do as they pleased about sport. As they possessed the land, the wealth, and the leisure for shooting and hunting, they proposed to enjoy their field sports at all cost.²⁴

If the Act had failed to bring about desired changes in who could hunt, it also failed in the desired effects of reducing the number of poaching offences. Reporting at an April Quarter Sessions in Derbyshire, a magistrate speculated on why there had been an increased volume of court cases, he remarked:

without adverting to the many cases which have increased crimes throughout the Kingdom, we venture to express our conviction that in this County the Game Laws amendment Act of the 1st and 2nd year of the present reign, and the Act of the 1st year of the same Reign permitting the General Sale of Beer have had a powerful influence in this respect.

The magistrate continued in detail and length to explain just how conviction rates had proceeded since the 1831 Act had been passed, he carried on by saying:

independent of the numerous convictions for offences against the game laws under summary process, before Magistrates in which the offenders have been discharged on payment of penalties there have been 30 persons committed to the County prison within the last three months for offences of the same description being exactly double the number committed for the same offence in 1832. It can no longer be doubted that the demand for exceeds the legal supply; that the honest vendor cannot compete with the poacher, that poachers have almost the monopoly of the market; and that the Act has thus greatly increased the evil which it was intended to have reduced and for better and would it now be that the Game Laws should be altogether abolished, than that so strong a temptation to crime should be held out, and such a destruction of moral habits and character of the people be continued.²⁵

Figures taken from Quarter Session Records confirm the magistrate's views that poaching convictions were indeed rising (see Figs. 3: 5 and 3: 6, pp.89-90). Over the

²⁴ Kirby, 'The Attack on the English Game Laws in the Forties', p.20.

²⁵ DQSR, Q/SO1/31.

question of these rising crime figures there is a view that sees the rise in prosecutions from an improved policing perspective and not an increase in the number of criminals. As Taylor notes, 'a number of contemporary observers knew, the increase in recorded crime reflected more an increase in prosecution than an increase in criminal behaviour'. This was a reflection on growing intolerance towards crime, in particular crimes tolerated in the past and now frowned upon.²⁶ This topic will be discussed at greater length and more detail later in the chapter.

Further attempts to reappraise the game laws came in 1846, with the setting up of a Parliamentary Select Committee. The protagonist behind this investigation into the game laws was John Bright. He was a Quaker, mill owner and a prominent member of the Anti-Corn Law League. His motives were mainly of a political nature; he was a free trader, and certainly no friend of the aristocracy and their privileges. Bright had, from certain quarters, considerable national support for his efforts to cause changes.

From 1844 until the findings of the Committee were published, the *Derbyshire Courier* regularly contained articles calling for reform. An example of these articles includes 'A Few More Words on the Game Laws' containing one writer's view on what he personally thought were the injustices inherent in these laws. The writer sardonically wrote:

thus for the benefit of the game preservers—for men who claim a property unknown to the law of nature and to common law—the farmer pays in produce, the poor in person and the rate payer in money. A B and C are taxed in order that D may shoot.²⁷

Support for abolition of the game laws may have been mooted in the press; but there were no signs of a concerted attack against these laws in Derbyshire. However such a campaign raged in the neighbouring county of Nottinghamshire. One local paper noted

²⁶ David Taylor, *Crime, Policing and Punishment in England*, p.74.

²⁷ *Derby and Chesterfield Reporter*, 22 November 1844.

how a petition 'for the total abolition of the game laws is being circulated in the county of Nottingham'.²⁸ Although the Parliamentary Report was finally published in 1846, no legislation emanated from it. As Kirby shows, for various reasons this Committee was just going through the motions, in truth there never was any intention of altering the law. Summing up the actions of the Committee, Kirby observes: 'when, finally, the game committee met in June to decide on its report, the country gentlemen were already smarting under the sting of defeat on the corn laws and determined not to make any further concessions'.²⁹ Attempts at further changes in legislation did no stop there; the next attempt was just as superficial and a case of being seen to do something rather than achieving anything.

One year after Bright's failed attack on the game laws a further attempt to introduce change took place. This time it was from a local MP. The *Derby and Chesterfield Reporter* carried at length Colville's speech as to why he wanted to make changes to the existing game laws and why he only wanted a limited change—one that still maintained a landowner's sole privilege to hunt. The following lengthy extract of his speech adequately sums up Colville's views:

I will not dilate on the moral and social evils to the entire agricultural population, which are caused by keeping hares and rabbits in large quantities, the temptation to the labourers, the endless disputes and consequent bad feeling which they cause between landlord and tenant; but I will simply say, as they eat and destroy root and corn crops, and injure hedges, they are more or less according to the numbers kept, an impediment to agricultural improvements. But on this I must take the same ground I took on the question of tenant right. I cannot join in seeking any legislation interference except to allow owner or occupier of land to kill hares on their own property or holding, without having to pay Government for a certificate for doing so. *I cannot see what business the legislature has to interfere with what a man may choose to keep on his property*, but this I know that no wise man will take a farm without stipulating for their destruction, and no landlord who wishes to see his farm well farmed will have them on it.

²⁸ *Derby and Chesterfield Reporter*, 3 January 1845.

²⁹ Kirby, 'The Attack on the English Game Laws in the Forties', p.34.

Colville's speech drew a short and sharp response from a *Derby and Chesterfield Reporter's* columnist who responded: 'altogether this effort is creditable to Mr Colville as an individual landlord, though it strongly marks the unwillingness of landowners to abandon the check-string they have hitherto maintained about their tenants' necks!'³⁰

In March the following year Bright in the House of Commons 'moved to leave to bring a bill to abolish the Game Laws'. Referring to his previous attempt of reform in 1846 Bright explained to the Commons:

sixty witnesses were examined before them and although the bill which he was about to propose was not based upon the report of that committee he considered that it was justified by the general tenor of the evidence given on that occasion.

Bright went on to say how 'poaching still went on and affrays with gamekeepers resulted in murders'. Responding to Bright's call for a new bill Sir G. Grey, 'considered that the bill introduced by Mr Colville, the member for South Derbyshire, would go far to mitigate the evils complained of!'³¹ The bill referred to by Sir G. Grey passed through Parliament and in 1848 the Hare Act went onto the statute books along with the many others. The person who introduced this bill was Charles Robert Colville, MP for Derbyshire South. He had been elected in July 1841, remained a member until 1859, was re-elected in July 1865 and defeated in 1868. Legislation in the Hare Act now allowed the occupier to kill hares on their property without the need of a licence providing 'that his landlord had not pre-empted that privilege'.³² The Act itself states:

provided also, that where any tenant of any land for life or lives, years, or otherwise now is or hereafter shall be bound, by any agreement not to take, kill, or destroy any game upon lands included in such agreement, then and in all such cases, nothing herein contained shall extend or be taken or construed to extend to authorize or empower such tenant to take, kill, or destroy any hare upon such lands so included in such agreement, or to authorize any other person to kill or destroy any hare upon such lands.³³

³⁰ *Derby and Chesterfield Reporter*, 22 October 1847.

³¹ *Derby and Chesterfield Reporter*, 31 March 1848.

³² Harry Hopkins, *The Long Affray: The Poaching Wars in Britain* (London: Secker & Warburg, 1985), p.232.

³³ *The Statutes*, 3rd Revised Edition, 5, 1845-1849 (London: HMSO, 1950), p.664.

When this Act finally received approval and became law it was not without its critics. In an anonymous letter to the local press 'A Farmer' aired his views on how and why Colville had been successful in having his particular piece of legislation adopted where others failed. The letter writer began his attack: 'even Mr Colville's bill which was only put forward to quiet the minds of a few credulous farmers who never look beneath the surface, was found to [sic] liberal to pass, unmutilated, a House of land owning legislators'. He continued bitterly, explaining how a tenant farmer was too intimidated to hunt on his land:

he durst not have exercised his new privilege. Indeed if he had dared to do so, he well knew the penalty, he would instantly have been visited by the vengeance of his landlord for his temerity.

The lengthy debate continued to argue the case for rescinding the game laws. In defence of his argument the writer explained how wild animals, unlike sheep and cattle, were not recognised as having an owner and:

the poachers entertaining this opinion, and believing that the killing of game is not at variance with the moral law, and disregarding the statute law, they rush into the commission of the supposed crime regardless of consequences. The poacher is consequently convicted, and probably sentenced to a long term of imprisonment. His wife and children become chargeable to the parish, which is another burden that ought to be borne by the Game Law preservers, and not by those who have neither part nor lot in the matter.

Finally the writer summed up by claiming that in the short space of time during 1833-34 poaching affrays had already accounted for 11,392 committals. Included in this figure were forty-three cases involving the deaths of gamekeepers; out of these there were twenty-three charges of wilful murder. In this letter the insignificance of a poacher's life was summed up when it was revealed that the number of poachers killed was unknown 'because the law did not separately distinguish those cases'.³⁴

³⁴ *Derby and Chesterfield Reporter*, 26 May 1848.

Even when there were popular calls from a grass-root level for changes to the game laws the aristocracy and landed gentry were politically strong enough to see off any threat to their privileges. When forced to make changes to the laws these changes were so diluted or easily circumnavigated as to be of no use whatsoever. Although the Hare Act was the last piece of game law legislation to be dealt with in the period covered by this thesis, the game question did not end there and continued over the next decades.

3.3 LOCAL ESTATES

Game represented a potent symbol of prestige to the landed aristocracy, a highly prized gift, and shooting on an estate played its part in the social calendar. A poor day's shoot would be a black mark, a loss of face for the host. Hay in his work on poaching in the eighteenth century explains the situation so:

pheasants and hares and sides of venison were, therefore, so many tokens of social position; game was a special currency of class based on the solid standard of landed wealth, untainted by the commerce of the metropolis. It could be spent lavishly at dinners in order to command esteem, or given to others to mark important relationships: to inferiors as an indulgence, to superiors as a mark of respect.³⁵

This may have been written of the eighteenth century, but it is also applicable to the early part of the nineteenth century.

With their reputations in mind many members of the landed classes put into operation systems to protect and to artificially increase the number of species of game on their estates. Along with increased prestige associated with hunting, a change in the style of hunting took place, which in turn brought with it an increase in numbers of birds and animals killed. A leisurely style of hunting, as practised by such landed gentry as Sir George Crewe, had previously been the adopted style. This type of hunter was 'the enthusiastic sportsman who lived and died with his hounds and gun'.³⁶ Describing

³⁵ Hay, *Albion's Fatal Tree*, p.246.

³⁶ Kirby, 'The English Game Law System', p.244.

how on one afternoon he passed his time he wrote: 'about 1.0. clock - took my gun, and walked with Dear John. This being the last day but one of his holidays. Found plenty of birds, shot one only, which I could not find [...] I walk for exercise'.³⁷

As an approach to shooting this rapidly became obsolete, as it was replaced by a more brutal and less skilful type of hunting. The new 'sportsmen look for a heavier return of killed and wounded; next they are seldom willing to take much personal trouble to find the game, but like it in a manner brought to them'.³⁸ This type of shooting became known as the *battue*. This was carnage on a grand scale; any animal or bird that was unfortunate enough to be in front of a gun would be an open target. Generally it was a method guaranteed to provide instant sport and results show how murderous a style of hunting it proved to be. One writer graphically described events at a *battue*; he began:

suddenly a loud whirr-r-r is heard, followed by the peculiar 'cock-cock-cock-cockle' of the cock-pheasant, of which some one, two, or three rise from the edge of the high wood, to be as certainly brought down. As fast as one falls another shares his fate, and in five minutes or less the ground is covered with the slain.³⁹

During the shooting season the numbers of animals killed at such 'sporting' events frequently and proudly littered local press reports. Such as 'at a *battue* which took place at Chaddesden, near Derby, on Tuesday, the following game were killed—97 Hares, 37 Pheasants, 120 couple of Rabbits, besides Partridges, Woodcocks and Snipes'.⁴⁰

Many gaming estates of Derbyshire witnessed both the *grandees* and the *battue*. At one shoot on the Longshawe estate a noble group of hunters which consisted of the Duke of Rutland, Sir Robert Peel, Bart, the Marquis of Granby and Lord George

³⁷ Calke Abbey Diaries of Sir George-Harpur Crewe, 10 September 1836, D2375 44/27.

³⁸ Jefferies, *The Gamekeeper at Home*, p.46.

³⁹ J. Connell, *The Truth About The Game Laws: A Record of Cruelty, Selfishness, and Oppression* (London: Reeves & Bonner, 1898), p.48.

⁴⁰ *Derby and Chesterfield Reporter*, 12 November 1835.

Manvers between them shot 40-50 brace of grouse.⁴¹ A greater number of birds were killed on the same moor two years later, when over a four-week period the Duke of Rutland and Lord George Manvers killed 1205 grouse, 73 black game and 103 brace of partridge.⁴² At a different venue, this time on Hayfield Moor, there were reports that one party shot 137 brace of grouse.⁴³ Although the game books of Chatsworth do not go back as far as the period I have investigated, other estate records offer relevant evidence. There are three entries in the weekly account book which offer circumstantial evidence supporting the premise that large numbers of game were killed on the estate by visiting shooting parties. My reasons for believing so are as follows. In the accounts every item, other than game, bought for the kitchen was itemized with a given price, in the case of these animals there were no prices attached. My other reason for believing that hunting these animals took place on the estate stems from the fact that only entries for game appeared when guests were staying at the house. Three examples of this occurring are listed below.

Fig.3: 1 A breakdown of animals sent to the kitchens.

27 September 1847	4 October 1847	3 September 1848
Partridge 165	97	100
Hares 44	9	27
Rabbits 198	26	71
Grouse 35	23	28
Bucks 2	2	2
Fawns 2	-	1
Pheasants -	25	-

⁴¹ *Derbyshire Courier*, 20 August 1836.

⁴² *Derbyshire Courier*, 15 September 1838.

⁴³ *Derbyshire Courier*, 27 August 1836.

This refers to black grouse, a bird which was to be found on a local moor.⁴⁴

Source: Chatsworth House Accounts, 1830-50.

For it to be successful this new type of shooting demanded an enormous supply of animals and birds. Likewise the system placed an enormous burden upon a keeper's shoulders to maintain a ready supply of animals and birds to meet this demand. Hares and rabbits generally multiplied at alarming rates and so did not require any additions to their number. However, birds did not naturally increase at such rates and their numbers required supplementing by other means, legally or otherwise. This frequently meant they were reared on the estates, either eggs were brought in and hatched under hens or chicks were bought and reared to maturity. Under no circumstance can this be described as an amateur affair, 'the breeding and preservation of game was a highly organised industry, under the supervision of full-time gamekeepers, of whom there were three thousand in Great Britain'.⁴⁵ In the case of many shooting parties organized by notables 'the pleasure of the kill was accompanied by an expression of their social status'.⁴⁶ However the next example is definitely the exception. Here on the Calke Abbey estate is clearly highlighted how the style of shooting changed from the lone gun man to the *battue* and in turn led to an increase in the number of birds and animals butchered. Where this estate is the exception to the rule is who shot the birds.

Under a previous owner game preservation was not actively pursued. In fact Sir George Crewe was an outspoken critic of the game laws, who frequently spoke and wrote highlighting the inequities of the game laws. In one specific article he wrote how

⁴⁴ This bird is also known as the blackcock; see Worrall pp.108-19.

⁴⁵ Harrison, *Early Victorian Britain*, p.96.

⁴⁶ J. H. Porter, 'The Development of Rural Society', in G. E. Mingay (ed.), *The Agrarian History of England and Wales, 1750-1850*, 8 vols (Cambridge: Cambridge University Press, 1989), vol 6, 836-934 (p.924).

preservation:

tempted poor people to indulge in poaching and so fall foul of the Game Laws. He sought to persuade landowners to abandon the practise [sic]—with the consequence (he thought) that in due course the need for Game Laws would be eliminated.⁴⁷

In running his estate he proved he was no hypocrite and operated a game policy according to the views he spoke in public and did not create or enlarge his estate to protect game. Sir George Crewe was a private man who 'retired from public life, and lived chiefly known in the domestic relations of private life, and occupied with the improvement of his estates, and the religious and moral welfare of his numerous dependants'.⁴⁸

Set out below are lists of game killed over a period of eighteen years which mirror Sir George's hunting philosophy and the changes that took place when he died. Over these years there had been a change in accounting procedures, the figures for 1832 are from 1 January-31 December, while those of the 1840s are from 1 September-31 August.

Fig. 3: 2 Numbers of animals killed on the Calke Abbey Estate

Type of game	1832	1843-44	1844-45	1845-46	1846-47	1849-50
Pheasants	31	64	172	132	230	105
Partridge	177	79	189	244	220	533
Hares	98	286	322	361	277	193
Rabbits	235	485	10,168	13,008	7494	6666
Woodcock	1	7	20	4	7	15
Wildbuck	5	12				
Ducks	29					
Does	16					
Snipe		1	26	15	38	41
Wild Duck			72	18	46	99
Teal			10	5	6	8
Landrail			1	1		6
Widgeon			22	5	3	7
Golden Eye			6	6	1	2
Pochard					12	
Dipper				1		
Heron				1		
Sundries						5

Source: Calke Abbey Game Register D2375 M/72/1-3.

⁴⁷ Kitching, *Squire of Calke Abbey*, p.60.

⁴⁸ *Gentleman's Magazine*, 1844, 176, N. S. Volume, p.200.

As previously mentioned, Sir George Crewe's adopted a keen amateur style of hunting, a leisurely walk over his estate with a gun. His satisfaction came as much from searching out game as it did from killing it. Sir George died in 1844 and was succeeded by his son Sir John, who held a totally different attitude towards game and preservation.

Instantly a noticeable change is seen in the records, with considerably larger quantities of game killed. In this case 'out-of-door amusement was, however, just what most appealed to Sir John'.⁴⁹ Very much a recluse, he preferred to spend time on his estate rather than high society in the towns and cities and rarely entertained distinguished guests at his home as did his neighbouring landlords. However at Calke, the exclusivity of shooting rights for Sir John and his few close friends meant far fewer people shot on this estate than they did at the *battue* estates. This puts a different perspective on matters; larger numbers of animals were slaughtered by a smaller number of people. In 1838, under Sir George's tenure, the estate employed only four gamekeepers which during Sir John's time increased to ten. Now this may have been for a combination of reasons. It is very noticeable how coinciding with this change in policy regarding game there was also an increase in poaching convictions in and around Calke Abbey. Found in Quarter Sessions records and regular notes in the estate ledgers between 1844 and 1846 are cases to illustrate this did occur. One such entry reads John Hudson paid 4s for 'experiences with poachers'.⁵⁰

It could be argued how an increased number of keepers were likely to capture more poachers; in other words it was not poaching increasing but policing. To some extent this is probably correct, but there is one other significant factor to remember. Thanks to Sir John's attitude to preserving game there were now considerably more birds and

⁴⁹ Howard Colvin, *Calke Abbey* (London: Antler, 1985), p.68.

⁵⁰ Calke Abbey Ledger, 1844-46, D2375 202/26.

animals on the estate. All of these creatures required a larger work force to feed and protect them. Now set in motion was a self-perpetuating problem; more game required more persons to care for them. In turn a greater number of birds and animals certainly would be attractive to a larger number of poachers. In order to limit the poachers' activities a greater number of keepers would be required.

Although Sir John may not have aimed for a prestigious life in high society, he certainly maintained an elitist style on his estate. Killing large numbers of rabbits and hares occurred regularly on the estate. Many were sold. Rabbits, but no other animal, were donated to those in need; on one occasion twenty-four were 'given to people that are ill and labourers'.⁵¹ But other types of game were given to his more illustrious friends. This elitism also showed itself hunting on the estate. Gamekeepers used either ferrets or nets to take rabbits, rarely guns, and they could not kill any other animal or bird on the estate. Only Sir John and his few guests used guns, and had the exclusive right to killing any other species of game.

Game was now not only a status symbol but also a lucrative form of income, which led to even more emphasis being placed upon its protection. With vigour 'the shooting gentry pursued the protection of their pleasures with no less zest than they devoted to the shooting itself, heedless of the social cost'.⁵² A look at game sales for Calke Abbey reveals just how much money could be made. In 1849 revenue for game amounted to £235 8s 6d.⁵³ The loss of game to poachers was not simply losing an animal, it now meant a loss of income, and if the day's shoot was poor, a loss of status. Poachers were

⁵¹ Calke Abbey Game Registers, D2375 72/1-3.

⁵² F. M. L. Thompson, 'Landowners and the Rural Community', in G. E. Mingay (ed.), *The Victorian Countryside*, 2 vols (London: Routledge & Kegan Paul, 1981), vol 2, 457-474 (p.463).

⁵³ Calke Abbey Game Sales, D2375 94/38.

not the only reason for a poor day's shoot, the *battue* itself could be a self-inflicted problem. Large numbers of game killed self-evidently meant large numbers of game were required to replace them, and this did not always happen. In predicting the future of the remaining season at one shoot, the writer of a column 'The Moors' anticipated poor returns. This pessimism had all to do with:

the slaughter last year was so great from the fineness of the day and the number of guns, that the birds left for breeding were much too few for the extent of the moors. The consequence is what might have been expected, a deficient number of broods, and a majority of these very late.⁵⁴

This would not be the case at all shoots as measures were taken to prevent such a social catastrophe from ever happening.

Game preservation was an integral part of the estate management in Derbyshire, as the following examples taken from estates in both north and south of the county testify. In the first case, Chatsworth estate in north Derbyshire, entries made in the annual accounts stated that 'barley for pheasants' had been purchased.⁵⁵ In 1833 corn prices for the birds were accurately entered in the ledger: corn cost £24 17s and barley £14 10s 6d.⁵⁶ Further confirmation where game preservation was actively pursued by the Chatsworth estate management came in a newspaper report. After describing the quality of that year's grouse, the report continued:

we are glad to hear that the moors set apart by the Duke of Devonshire at Buxton, for the accommodation of gentlemen visiting that salubrious watering place, are likely in future to produce a good supply of grouse, as it is intended that the utmost attention shall be paid to their breed and preservation.⁵⁷

The preservation of game was not an enterprise to enter into lightly as 'this culture was

⁵⁴ *Derby and Chesterfield Reporter*, 3 August 1849.

⁵⁵ Chatsworth House Accounts, 1832.

⁵⁶ Chatsworth House Accounts, 1833.

⁵⁷ *Derby and Chesterfield Reporter*, 16 August 1832.

both costly and required a great deal of care and attention'.⁵⁸ Expenses mounted not only in feeding the birds, but also in personnel to protect them. An estate could contain several hundred acres, an impossible task for a keeper to cover and guard effectively on his own. Due to this problem, assistance in the form of paid watchers were hired to keep a close eye on the game. A few examples of costs incurred are listed below.

Fig.3: 3 Costs incurred in game preservation on the Chatsworth Estate

	£	s	d
Hardwick farm corn for pheasants	29	19	0
Medical attention to a gamekeeper	7	18	0
Michaelmas 1831 to Ladyday 1831 paid John Hall and others in helping to preserve game	17	10	0
Game hampers	3	3	6
John Hall, expenses concerning poachers	8	1	1
John Brocksopp, ---:---			
Powder and shot	1	10	1
John Hall, half year wages	26	5	0
John Hall, half year board	13	13	0
John Hall and others for assisting to preserve game from Lady Day to Michaelmas	34	10	0
John Williams for valuing damages caused by game	2	12	0
Paid John charge for the rescue and assault upon John Hall	17	19	0

Source: Chatsworth House Accounts, 1831.

⁵⁸ Harry Hopkins, *The Long Affray*, p.71.

In the second case, that of the Kedleston estate in southern Derbyshire, their accounts also show entries for costs attributable to game preservation. Thomas Marsh mentioned in the accounts was head gamekeeper on the estate from 1830-40.

Fig.3: 4 Costs incurred for game preservation on the Chatsworth Estate.

		£	s	d
21 April 1836	Thos. Marsh for night watching	1	13	0
1 October 1836	Thos. Marsh for Rowland Cushing to watching for 3 weeks	1	16	0
27 October 1836	Thos. Marsh for night watching	4	13	0
28 November 1836	Thos. Marsh for night watching	5	15	0
28 February 1837	Thos. Marsh for night watching	9	17	0
29 September 1837	S. Sowter 1 qtrs night watching ⁵⁹	5	0	0
29 December 1837	S Sowter 1 qtrs night watching		18	0
6 March 1838	Constables charges		14	1
27 March 1838	M C Wedge, ale for Marsh's night men	2	14	0
28 November 1838	Expenses in keeping Thos. Thompson when taken for poaching		15	10
28 December 1839	Constables expenses in searching for Humpston's	1	5	6
4 January 1840	Thos. Marsh expenses in taking G. Day and Brooks for poaching	1	19	0
1 April 1840	Saml. Sowter watching by day	1	2	0
1 June 1840	Thos. Marsh expenses of summons and commitment Gilman and Barton for poaching	1	13	0
27 June 1840	M C Wedge, ale for night men	2	15	6

Source: Kedlestone Hall Accounts, 1830-50.

⁵⁹ Very often watchers were labourers paid to assist a bailiff, see P. B. Munsche, 'The Gamekeeper and English Rural Society', p.92.

Ever-mounting costs related not only to hiring extra personnel, fortunes were also spent on planting new hedgerows, lines of trees, new coverts and generally replanning estates. To put it in modern parlance the estates were made more user friendly. Overall there is sufficient evidence confirming game preservation as a way of life on Derbyshire estates, and moreover a costly one.

However, game preservation as a way of life on the estates of Derbyshire, held repercussions for the landlords, rural dwellers and urban dwellers alike.

3.4 THE GAMEKEEPER

In order to maintain and protect their vested interests rural landowners began to employ the services of gamekeepers. The 1671 Act introduced legislation that enlarged the role of these keepers. Prior to 'this time the gamekeepers appointed by private individuals had been merely servants who possessed no particular sanction of the law'.⁶⁰ Under the provisions of this Act gamekeepers were now vested with a status and authority. As if to emphasize this new-found authority it was required that they should be sworn in by the lord of the manor at an official ceremony. Their new powers were similar to those of a law-enforcing officer, they were allowed to seize from unauthorised people any instrument which could be used for poaching, including dogs. A keeper's ability to legally take the latter was a major blow and caused a great deal of resentment on the part of many dog owners, as 'a good greyhound or lurcher was a substantial investment; the dog may have been obtained with difficulty and from a distance, and its training—no less than that of an expert sheep-dog—may have occupied months'.⁶¹ By taking away or destroying these animals, gamekeepers were hitting right

⁶⁰ Kirby, 'The English Game Law System', p.241.

⁶¹ E. P. Thompson, *Whigs and Hunters*, p.63.

at the heart of a poacher's trade. Reference to how many times dogs were used in reported poaching cases bears this out (see Appendix 3). To take his dog threatened a poacher's very livelihood; without it he had fewer chances of capturing game—which was a source of food or revenue or both.

In their neighbourhoods gamekeepers became symbols of authority, if somewhat detested authority. As Hopkins has commented:

in a countryside still devoid of a paid, full-time police force, and run by gentlemen who must, by definition, remain amateurs, the game-keeper stood out as a solitary figure of unbending professionalism, a lonely symbol of the realities of rural power.⁶²

And in performing his duties 'the gamekeeper carried out an eminently godlike function'.⁶³ Working in such a class-ridden society, a gamekeeper's status was far greater than anyone from his social background would normally expect to hold. As such 'it is not difficult to see how in this way a man whose position is lowly may in an indirect way exercise a powerful influence upon a large estate'.⁶⁴

The symbolic nature of many keepers' status was enhanced when their employers started to provide them with uniforms. This symbolism not only reflected a keeper's status but also that of his employer. These clothes were of a high standard, which reflected a gamekeeper's position which under normal circumstances men from such a social background would have rarely, if ever, worn. Coke of Norfolk's gamekeepers wore a red waistcoat with eight brass buttons underneath a velveteen jacket, with a hat that was a hard curving brimmed billycock. Likewise in Derbyshire evidence reveals how uniforms were part and parcel of estate life, certainly on the grander estates. At Kedleston Hall accounts contain bills for clothing bought for the estates keepers. Some

⁶² Harry Hopkins, *The Long Affray*, p.40.

⁶³ Harry Hopkins, *The Long Affray*, p.42.

⁶⁴ Jefferies, *The Gamekeeper at Home*, p.12.

consisted of boots, shooting coats and waistcoats and “stout green plush green coat and waistcoat, keeper”.⁶⁵ Working as a keeper for the Duke of Devonshire proved indeed to be a lucrative position to hold. The estate records contain several references to wages paid and other perks given to those working in such a profession. In 1830 a keeper on the Hardwick Estate, which was owned by the Devonshire family, was paid £26 5s for six months’ work.⁶⁶ Further accounts show a clothes allowance for £3 3s paid to a water bailiff, while a later entry has payments of £12 12s for clothing and £6 for rent.⁶⁷ A gamekeeper’s life was not easy, there were long unsociable hours to endure, many at night and working outside in all weathers. But taking into consideration these perquisites—clothes, better than average pay, and at times the provision of a cottage—then a gamekeeper certainly fared better than the average agricultural labourer.

The esteem in which gamekeepers were held by their employers was not shared by everyone, especially the local villagers. The reason for this was that these men were not always well chosen for their duties, and held a notorious reputation in their neighbourhood. In known cases ‘keepers themselves were sometimes men of doubtful character who had no scruples about receiving stolen eggs or birds from those who could help them to stock a poor preserve’; other gamekeepers went further and poached game themselves.⁶⁸ Recent research shows a link between the criminal activities of gamekeepers and the seasons of the year. Osborne has found:

the alignment between poaching activity and natural cycles is even more obvious in the context of offences involving partridge and pheasant eggs. These were taken from the nest during April or May either for food or to be sold in the illegal trade in ‘live’ game. This trade was carried out extensively on both a local and national level with the active complicity of gamekeepers and sportsmen who

⁶⁵ Kedleston Hall Accounts, July 1832.

⁶⁶ Chatsworth House Accounts, 1830.

⁶⁷ Chatsworth House Accounts, 1831.

⁶⁸ Michael J. Carter, *Peasants and Poachers: A Study in Rural Disorder in Norfolk* (Woodbridge: Boydell, 1980), p.64.

purchased eggs to hatch under domestic hens, as well as live adult birds, to bolster the stock of game on their estate.⁶⁹

Such behaviour on the part of keepers led many to believe that 'this was one of the main scandals and hypocrisies of the game laws: the professional poachers' chief customers were the game preservers and keepers'.⁷⁰ Keepers were not only involved in transactions of live trade, as a later letter will show, there were times when the odd dead animal was bartered. In some areas gamekeepers themselves had previously been well known and invertebrate poachers. Recounting his experience as poacher turned gamekeeper, the 'King of the Norfolk Poachers' recalled 'there was a lot of People that used to sneer at me in my new Job, and some of them took the trouble to sit down and rite [sic] to my master telling him what my past life had been like'.⁷¹ Others argued that a poacher would not make a good gamekeeper. Citing his reasons for this Jefferies claims:

there is a saying that an old poacher makes the best gamekeeper, on the principle of setting a thief to catch a thief: a maxim, however, of doubtful value, since no other person could so thoroughly appreciate the tempting opportunities which must arise day after day.⁷²

However, ex-gamekeepers with their wealth of knowledge of local estates and field craft also made good poachers. This was clearly emphasised in an embarrassing local incident involving a keeper and a poacher. An altercation broke out when a keeper came upon three poachers. One of the poachers threw a stone at the keeper and two of the poachers made their escape, leaving Smith, the remaining poacher to face the keeper. Taylor the keeper 'knowing Smith's desperate character, and that child's play would not do with him, hammered him right well with the same stone'. Smith was then

⁶⁹ Osborne, 'The Seasonality of Nineteenth-Century Poaching', p.37.

⁷⁰ Archer, 'Poaching Gangs and Violence', p.33.

⁷¹ Lilius Rider Haggard (ed.), *I Walked by Night: Being the Life and History of the King of the Norfolk Poachers* (Ipswich: Boydell, 1974, first published 1935), p.117.

⁷² Jefferies, *The Gamekeeper at Home*, p.206.

taken to Hopton Hall and placed in the 'net room', in the care of two men. The guards thinking that Smith was asleep then slept themselves. Unfortunately for the guards this was not the case, 'Smith we suppose thought a little night air would be of service to him, took advantage of the favourable position of affairs and marched quietly off without even leaving a word at what time he should return'. After two days of searching Smith and his wife were found making their way to London. At court Smith was charged and sentenced to six months' imprisonment. It seems that Smith in his previous profession had worked as a keeper for two local landlords, 'but losing his places, he turned poacher, and has since been the plague of all keepers in the neighbourhood, who have only succeeded in taking him once before, on which occasion he was sent to prison for nine months'.⁷³

As an occupational hazard, in their neighbourhoods gamekeepers more often than not became loathed by the local residents, and commonly became a target of retribution. As a result, 'the relations between the agricultural labourers and the keeper are not of the most cordial character; in fact, there is a ceaseless distrust upon the one hand and incessant attempts at over-reaching on the other'.⁷⁴ Contained in an anonymous letter to the Curzon family at Kedleston Hall were allegations of criminal activities by the estate's keeper and some of his assistants. Supposedly these men were taking game from the estate in exchange for money or drink at the local pub. The anonymous writer informs the Lord: 'Sir they Set traps to Catch rabbits and I have Seen hairs catched Sir they have plenty of game at the Sign of the Cock and at others plases where they Can sell them for either money or drink'.⁷⁵ There is no way of telling whether this

⁷³ *Derby and Chesterfield Reporter*, 1 October 1840.

⁷⁴ Jefferies, *The Gamekeeper at Home*, p.174.

⁷⁵ Kedleston Hall Archives, letter dated March 1836.

accusation was true, however gamekeepers were known to take animals, and sell them, it was a lucrative business.

The hatred shown by locals towards keepers did not stop at sending tell-tale letters; frequently the animosity turned to physical attacks. Acts of violence, over the years, have led to the following views by writers and historians. One late nineteenth-century writer has suggested, 'scarcely a keeper can be found who has not got one or more tales to tell of encounters with poachers, sometimes of a desperate character'.⁷⁶ In confirmation a twentieth-century historian adds that 'the gamekeeper's trade was now becoming more dangerous than the soldier's'.⁷⁷ During these affrays it was not uncommon for one of the participants to be killed. Jones cites a report from the *Morning Chronicle* that stated twenty-six keepers were killed during the period 1843-6.⁷⁸ In Derbyshire, in 1832 a Matthew Goddard and David Benison (alias Benson) attacked and beat with sticks and stones a gamekeeper who tried to arrest them.⁷⁹ At another time William Coggin, the gamekeeper on the estates of Sir George Sitwell, in Eckington, lay in wait for two men who were crossing the estate fields. After an altercation between the three men, Coggin (Cogin according to Georgiana Caroline Sitwell) was shot in the right thigh. Although not killed outright, the wound resulted in a heavy loss of blood, which in turn led to his death. Reminiscing on this incident and poachers in general Georgiana Caroline Sitwell retold the following anecdote. She claimed: 'there used to be continual trouble with poachers, and so much talk about them that we were afraid of going upstairs, thinking they were hiding there'. One community

⁷⁶ Jefferies, *The Gamekeeper at Home*, p.193.

⁷⁷ Harry Hopkins, *The Long Affray*, p.208.

⁷⁸ D. J. V. Jones, 'The Poacher: A Study in Victorian Crime and Protest', *Historical Journal*, 22, 4 (1979), 825-60 (p.854).

⁷⁹ *Derbyshire Courier*, 21 April 1832.

in the vicinity of her estate was Eckington and describing the habits of these villagers she recalls, 'many of the inhabitants were nailmakers, and these had a bad reputation in the country round, being known as the "Eckington Blacks". Their chief amusements were cock fighting, badger baiting and poaching'.⁸⁰ In 1841 recording an incident at Bretby, the *Derbyshire Courier* noted 'we have the melancholy task of recording another murder arising, we have too much reason to believe, from unprincipled and lawless poachers'.⁸¹ Local estate papers confirm such incidents with several entries relating to staff involved in various fracas with poachers. Contained in the Chatsworth accounts for the period 1830-50 are several references under the categories of 'Game' and 'Fisheries' itemizing costs paid for medical treatment. In other cases the accounts are more specific and state costs incurred for surgical attention to keepers who had been beaten by poachers.⁸²

Furthermore, there is sufficient evidence contained in Derbyshire Quarter Session Records to lead one to a view that at local levels gamekeepers were targets for assaults. Such as in the case of John Barton a labourer from Swarkestone who was fined five shillings and fifteen shillings for attacking a keeper⁸³ and John Melland who at Melbourne was fined for an assault on a local gamekeeper.⁸⁴

Even ex-gamekeepers were not exempt from the wrath of locals. On one occasion a fight broke out in a local park between an ex-gamekeeper named Shipley and a Thomas Lewin. During the fight Shipley in self-defence produced a knife and stabbed Lewin. Shipley, convinced of his innocence, did not flee the scene of the crime, his alibi was that he was attacked on the pretext of previously being the antagonist of a gang of

⁸⁰ *Derbyshire Courier*, 2 May 1840. Also see Sitwell, pp.133-34.

⁸¹ *Derbyshire Courier*, 13 February 1841.

⁸² Chatsworth House Accounts, 1843.

⁸³ DQSR, Q/SO1/36.

⁸⁴ DQSR, Q/SO1/39.

poachers.⁸⁵ His convictions to a degree proved to be correct. Shipley, who was sixty years old at the time, although found guilty, was sentenced to only nine months in prison, for a crime which normally carried the death penalty.⁸⁶ At times poachers openly showed their contempt for gamekeepers, 'some gang leaders delighted in sending mocking notes, dead birds and fish to landowners and keepers'.⁸⁷ One such incident occurred at Bakewell where a gang of poachers:

who had let the water off from the Duke of Devonshire's ponds, had the audacity the other morning, about 2 or 3 o'clock, to nail a brace of remarkably fine trout over the door of the water keeper for his Grace the Duke of Rutland, just prior to his return from watching another part of the river. This is carrying their joke to [sic] far and they will, no doubt, soon find the just reward of their impunity.⁸⁸

This time it may have only been a 'joke', more often than not this was not the case.

Quite often gamekeepers were called upon to act as local police officers. They would follow around, or lie in wait for, anyone they found acting suspiciously, especially if the suspects were seen on their employers' grounds.⁸⁹ This they could do with impunity. In an article titled 'Gamekeepers' Deputations', a keeper's powers are described. A part of the article informs the reader how 'the law requires that all keepers shall have a written deputation, upon a proper stamp, from their employers, authorizing them to preserve and kill game, and also to arrest offenders upon the manors'.⁹⁰ The influence, power and authority which gamekeepers exerted has been summed up as follows: 'intensive game preservation at least meant the presence of keepers and watchers who, prior to 1839, were probably the most effective police-style surveillance force in rural areas and who, even after that date, remained a vital force for protecting

⁸⁵ *Derbyshire Courier*, 23 July 1838.

⁸⁶ *Derby and Chesterfield Reporter*, 2 August 1838.

⁸⁷ Jones, 'The Poacher', p.850.

⁸⁸ *Derby and Chesterfield Reporter*, 28 April 1843.

⁸⁹ Kirby, 'The English Game Law System', p.246.

⁹⁰ *Derby and Chesterfield Reporter*, 20 May 1841.

the land'.⁹¹ Others would argue that 'the combination of ignorance and authority all too often made him into a brutal and arrogant man, despised and hated by all the surrounding countryside'.⁹² Such power and authority in people so despised would inevitably, at some point in time, lead to only one conclusion—violence.

3.5 THE DERBYSHIRE POACHER

It is said, 'if there be one figure in society who more than all others has evoked the hatred of the landowning class it is the poacher'.⁹³ It is now necessary to consider the social backgrounds of the poachers, and to offer thoughts and reasons why they poached.

One writer on the subject offers a simple categorization:

there are three kinds of poachers, the local men, the raiders coming in gangs from a distance, and the 'mouchers'—fellows who do not make precisely a profession of it, but occasionally loiter along the roads and hedges picking up whatever they can lay hands on.⁹⁴

Conjecturing on this viewpoint, it would seem this is too simple a categorization, the clandestine world of the poacher is far more complex.

At times in the songs and writings of the day a poacher was portrayed as an enigmatic character, a folk hero. In such songs as 'Gamekeepers Lie Sleeping' he is portrayed as being a jolly fellow, as the lyrics show:

Now I'll go down to some alehouse by
And I'll drink this hare quite mellow
I'll spend a crown and a jolly crown too
And I'll be a hearty bold fellow.⁹⁵

In other songs such as 'The Gallant Poacher' he is depicted as a hero, a martyr, who takes on heroic proportions. Whereas the gamekeeper is characterized as the villain, a

⁹¹ Archer, 'Poaching Gangs and Violence', p.27.

⁹² Kirby, 'The English Game Law System', p.246.

⁹³ Connell, *The Truth about the Game Laws*, p.62.

⁹⁴ Jefferies, *The Gamekeeper at Home*, p.146.

⁹⁵ 'Gamekeepers Lie Sleeping', in Peter Kennedy (ed.), *Folksongs of Britain and Ireland: A Guidebook to the Living Tradition Of* (London: Cassell, 1975), p.249.

wrongdoer. The reason for this is that one of the poacher's colleagues is shot by the gamekeeper during a poaching raid. In the words of the song:

The murderous hand that did him kill
 And on the ground his blood did spill
 Must wander e'er against his will
 And find no resting place.⁹⁶

In other songs the poacher is shown to be a defiant character, one who had been severely punished for a crime which in the eyes of many rural dwellers was not recognised as a crime at all.

This led to a view where 'the poacher, however, was likely to stand well in the opinion of a tidy section of his community, rather as the forest outlaw once did'.⁹⁷ In content 'the criminals portrayed in such ballads were stereotypes of a pedigree which went back at least as far as the Tudors and Stuarts'.⁹⁸ Describing local support for poachers one newspaper went so far as to suggest:

we doubt if there be any class of criminals who meet with more popular compassion—not to say sympathy—than the class of poachers. They may look feloniously in the eyes of Lords of Manors, but their offences have that kind of hardihood which is not without a dash of interest for the masses: they are neither sneaking thieves, nor lazy Paupers!⁹⁹

Some poachers were certainly audacious. Caught poaching, a man was brought before the magistrates, charged, convicted and sent under guard to a house of correction. On the way to prison his accompanying constable and supposedly guard, met and stopped to talk to an acquaintance, and totally forgot his prisoner. The poacher seeing that his guard's attention was elsewhere saw his opportunity and made an escape. Although the hue and cry was given, the poacher was never seen again.¹⁰⁰

⁹⁶ Brian Short (ed.), *The English Rural Community: Image and Analysis* (Cambridge: Cambridge University Press, 1992), p.248.

⁹⁷ A. L. Lloyd, *Folk Song in England* (London: Lawrence & Wishart, 1975), p.223.

⁹⁸ Emsley, *Crime and Society in England, 1750-1900*, p.83.

⁹⁹ *Derby and Chesterfield Reporter*, 22 November 1844.

¹⁰⁰ *Derby and Chesterfield Reporter*, 11 November 1830.

Lloyd uses the song 'Jim Jones' as an example of the defiant poacher. He says 'Jim Jones' stands out from the ruck of transportation songs by reason of its strong bloodshot defiance'. In the final verse of the song the poacher's defiant mood is made quite clear:

And some dark night when everything is silent in the town
I'll kill the tyrants one and all, and shoot the floggers down.
I'll give the Law a little shock; remember what I say,
They'll yet regret they sent Jim Jones in chains to Botany Bay.¹⁰¹

Some historians have held similar views. It is Jones's argument that for many reasons the poacher and the gypsy were regarded by some romantics and socialists as representatives of a natural order.¹⁰² Bovill maintains distinctions made between criminals help to set a poacher apart from the rest. A case can be argued whereby, 'that attitude of mind, which still sometimes persists, has always ensured to the habitual poacher more sympathy than a common thief would be accorded'.¹⁰³

These views of poachers as romantic figures, are somewhat fictitious; as previously illustrated, violence between gamekeepers and poachers was not unknown. What is very certain is that poaching was not Arcadian as it was frequently portrayed to be, it was an out-and-out war between poacher and keeper.

The threat of heavy sentences did not seem to deter some poachers from resorting to violence. One possible reason for this, is that by giving himself up and going quietly a poacher had everything to lose. Caught during the day poachers faced a fine, caught at night they certainly faced a prison sentence, transportation or if murder took place they faced the ultimate sentence—death. Discussing transportation L. R. Haggard explains that for some of those transported eventually it did lead to a better life. However this did not alleviate the fears of the majority of people, to these transportation was still a

¹⁰¹ Lloyd, *Folk Song in England*, p.234.

¹⁰² Jones, 'The Poacher', p.826.

¹⁰³ Bovill, *English Country Life*, p.180.

'horror'.¹⁰⁴ This view received support from the *Derbyshire Courier*. In an article 'Night Poaching' published in 1844 the newspaper reviewed what it called the 'new bill' brought out by Mr Wallace and Lord Worsley. Giving a negative appraisal the paper maintained it 'does not seem to have been of much use'. It continued: 'the Act thus to be extended has been proved to a great extent nugatory; witness the many murders of gamekeepers of late by armed poachers at night within enclosures'. One reason for the failure of this Act was given as follows: 'the fact seems to be that the fear of transportation, if tried and convicted, is the cause why the poacher has, when detected, killed the gamekeeper who caught him'.¹⁰⁵ Further confirmation of this fear of transportation was echoed in the following comment: 'increased severity of punishment may deter a man from entering a wood; but once he is there and compromised, the dread of a heavy sentence is likely to make him fight savagely'.¹⁰⁶

There is sufficient detail available to show that poaching was not always a solitary occupation. Evidence contained in both Quarter Session and Assize records for Derbyshire reveals it was not unusual for poachers to be in groups of between two and four people and frequently armed, such as John Shaw, Mark (surname unreadable), Richard Froggatt and Edward Lowndes, caught armed with guns at Bakewell.¹⁰⁷ Other incidents include Mark Faulkener, John Heathcote, Paul Woolley, Luke Faulkener and William Kirkland, caught poaching at Sudbury 'armed with the intent to kill game'.¹⁰⁸ As the following examples depict, qualification to join these gangs did not rest upon the workplace as members did not necessarily work in similar jobs. At the Belper Magistrates' Court a gang of four individuals were found guilty and received fines for

¹⁰⁴ Haggard, *I Walked By Night*, pp.7-8.

¹⁰⁵ *Derbyshire Courier*, 30 March 1844.

¹⁰⁶ Jefferies, *The Gamekeeper at Home*, p.196.

¹⁰⁷ PRO, ASSI 11/6. Only the first name of this gang member's name is legible.

¹⁰⁸ PRO, ASSI 11/5.

poaching. Out of these four, one was a butcher, one a labourer, one a collier, the fourth member had no classification.¹⁰⁹

The definitive Derbyshire poacher did not exist. Although there were times when a poacher's occupation was given nondescriptly as labourer, newspaper evidence and court records reveal people from a variety of backgrounds took to poaching. Included are several farmers, butchers, weavers, innkeepers, vicars and members of the gentry. Although records reveal a wide spread of occupations one very clear statistic is the majority came from working backgrounds. What is also very evident is that workers from industries suffering from economic decline, are well featured in poaching cases (see Appendix 4). Records prove there were inveterate poachers, such as Stephen Pearson caught poaching on 27 September, 29 September, 22 November and 23 November 1832 (see Appendix 5). There is also evidence showing how after using violence once, and then being punished for the offence, some poachers were not averse to using violence again. Such a case was Edward Lees. He was a member of a gang of poachers described as 'well known [...] inveterate poachers'. Lees had only been released from Derby gaol seven weeks previously after serving a six-month poaching sentence for using a shotgun, and threatening a man. His latest incident involved yet another shooting, this time of a gamekeeper.¹¹⁰ Heavy sentences as a deterrent did not work. Samuel Blower received a three months sentence for night poaching, he was later sentenced to six months for a similar offence (see Appendix 5).

There were some where, it can be said, poaching was a family business. In the records members of the Greatorex family appear on a regular basis, which would suggest this family held more than a little notoriety in their district (see Appendix 5). It

¹⁰⁹ Belper Magistrates Court, D250/1/4.

¹¹⁰ *Derbyshire Courier*, 18 April 1846.

was not only labourers who were recidivist poachers; there were members of the gentry who also received more than one conviction.

Without doubt the majority of poachers were single offenders, only receiving one conviction in twenty years (see Appendix 5. I have not included details of all the offenders, however those mentioned are representative). Out of 2465 poachers fined there was one case where no sentence was mentioned, 408 cases where a poacher received more than one sentence and 2056 cases where a poacher was cited only once. From the above statistics it is possible to draw the following conclusions. When a family or a habitual poacher was well known in a neighbourhood, it is likely their behaviour was closely monitored. This in turn led to a greater probability of further convictions. For the majority of convictions, there is a case to be argued, where their capture had more to do with the methods employed, than the skills of the gamekeepers. More of which is discussed later.

Throughout the Quarter Sessions there was a complete lack of standardization of penalties for poaching. This random form of allotting sentencing can be seen in the following example. In March 1830 Daniel Jackson was caught poaching at night, for this offence he was sentenced to one month's hard labour.¹¹¹ In September of the same year Thomas Ironmonger was also caught poaching at night, his sentence was three months' hard labour.¹¹²

In Derbyshire poaching was male-dominated. Of all the cases examined only two involved women. First there was a case of Anne Moore caught poaching on lands near Eckington.¹¹³ Second, Sarah Ellis of Barlborough, who was caught in possession of

¹¹¹ DQSR, Q/SO1/28.

¹¹² DQSR, Q/SO1/29.

¹¹³ DQSR, Q/SO1/31.

snare; she denied the charge, claiming that she had found the snare on her husband's property.¹¹⁴

Members of religious orders were not averse to illegal hunting. Mills in his discussion on the role of nonconformity in villages argues that 'while chapels seldom preached sedition, lay preachers were community leaders and their mere presence was a challenge to the authority of gentlemen farmers and gentry'.¹¹⁵ While Mingay describes Nonconformist ministers as being 'excluded from the upper circles and their pastimes, he had little respect for the Game Laws, and begrudged the parson his greater scholarship and ampler opportunities'.¹¹⁶ One such Derbyshire minister was Luke Staniforth, a Sunday school teacher, who appeared to challenge the Sitwell estate in Derbyshire. He was caught on two separate occasions poaching on this estate. The first occasion was in 1840, which carried with it a £5 fine plus costs,¹¹⁷ and a second time in 1842, when this time he was fined £2 and 14s 6d costs.¹¹⁸

One report which was unusual concerned two men from New Mills who were prosecuted at Stockport. These two men, Joseph Pearson and George Joule, were charged with killing a rabbit at night. The strangeness of this particular report was that it listed the fines which could be imposed for such crimes. These were cited under 9th Geo. 4, the first offence could be three months in prison, the second offence was double the previous punishment and for a third offence transportation for fourteen years. The two men were represented by a solicitor who said that he had spoken to Richard Orford Esq. on behalf of the defendants and the result was that a proposition was made to pay

¹¹⁴ *Derbyshire Courier*, 17 August 1844.

¹¹⁵ Dennis R. Mills, *Lord and Peasant in Nineteenth-Century Britain* (London: Croom Helm, 1980), p.131.

¹¹⁶ Mingay, *Rural Life in Victorian England*, p.150.

¹¹⁷ *Derbyshire Courier*, 3 October 1840.

¹¹⁸ *Derbyshire Courier*, 19 February 1842.

£10 besides costs which were to be applied to a charity. This the court accepted.¹¹⁹

This could be interpreted that at times better-off poachers received preferential treatment at the courts.

3 . 6 TOOLS OF THE TRADE

While numerous members of trades and professions made up the poaching fraternity, so too were there numerous methods of taking game (see Appendix 3). The popular description in the Quarter Sessions of these methods is 'engines of destruction'. One of the most popular weapons listed is a gun. In cases involving convictions of any better-off poachers, the gun was their exclusive weapon. On the face of it, guns would seem to be a contradictory method of taking game, especially in a pursuit that requires stealth and quiet. Not only was it likely that the noise from a gun would scare off other game, but it is also highly likely to attract unwelcome attention from gamekeepers. An informed view of this subject holds that 'a judicious man rarely uses a gun, for the reason that noise is inconvenient, and a gun is an awkward tool to carry concealed about the person even when taken to pieces'.¹²⁰ However a poacher, if caught at night, faced certain imprisonment. Therefore for the more desperate a gun was also a means of escape, to fight with rather than face capture.

A further suggestion, as to why guns were frequently used, can be offered. It is more difficult to explain a poacher's use of a gun during daylight hours, other than he being an opportunist poacher. As a method it required less field craft and was less time-consuming than other methods. Certainly in post-Napoleonic times guns were in ready supply, especially to soldiers returning home from the wars. These men also had the advantage in that they were trained to shoot. It would have been easier for someone

¹¹⁹ *Derbyshire Courier*, 9 March 1839.

¹²⁰ Jefferies, *The Gamekeeper at Home*, p.146.

with this training to wander in a field and kill an animal at distance than have to learn trails, the habits of animals and how to set snares.

However 'the snare, properly set, is one of the cleanest and most humane ways of killing a rabbit'.¹²¹ There are major drawbacks to the use of this method as it also offered more chance of capture. Although using a snare required more knowledge of field craft, records proved it to be the most popular method of catching game. First, snares required setting, which in itself was a risk. Second, snares carried with them a risk of being found, thus allowing a gamekeeper to lie in wait for a returning poacher. Third, even if his snares lay undiscovered, a poacher faced a possibility of capture when he returned to check them. All of which, may explain why so many poachers were caught using this method.

The subject of a poacher's dog has been mentioned earlier in the chapter; now the subject requires further elaboration. A dog's intrinsic value took many forms. A poacher would not require any further tools of the trade to capture rabbits or hares, as a good dog could quite easily run these animals to ground. It is acknowledged that 'with a good dog you can go after rabbits with a gun, with purse nets or a long net. I have seen a man taking rabbits with only a dog and purse nets'.¹²² A dog's importance did not stop at its ability to hunt; it made an ideal sentinel. A well-trained dog would warn its owner of any other persons nearby, in particular unwelcome gamekeepers.

A net's advantage is it enables the capture of a large number of animals at one time; however there are disadvantages:

the setting of a long net is a thing no aspiring poacher can master without the instruction of a man who has actually put down a net and succeeded in catching rabbits by this means. A long net may be seventy-five yards, but more often it is a hundred yards in length, and three feet or so in width.¹²³

¹²¹ Ian Niall, *The Poacher's Handbook* (London: Heinemann, 1951, first published 1950), p.40.

¹²² Niall, *The Poacher's Handbook*, p.32.

¹²³ Niall, *The Poacher's Handbook*, p.37.

Obviously laying this type of equipment was cumbersome, and required more planning in its execution. Also, at times it required more manpower to carry out the proceedings. This in turn offered more chance of detection; nor did it allow animals to be killed instantaneously. Moreover, 'nets were expensive, tedious to make and repair, and often lost to keepers. The screams of hares caught in them often attracted attention'.¹²⁴ A further limitation of the net is its suitability for use only on certain types of land. If the ground is rough or covered in branches, brush or thistles then the net requires drawing higher, otherwise it will tangle in the obstructions. However by drawing the net high to avoid these obstructions there is always a possibility of the intended prey escaping under the net. These did not prove to be sufficient reasons for not using nets as they certainly were a popular method of taking game.

One remarkable figure is the number of times a ferret is mentioned—once. On this occasion, accepting the testimony of an experienced poacher, this statistic is not as surprising as it first seemed to me. Although small and easily hidden away, the negative side of using a ferret lay in the fact it required a lot of concentration while also proving to be time-consuming. The voice of reason explains why:

to poach with a ferret is another dangerous game. Though you may peep through the fence and from time to time glance round, your attention is on your nets. The keeper approaches unheard from behind and catches you, or you escape by diving through the fence, tearing your face on a bramble. You have lost your ferret and nets.¹²⁵

Based upon this analysis of weapons used, it is fair to assume that, first and foremost, there were no foolproof methods of taking game, as these records readily testify. Whoever the poacher was and whichever method he chose there was always some element of risk. A poacher relied upon his skill and great deal of luck if he was to

¹²⁴ Hay, *Albion's Fatal Tree*, p.194.

¹²⁵ Cyril Heber Percy, *While Others Sleep: The Story of a Poacher* (London: Faber & Faber, 1962), p.120.

evade being caught in the act, a fact readily acknowledged by many a poacher. In retrospect, one poacher believed, 'if you get out of bed and join the wild characters with the net and the gun you will learn all these things: how to come by the rabbit, the hare, the pheasant, the partridge and, perhaps, a fine or a week or two in prison!'¹²⁶ Such was certainly the case for many poachers in Derbyshire as the various criminal records testify.

3.7 MOTIVES BEHIND POACHING OFFENCES

What were the reasons why people poached? Set out below are a series of figures that help to provide information about this subject. They contain a breakdown of convictions for poaching taken from Quarter Session records. These figures are broken down month by month for each year between 1830-50, with sub-totals for night and day convictions.

As previously mentioned, for various reasons, Petty Session records were not available, and so caution is used in extrapolating information from the following data. One reason for this was that taking a case to Quarter Sessions was expensive. When, 'juries continued to exercise their own very independent judgement', few were willing to risk the financial cost.¹²⁷ As a result 'only the large landowners and the financially secure associations could safely risk the high costs that might be incurred if a civil case was lost'.¹²⁸ This means that the Quarter Session figures are biased towards selected cases only, and not a true reflection of actual numbers of poachers caught. However, having said all of that, with only the Quarter Session records to go by, they can, and must be, the only figures by which to make a judgement.

¹²⁶ Niall, *The Poacher's Handbook*, p.100.

¹²⁷ Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford: Oxford University Press, 2000), p.248.

¹²⁸ King, p.248.

Fig. 3: 5 An analysis of Derbyshire's poaching offences 1830-50

	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
	3	3	3	3	3	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	5
	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0
Jan	13	3	18	23	17	6	21	10	14	17	6	18	13	17	7	10	7	4	12	4	5
Feb	3	nil	11	6	14	8	13	8	18	9	10	8	4	5	10	7	10	2	4	1	3
Mar	5	nil	5	5	4	7	9	8	6	12	6	2	5	10	4	6	4	2	4	5	2
Apr	3	2	5	4	5	9	5	10	6	11	16	8	17	3	7	1	2	3	3	6	10
May	2	1	2	3	12	12	8	17	7	4	11	4	13	5	8	5	3	6	4	10	6
Jun	1	5	5	11	6	6	8	12	11	6	5	7	7	10	10	3	3	6	10	7	10
Jul	1	2	2	3	4	5	9	1	3	9	9	5	6	13	9	6	**	2	6	9	8
Aug	4	3	16	8	15	12	18	8	5	13	15	12	6	5	4	7	**	3	4	17	7
Sep	6	10	17	32	29	16	13	20	8	12	12	6	12	8	8	3	1	13	8	14	11
Oct	10	3	7	32	20	19	15	20	16	12	12	11	13	13	6	3	5	7	10	10	7
Nov	8	12	14	23	27	14	15	12	10	15	7	16	14	16	11	5	5	10	8	8	4
Dec	6	7	23	14	19	18	19	19	19	9	8	8	9	8	9	6	7	3	13	10	4

The above figures can then be broken down even further.

Fig 3: 6 A breakdown of night and day poaching offences.

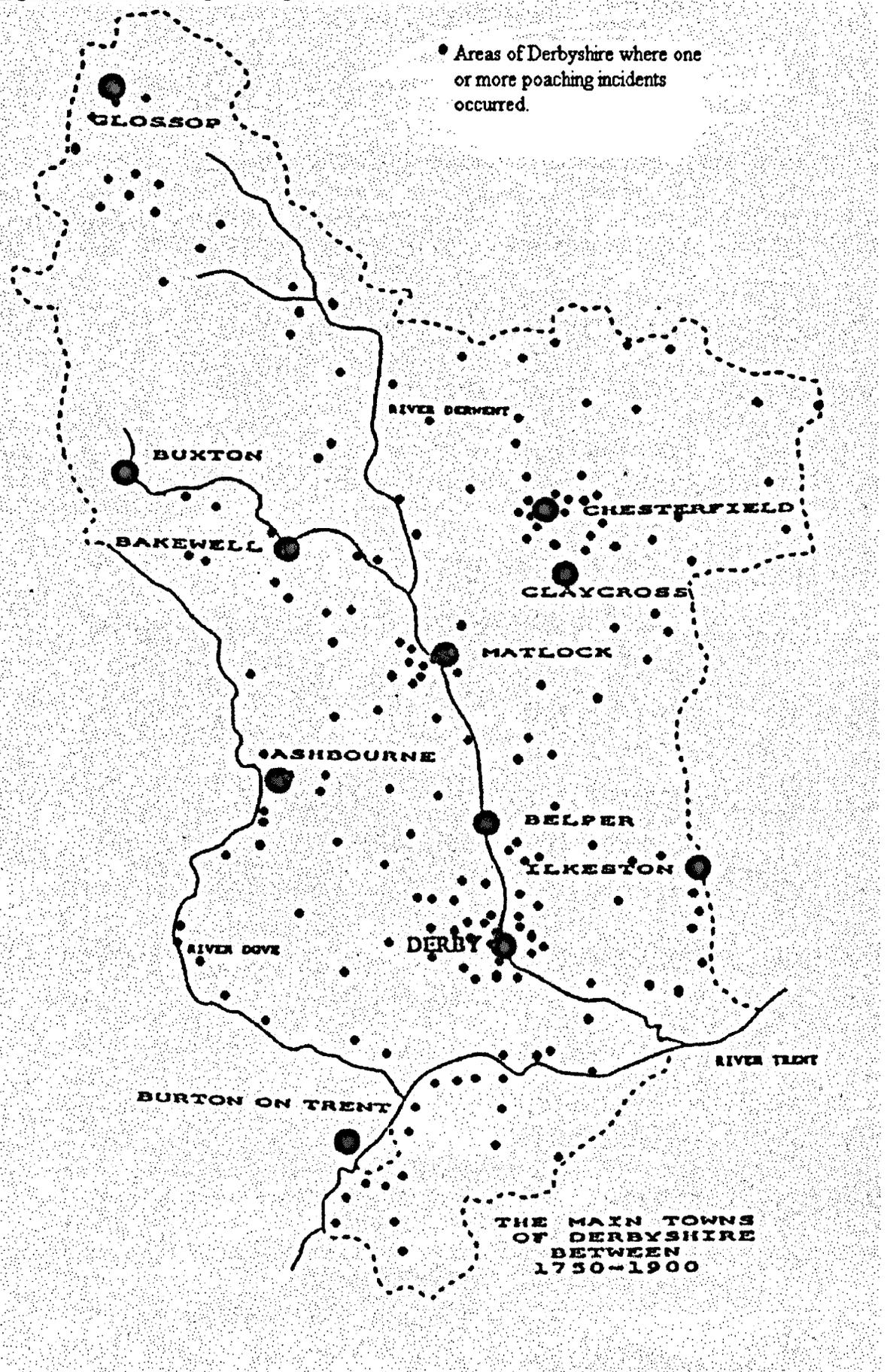
	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
	3	3	3	3	3	3	3	3	3	3	4	4	4	4	4	4	4	4	4	4	5
	0	1	2	3	4	5	6	7	8	9	0	1	2	3	4	5	6	7	8	9	0
D	51	43	10	13	15	12	11	11	11	11	11	93	10	95	88	57	38	55	80	90	65
			6	3	6	3	3	4	5	9	3	*	4			**				**	*
N	11	5	19	31	16	9	10	21	8	10	4	12	15	18	5	5	9	6	6	11	12
Tal	62	48	29	44	31	21	21	32	19	21	15	105	25	113	93	62	47	61	86	101	77
			5	4	2	2	3	5	3	9	7	5	9	3							

*one raid with no date **no records for the October Sessions due to water damage *** four cases where dates are unreadable due to water damage.

D = Day poaching, N = Night Poaching. Source: DQSR, Q/SO1/28-43

By taking the above figures and plotting them onto a map they reveal a distribution as follows:

Fig. 3: 7 Location of poaching offences 1830-50



A look at the above map reveals very quickly how poaching proved to be far more prevalent and far more widespread in Derbyshire than either arson or animal maiming. Like arson and animal maiming there were areas where poaching was concentrated, such as in and around Derby. Obviously these figures only relate to detected crime and are not an index of crime; however, they do highlight poaching trends.

Jones maintains there were major increases in poaching 'in the early 1830s, 1843 and 1848-51'.¹²⁹ Derbyshire's figures do not match those provided by Jones, showing discrepancies in certain areas. The numbers of convictions certainly climbed sharply from 1832 and peaked in 1834. Although an occasional rise in figures can be noted, the general trend was downwards with a lower number of cases during the remainder of the decade and continuing throughout the 1840s. The early parts of the 1840s were times of economic hardship in the county, which also saw a rise in poaching fines. In particular 1840 and 1842 witnessed the highest figures of the decade, and not 1843 as Jones found in his research. Of importance are the years 1831-36. During this period (which is covered at a greater depth in the next chapter) there was apparently a greater unwillingness to donate aid. This leads one to speculate that, if in times of need aid was not forthcoming, and given a choice between hunger and poaching, men would poach. When comparing peaks of poaching, arson and animal maiming, we find there is no comparison at all, with peaks in the latter two appearing in different years. However, 1848-49 did see Derbyshire's figures following the national trend and recording a sharp increase. When some of the poaching figures are related to poverty, then poaching cannot simply be regarded as an act of protest, but an act of necessity. To add more weight to this argument we only have to look at poaching figures during the implementation of the Poor Law Amendment Act. In Derbyshire this took place during

¹²⁹ Jones, 'The Poacher', p. 830.

the late 1830s, at a time when poaching figures were on the decrease, not increase. However, if protest was involved to a greater degree one would expect the figures to rise and not fall.

If we take the above poaching figures and compare them as a percentage of total crime convictions at Quarter Sessions, a slightly different pattern emerges. Other convictions include such crimes as assault, not paying tolls and inaccurate weights and measures. As a percentage of total crimes poaching was at a nadir in 1831, at just under seven per cent. Other crimes reached their lowest percentage in 1835, which self-evidently sees poaching figures at their highest, at a little over twenty-one per cent. Although 1834 saw both other crimes and poaching reach their highest numbers, poaching was only a fraction over 18 per cent of crimes. Out of the twenty years examined, poaching was responsible for over twenty per cent of total crime during four years, 1833, 1835, 1836 and 1849. For eleven years poaching made up less than 15 per cent of total crime figures.

There is no one simple explanation of these figures, the reasons behind them are many and varied. One reason certainly seems to be a correlation between years of poor economic conditions and a high rate of poaching convictions. Coinciding with rising poaching figures during the 1830s were poor climatic conditions, rising food prices and a downturn in industrial output.¹³⁰

Poaching was an act carried out in rural areas; however, it was not an act exclusive to rural dwellers. Represented in the convictions are poachers in trades that were suffering from layoffs, strikes and short-time work, such as nailers, frameworkers and

¹³⁰ For a close examination of prosecutions during times of economic fluctuations see Barry Godfrey, 'Law, Factory Discipline and "Theft"', *British Journal of Criminology*, 39, 1 (Special Issue 1999), pp.56-71). Although his research relates to thefts in the Yorkshire textile mills, his arguments are appropriate for thefts generally.

miners. Well represented in the figures are poachers from Derbyshire's towns such as Derby, Glossop, Belper and Chesterfield, who travelled out into rural areas in order to take various game and fish. Taking just two examples, we see that George Wortley, nailer, from Belper was fined for taking game and fish, as also was John Bainbridge.¹³¹

If it can be said with any certainty that there was a season for poachers, then autumn and winter proved to be the favourite times for taking game. Although game continued to be taken later in the year, heavy periods of summer poaching generally involved fishing. Autumn and winter were a poacher's favourite times for many reasons. For those poachers, who were willing to risk gaol sentences, nights were longer and therefore offered more time in which to capture game. At night, birds would roost, forming an easy target; moreover, darkness offers greater concealment and more chance of evading capture. Whether it was due to a lack of detection or fewer people participating, those convicted of night poaching were a lower percentage than those convicted of poaching during the day. Generally by autumn and winter crops were harvested and grass cut short resulting in little cover for game to hide in. Very importantly, many game birds had been reared in readiness for this time of year—the shooting season, which in turn offered a poacher the prospect of a greater number of birds.

If not a season for game, there were times of the year when poachers thought they were in the clear to poach and escape undetected. However, on occasions this optimism proved to be false. On Christmas Day and New Year's Eve when it could be expected the festive season's celebrations would keep most people at home, including keepers, several poachers fell foul of the authorities. George Adam for poaching with a snare on Christmas Day received a £2 fine and costs of eighteen shillings. At the same Quarter

¹³¹ DQSR, Q/SO1/32.

Sessions two labourers, John Hall and James Coupe, were fined for poaching on New Year's Eve.¹³² If experience proved that at this particular time of the year reserves were more susceptible to attacks from poachers, we will never know. What these two poaching episodes illustrate is just how seriously game preservation could be taken, when even at the height of the festive season guards were mounted to protect the reserves.

As previously illustrated the restrictive game laws inhibited many tenant farmers from hunting on their lands, and farmers saw game as nothing more than vermin, which required extermination. The result of game running free and unchecked was a catastrophe and 'many [...] instances made clear what was perfectly obvious, that swarms of game, free to run through the farmers' fields, consumed and destroyed great quantities of produce'.¹³³ Claims of mass destruction of crops caused by vast numbers of game were no exaggeration as anguished reports from farmers testify; one tenant farmer near Ipswich lost £700 worth of crops in one year.¹³⁴ A farmer's grievance over the question of game was expressed in an old poaching song, which included:

As he it hot, walked along to work
 And saw his landlord's game
 Devour his master's crops,
 He thought it was a shame.
 But if the keeper found on him
 A rabbit or a wire;
 He got when brought before
 The Parson and the Squire.¹³⁵

Unfortunately many farmers received no recompense for this damage from their landlords; farmers were expected to carry on regardless, 'as tenants entered into contracts freely, they should naturally take the consequences'.¹³⁶

¹³² DQSR, Q/SO1/31.

¹³³ Kirby, 'The Attack on the English Game Laws in the Forties', p.29.

¹³⁴ *The League*, 9 March 1844.

¹³⁵ 'Old Poaching Song', cited in Haggard, *I Walked by Night*, p.149.

¹³⁶ Kirby, 'The Attack on the English Game Laws in the Forties', p.29.

An anonymous letter to the *Derby and Chesterfield Reporter* contained a synopsis of the devastation uncontrolled game inflicted upon farming, and the consequences of attempting to solve this acute problem. The writer went to great lengths expressing his views on why the agricultural industry was in such a poor economic condition. He wrote: 'one mode of relief to the landlords would be found in the utter destruction of that obnoxious vermin called game'. The harangue continued:

why do landlords persevere in this unchristian and unjust course, while tens of thousands of their fellow creatures are starving for want of food which is thus profligately [sic] and unjustly wasted for sport, and also by this mistaken and unrighteous course hold out inducements to the crime of poaching, which has been long proved to be the first step to most other nightly depredations, robberies, and murders; thus our gaols are filled with criminals and business annually increased at our Quarter Sessions for the magistrates of their own creating and that too of a description which every well-wisher to his county shudders to contemplate.¹³⁷

Letters, like the one above, sent to local papers, usually anonymous, complaining of farmers' vexations caused by game appeared frequently in local papers. In their content they were all similar, complaining of damage to crops, little or no compensation and an inability to legally cull the offending animals.

In the face of such an onslaught from game, at times little recourse to compensation and with 'no hunting' clauses included in many of their leases, farmers had limited courses of action open to them. First, they could break the law and hunt on their own lands, and if caught face the consequences. Available information in the Quarter Sessions records farmers appearing regularly, as in the cases of William Piddock and James Sybray (see Appendix 5).¹³⁸ Although their reasons for poaching are not given, it is possible that pest control was a major reason. Second, farmers could turn a blind eye

¹³⁷ *Derby and Chesterfield Reporter*, 18 February 1830.

¹³⁸ DQSR, Q/SO1/30.

to others poaching on their lands, 'the tenant farmers, especially those with mean landlords, too jealous of their rights and slow to carry out repairs, will close their eyes to a hurried walk through the wood and across the meadow at dusk'.¹³⁹ Archer in his study of Lancashire concludes the farmers' attitude towards the poachers was different from that of the farmers in East Anglia, in Lancashire farmers supported the game laws. As he argues, 'farmers prosecuted trespassers and acted as an army of watchers whenever required, as their tenancy agreements expected them to aid the gamekeepers, but they appear to have undertaken this function with spirit and enthusiasm'.¹⁴⁰ This does not seem to have been the case in Derbyshire, there are no reports, no letters from farmers voicing their support for the game laws, just the opposite. In a report headed 'Sporting without a license', the *Derbyshire Courier* recounted the plight of one farmer named Ellis. A gamekeeper had caught two youths, John Machin and William Chapman, poaching on land occupied by Ellis. Ellis came forward and demanded to know by what right the gamekeeper was on his lands. In an attempt to justify the two youths' actions Ellis bitterly complained he was 'almost eaten up with the vermin'. When the case came before the magistrates they did not share Ellis's point of view and upheld the gamekeeper's case. In their view the gamekeeper had every legal right to apprehend the poachers on Ellis's property. For their part in the proceedings the two youths in question each received a £2 fine.¹⁴¹

Historical argument suggests there were farmers who made positive gains from the inconveniences created by game preservation, and in return for this inconvenience they received a reduction in their rents.¹⁴² The whole question of compensation is a complex

¹³⁹ Niall, *The Poacher's Handbook*, p.11.

¹⁴⁰ Archer, 'Poaching Gangs and Violence', p.27.

¹⁴¹ *Derbyshire Courier*, 30 March 1844.

¹⁴² Chambers and Mingay, *The Agricultural Revolution*, p.164.

one, ultimately, it depended on the attitude of the landlord. What is plain to see is how landlords differed in their attitude towards compensation payments. In some cases there were landlords who understood their tenants' plight and were willing to take appropriate action and eradicated hares from their property.¹⁴³

If a tenant did not suffer enough from uncertainties in weather and economic conditions, they were also at the mercy of a landlord's views on game preservation. There was no telling when these views, or indeed a landlord might change. With these changes there was a probability of a change in point of view, which could cause a reversal in fortune, as in the case of the Harpur-Crewe family. Evidence reveals how compensation, when given to farmers, came in varying forms, with and without supplements attached. The following offers just a small set of examples of how mixed were landlords' views on the contentious subject of compensation. At a meeting in Lichfield, Lord Hatherton spoke of his future game preservation plans, which included restricting game to specific areas; game on any other areas of the estate should be destroyed. By taking these steps he firmly believed cultivation on his estate would benefit.¹⁴⁴

The Duke of Devonshire, who judging by evidence, took full responsibility for any damage inflicted by his game stocks and proved quite willing to pay compensation. In his estate accounts there are annual records of compensation payments paid both to nearby estates and local farmers. Two examples of his tolerance towards those suffering from damage caused by game are taken from the 1830 accounts. In these are entries of compensation to the Duke of Rutland's tenants for £111 10s and £20 to farmers on his estate at Beeley. Game damage must have been a considerable concern, for there is also

¹⁴³ *Hansard* (Lords), 24 February 1846.

¹⁴⁴ *The League*, 7 October 1843.

a category in the accounts for payment to a valuer, whose job it was to assess any damage caused by game (see Fig. 3: 3).¹⁴⁵ In 1833 the hunting season coincided with one of the Duke's many travels to the continent. Knowing this, his tenants at Chatsworth petitioned him, asking for a cull of hares on the estate. In response he instructed his head gamekeeper to 'diminish the number of hares and to kill the rabbits'.¹⁴⁶

Where one landlord was compassionate towards his tenants' losses, others held no such sympathy and ignored their tenants' plight. The opinion shared by the Duke of Devonshire and Lord Hatherton on the question of compensation was definitely in contrast to the notion adopted by the Marquis of Anglesea. The Marquis's tenants complained bitterly that game had increased to such an extent 'as to become a serious evil to the farmers'. At a meeting held to discuss this problem the Marquis's steward 'announced his Lordship's willingness to relinquish the game to his tenants'. The only obstacle was in return for this gracious gesture his Lordship required recompense, 'the result was that each tenant found his rent advanced from ten to fifteen per cent'. This attitude adopted by the Marquis brought the following response from a reporter:

this is altogether a new feature in the relations of landlord and tenant. The landlord creates a nuisance, that becomes at length unbearable and then charges the tenant a handsome sum for abating it. The proposed advance it is supposed will raise about £1,500—something nice to meet the income-tax.¹⁴⁷

Other landlords were willing to accept their responsibility for damage inflicted by their game stocks, providing their tenants in return aided the landlord. In one instance:

Lord Kenyon has renewed to his tenants the notice which he gave at his rent-day dinner, that he would allow for every pheasant or hare killed for him on any tenant's land two shillings; or if preferred by the tenant, every third head of game. For every partridge or wood-cock his lordship allows one shilling, and one half of the number of any rabbits killed on any tenant's land. In return, Lord Kenyon

¹⁴⁵ Chatsworth House Accounts, 1830.

¹⁴⁶ *Derby and Chesterfield Reporter*, 28 November 1833.

¹⁴⁷ *Derby and Chesterfield Reporter*, 31 March 1842.

relies on the exertions of his tenants to preserve the game, and to apprehend all poachers, especially night poachers.¹⁴⁸

There were landlords who totally ignored their tenants' plight and made no attempts to rectify the constant situation of crop destruction and continued their game policy regardless of such damage. Looking through Calke Abbey's accounts I could find no trace of evidence of compensation to tenant farmers. If one considers the hundreds of rabbits and hares killed on that estate, the destruction these animals must have caused, was surely immense.

Wild animals were not the only source of a tenant farmer's financial problems; at times the hunters themselves were responsible for causing considerable damage. Many landlords, as a form of income, allowed hunting to take place on their tenants' lands. By operating this strategy 'the landlord thus managed to secure two rents for the same land'.¹⁴⁹ However profitable it may have been for the landlord, crops suffered considerable damage by inconsiderate trampling hunters. This type of damage reached such a stage and sufficient interest to raise questions at a political level. During a Parliamentary Committee hearing the following question was raised, 'is it common for the landowners to let their farms to tenants, and then to let the shooting on the farms to the persons who have no connection with the tenants?' William Bates answered 'that is a very common thing'.¹⁵⁰ Under so much duress tenant farmers' options were few, if no compensation was forthcoming they stood to lose money and in the long run their farms. Their only recourse was to poach themselves or to allow poachers free access to their property.

¹⁴⁸ *Derby and Chesterfield Reporter*, 29 December 1831.

¹⁴⁹ Connell, *The Truth about the Game Laws*, p.7.

¹⁵⁰ PP, *Game Laws*, p.6.

Profits to be gained from poaching were a definite incentive to poach, especially in comparison to a labourer's miserly wages, or even more so if a labourer was unemployed. The following are a few illustrations of typical wage rates in Derbyshire during the period 1830-50. During the lead mining crisis of the early 1830s it was reported miners were earning between 3s-4s per week.¹⁵¹ In early 1831 the Duke of Portland was offering 2s-2s 6d per day, 'to employ all who call for work'.¹⁵² For four and a half days' work 'at hay', a labourer in the village of Brassington was paid 9s.¹⁵³ As discussed early in the chapter, significant changes were made to the game laws in 1831. One of these changes was a relaxation in the qualification required for selling game. An expected anticipated result from this change was a lower number of poaching offences. Data set out in Fig. 3: 6 shows 1831 produced the lowest set of convictions; however, from then on convictions were always more numerous. One reason for these rising figures was the incentive of quick and easy profits.

During 1831, when the game laws were overhauled, prices for game were as follows: hares 4s each, pheasants 6s per brace, partridges 3s 6d per brace and woodcocks 6s per brace.¹⁵⁴ In 1838 the Nottingham and Derbyshire Agricultural report stated an agricultural worker was paid between 10-12s per week 'varying according to localities'.¹⁵⁵ The question of how profitable poaching could be was a subject of conversation for the Game Laws Commission of 1846. One question raised asked whether 'the fact sometimes in one or two nights' poaching they get as much as 9s or 11s you consider an inducement to their giving up regular work and taking to this unfortunate pursuit?' To which the answer was 'I do'.¹⁵⁶ In that very same year prices

¹⁵¹ *Derbyshire Courier*, 8 January 1831.

¹⁵² *Derbyshire Courier*, 22 January 1831.

¹⁵³ Slack, 'Land Tenure in a Lead Mining Village', p.16.

¹⁵⁴ *Derbyshire Courier*, 1 October 1831.

¹⁵⁵ *Derbyshire Courier*, 3 February 1838.

¹⁵⁶ PP, *Game Laws*, p.5.

for game were half a crown for a cock pheasant, two shillings for a hen bird and half a crown for a hare.¹⁵⁷ Based upon these sums it was quite possible for an experienced poacher to earn anywhere between £3 and £5 in a night.¹⁵⁸ When set against a labourers' wages, if indeed he was earning wages, these figures confirm that 'poaching, in fact, well followed, is a lucrative business'.¹⁵⁹

Compounding the agony for many moralistic critics was not only the amount of money illegally earned, but also how it was spent. It was commonly thought that the illicit earnings enabled poachers to lead a dissolute lifestyle; drinking, gambling and placing them on the first step towards a more serious life of crime. Under the heading 'Robberies at Cutthorpe', an article claimed 'there are in the village a notorious and well-known gang of poachers and thieves who lead a life of disorder and drunkenness, without any apparent means of obtaining any honest livelihood for themselves and their families'.¹⁶⁰ A search for profit as a motive to poach was not exclusive to those out of work. Notable in occupations given by convicted poachers were butchers (see Appendix 4). One can only assume that in these cases the sale of animals was the motive and not personal consumption.

Financial gain, although a motive, was not the only incentive to poach. For the unemployed game could be the difference between eating and starving during times of economic hardship; if they did not poach they did not eat. According to Hopkins, 'it is wrong to assume that the village labourer always ate better than his town counterpart'.¹⁶¹ In the words of another historian who has reflected on rural diet:

¹⁵⁷ George Ewart Evans, *The Days That We Have Seen* (London: Faber, 1975, first published 1972), p.111.

¹⁵⁸ Jones 'The Poacher', p.842.

¹⁵⁹ Jefferies, *The Gamekeeper at Home*, p.155.

¹⁶⁰ *Derby and Chesterfield Reporter*, 12 August 1841.

¹⁶¹ Eric Hopkins, *A Social History of the English Working Classes, 1815-1945* (London: Hodder & Stoughton, 1979), p.25.

eating for the labouring class was not the graceful social occasion that it was for some other classes. Despite romantic myths about plenty of roast beef, pudding and strong ale, the food of a majority of the people had always been very limited in amount and variety. By modern standards the traditional fare of our ancestors was stodgy, monotonous and nutritionally deficient.¹⁶²

In reality 'meat was rarely, if ever, to be seen on the labourer's table; the price was too high for his pocket'.¹⁶³ For a high percentage of agricultural labourers the only way they ever stood any chance of tasting meat was to poach it. In his research into agricultural distress P. Macqueen, MP for Bedfordshire, quoted the experiences of two prisoners held in a local gaol for game law offences, having shot and wounded a gamekeeper. When questioned as to why they were in gaol one of the brothers replied:

sir, I had a pregnant wife, with one infant on her knee, and another at her breast; I was anxious to obtain work. I offered myself in all directions, but without success; if I went to a distance I was told to go back to my parish and when I did so, I was allowed—what?—Why, for myself, my babes, and my wife in a condition requiring more than common support and unable to labour, I was allowed 7s for all, for which I was expected to work on the roads from light to dark and to pay three guineas a year for the hovel that sheltered us.¹⁶⁴

This was not a singular case; far from it, there were many other such examples where desperation was given as a reason for poaching. Because 'it was poverty and the longing for a taste of meat, rather than a mere disrespect for property or want of diversion, which turned labourers into poachers and made the woods ring with nocturnal alarms'.¹⁶⁵ As in the case of one young man working at cracking stones, he was asked the question how was he able to survive on a half a crown per week income. The conversation was reported as "I don't live upon it" said he, "How do you live then?" "Why", said he, "I poach: it is better to be hanged than to be starved to death".¹⁶⁶

¹⁶² Harrison, *Early Victorian Britain*, p.71.

¹⁶³ Joseph Arch, *The Autobiography of Joseph Arch* (London: Macgibbon & Kee, 1966, first published 1898), p.23.

¹⁶⁴ *Derby and Chesterfield Reporter*, 20 May 1830.

¹⁶⁵ Chambers and Mingay, *The Agricultural Revolution*, p.138.

¹⁶⁶ Quoted in Hammonds, *The Village Labourer*, p.134.

Contemporary opinion over the connection between poverty and poaching varied. There were those in Derbyshire who held a view that there was indeed a connection. In a lengthy letter to the *Derby and Chesterfield Reporter* entitled 'The House-Row System' the author had this to say:

the labouring poor during a considerable portion of the winter have, in some parishes, been sent out amongst the farmers, by what is termed the house-row, it is extremely low wages; by this system the feeling of independence, which this class formerly possessed, is almost entirely lost, and a want of compunction at receiving parish relief has been the consequence. When sixpence per day and even less is paid to the labourer and his family by the employer, and the residue of the county allowance by the overseer out of the rates, he justly feels he is benefiting the rich to the injury of the poorer rate payers; he considers himself unpaid by the farmer, and neglecting his work he is committed to prison for leaving his family chargeable to the parish; hence a feeling of dissatisfaction arises in his mind—a consequent degradation of the moral character ensues, and poaching and petty thefts are afterwards looked upon as trivial offences. It would be well if the prison procured the wished-for reformation, but our jails are frequently more comfortable than the home of the pauper, and the commitment for poaching being unattended with labour makes a second visit to the walls of a prison less irksome than was at first apprehended. At his dismissal the poor man returns to his village with a tarnished character and suspicion ever after standing sentinel at his gate.¹⁶⁷

By late 1844 one Derbyshire newspaper commenced to run articles from other news sources concerning the stringent game laws. One such article from the *Herald*, while linking poverty and poaching, urged judicial caution as there was an expected change to the game laws. The advice given suggested:

on every account it is, then most desirable that the administration of the Game Laws during the approaching autumn and winter should temper mercy with justice, and a broad distinction be taken, by magistrates between poachers from necessity and poachers from idleness and confirmed viscious [sic] habits.¹⁶⁸

Two years later during a Parliamentary Select Committee the following exchange took place. When asked 'you are of the opinion that poverty and distress have something to

¹⁶⁷ *Derby and Chesterfield Reporter*, 8 April 1830.

¹⁶⁸ *Derby and Chesterfield Reporter*, 23 August 1844.

do with offending against the law?' Shirley answered: 'no man will sit still and see his family starving; but thank God, there is no occasion for that in this country'.¹⁶⁹

Areas which were suffering from an economic decline in traditional industries saw high levels of poaching. One such area was around Wirksworth, where the once predominant lead-mining was either worked out or struggling due to imports. In Derby, where there was a protracted strike of industrial workers between November 1833 and May 1834, also saw an increase in workers from the city prosecuted for poaching.¹⁷⁰ In reality, during times of severe hardship when desperation sets in, risks will be taken. As a modern writer succinctly puts it, 'and a man's gonna do what he has to do when he's gotta hungry mouth to feed'.¹⁷¹

It was remarkably difficult persuading rural people not to kill wild animals, in the eyes of these people a right to take these animals had been granted by God. The Bible contains the following verses: 'be fruitful and multiply, and fill the earth and subdue it: and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth'.¹⁷² The attitude adopted by rural people has been clearly summed up: 'all the laws—and over forty Acts were passed before 1831 on matters concerning game—could not convince them against the idea that game was not only *ferae naturae* but also the property of those who took it'.¹⁷³ Many people must have felt anger and frustration at their enforced plight. On the one hand people would be continually told to live their lives in accordance with the teachings of the Bible, then on the other hand heavily fined for taking what they assumed was rightfully theirs. Rule

¹⁶⁹ PP, *Game Laws*, p.851.

¹⁷⁰ DQSR, Q/SO1/31.

¹⁷¹ Bob Dylan, 'Union Sundown', *Infidels*, 1983.

¹⁷² Genesis 1 28.

¹⁷³ J. E. Archer, 'Poachers Abroad', in G. E. Mingay (ed.), *The Unquiet Countryside*, p.53.

has suggested where there was a reluctance by rural people to accept poaching as a crime then, 'to make such a distinction between social and other crime is only one possible way of categorizing criminal actions'.¹⁷⁴ However as shown, reasons for poaching were not so simple and straightforward and not so easily categorized as to describe them all as social crimes.

A link between poverty and poaching was suggested in a newspaper editorial. An article in the Anti-Corn Law newspaper *The League*, entitled 'Game and the Game Laws', comments on the same subject: 'What a chapter of folly, misery and crime does the above title suggest. Pheasants, hares and rabbits abound everywhere amidst the poor and often pauperized agricultural labourers'.¹⁷⁵

Difficulties facing many rural poor were not lost on some members of the Church. In 1844 *The League* printed an article previously published in the *Church and State Gazette*. In this an old vicar was quoted as saying:

upwards of forty years' experience has proved the impossibility of convincing my poor parishioners, in four distantly placed parishes, of the sin of poaching, or making them feel that they have broken a command of God when they killed hares which were destroying their garden produce.¹⁷⁶

In 1844 a local newspaper covered the trial of George Priestley convicted of setting snares on the Duke of Rutland's land. In court he pleaded for leniency on the grounds he had not worked for two weeks, and obviously was short of money. In consequence of this shortage of money he found himself forced into a position of starvation or turn to poaching, he chose the latter. Unfortunately for Priestley, the magistrates were not sympathetic to his cause and found him guilty. However the magistrates, in a magnanimous gesture, told him that under normal circumstances he would have been

¹⁷⁴ Rule, 'Social Crime in the Rural South', p.136.

¹⁷⁵ *The League*, 27 January 1844.

¹⁷⁶ *The League*, 9 March 1844.

fined £30, but due to his good behaviour, 'they should merely order him to pay £5'.¹⁷⁷

When faced with economic hardship and not having enough to eat, not allowed legally to kill game, the rural poor knowing they were earning less in a year than estate owners were spending on pheasants' food, must have been extremely frustrated.

Archer in a local study makes a point that 'what made Lancashire so unusual and atypical was the juxtaposition of the game estates to the towns and cities'.¹⁷⁸ However what made Derbyshire atypical was that some reserves were on the periphery of the county bordering on neighbouring counties of Cheshire, Lancashire, Leicestershire, Staffordshire and Nottinghamshire, as well as to the towns and cities of Derbyshire. Poaching raids from these other regions into the reserves of Derbyshire often took place. On the Duke of Norfolk's land at Glossop 'six of the tenters went out to watch a preserve', and became engaged in a skirmish with seven or eight poachers. Two of the poachers were caught, one was from Hyde and the other from Denton, which are situated over the county-line in Lancashire.¹⁷⁹ In a further case an under-gamekeeper from Tibshelf, Derbyshire, was shot in an altercation with six poachers from Mansfield, Nottingham.¹⁸⁰

Nonetheless by far and away the majority of poaching offences were carried out by the inhabitants of Derbyshire. Evidence also shows that in the majority of those cases poachers rarely travelled great distances, in the main some four miles was the greatest distance. (see Appendix 6. I have not included all the statistics, however the data provided are representative). The figure certainly refutes those arguments of the Royal

¹⁷⁷ *Derbyshire Courier*, 28 September 1844.

¹⁷⁸ Archer, 'Poaching Gangs and Violence', p.27.

¹⁷⁹ *Derby and Chesterfield Reporter*, 3 September 1840.

¹⁸⁰ *Derby and Chesterfield Reporter*, 11 January 1850.

Commission on Constabulary Forces 1839, when its report gave as one major reason for crime: 'depredators; that a large proportion of them are migratory'.¹⁸¹

Modern research into poaching suggests that a traditional view of poaching where historians 'explained the pronounced seasonal pattern of nineteenth-century poaching in economic terms, emphasising the apparent correlation between annual peaks in offending and cyclical periods of unemployment and poverty' may need some reevaluation as 'poaching was a crime often linked to poverty, but its seasonal timing usually owed more to practical considerations concerning both the suitability of the natural environment for hunting and the availability, maturity and marketability of the quarry'.¹⁸² It can be maintained, that in times of dire need, poachers were not deterred by such considerations as the 'suitability' of the environment, nor the 'maturity' of the fish. Later in the article Osborne suggests that:

many rivers also experienced poaching activity during the late spring and summer. Some of this was directed at trout which appear to have been taken mainly during the summer months when the rivers were low enough to allow the netting of pools to be effective.¹⁸³

The statistics for Derbyshire support Osborne's findings. Most of those fined for fishing were in the 'late spring and summer'. However high water would be no disadvantage as 'no advantage is thought too unfair to be taken of fish; nothing too brutally unsportsmanlike'.¹⁸⁴ This certainly proved to be the case in Derbyshire on more than one occasion, where poachers obtained their quarry regardless of conditions and the time of year. In a poaching incident on the Duke of Devonshire's property two men showed a knowledge of chemistry in order to capture thirty-six trout from a local river. To steal fish, poachers used the crude but effective method of adding chymic (chloride

¹⁸¹ *A Web of English History*, The Peel Web, 'The Royal Commission on Constabulary Forces 1839', p.2.

¹⁸² Osborne, 'The Seasonality of Nineteenth-Century Poaching', p.27.

¹⁸³ Osborne, 'The Seasonality of Nineteenth-Century Poaching', p.32.

¹⁸⁴ Jefferies, *The Gamekeeper at Home*, p.189.

of lime) to the river.¹⁸⁵ A local gamekeeper 'found Wildman Stone Brook all in a froth and a lather'. Followed the trail of froth upstream he found two men in the process of taking dead and dying fish out of the stream. During his testimony the keeper told the court how he found chymic on one of the men's clothing and a small quantity of chymic on a stone near the scene. At their trial, evidence given on the properties of chymic claimed: 'it will kill fish or poison anything' and 'all the brooks within twenty miles have at different times been poisoned'. The prisoners 'admitted that they were groping for fish, but denied using any noxious material'. Nevertheless they were found guilty. In his summing up the judge said this case was 'an extremely bad one as independent of destroying numbers of fish of all sizes, the health of persons partaking of fish so poisoned was in danger'. Normally a sentence would have been transportation for seven years, 'but the court hoped a more lenient sentence in this case might have the effect of checking such mischievous transactions'.¹⁸⁶

A proposition can be made whereby there may have been an ulterior motive for the leniency plea. Much was made of the potency of chymic and of the amount of times it had been used. If it had been used those many times surely there would have been reported cases of people poisoned, however during my research on no occasion was there ever a mention of people rendered ill due to eating poisoned fish. If there had been such a case it would have made news headlines. In reality the potency of this chemical was not as severe as the judge made it out to be. This particular chemical kills fish by removing oxygen from the water thus causing suffocation, fish then float to the surface and are easily netted. Such are the chemical's properties that it quickly dilutes and becomes ineffective as it travels downstream. The fish themselves are not contaminated

¹⁸⁵ *Derbyshire Courier*, 25 January 1840.

¹⁸⁶ *Derby and Chesterfield Reporter*, 9 July 1840.

by the properties of the chemical and are perfectly safe to eat. This compound would have been readily available and cheap if not illegally procured, as many of the local estates ran their own lime kilns.¹⁸⁷ Lime was universally used, for domestic as well as industrial as industrial purposes. At Little Eaton during an outbreak of fever it was ordered that walls of houses should be whitewashed with chloride of lime.¹⁸⁸ Which adds further weight to the hypothesis that many of Derbyshire's poachers were opportunist, by stealing a small amount of lime an amateur poacher could very quickly obtain a source of food otherwise unobtainable to him. Anyone with access to lime could quickly deplete a section of river of its fish.¹⁸⁹

It would seem that this case had more to do with the frequency of the crime, rather than the severity. By making the consequences of the crime greater than they really were, the judge was able to offer a harsher sentence. It was an attempt at dissuading others from carrying out similar attacks. Judging from reports it would in fact seem that using lime to kill or capture fish was not an unusual method. One report claimed a 'considerable amount' of lime had been thrown into a river, and an immense number of both small and large fish had been killed and rendered useless.¹⁹⁰ In another attack 'a considerable quantity of fish have been destroyed in Somersell trout-stream, the property of Samuel Johnson Esq., by a quantity of lime being thrown into the river'.¹⁹¹ Reports of attacks continued into the 1840s, in one such case Henry Woodhouse was committed to Derby Gaol for 'unlawfully and maliciously putting a quantity of lime in a certain stream of water the property of the executors of the late William Turbutt,

¹⁸⁷ F. M. L. Thompson, *English Landed Society in the Nineteenth Century* (London: Routledge & Kegan Paul, 1963), p.171.

¹⁸⁸ Shardlow Workhouse Minute Book, 11 December 1848, D523 CW1/8.

¹⁸⁹ For the advice on the effects of the chemical used by the poachers I am indebted to A. E. Ridgeway, Veterinary Officer, Ministry of Agriculture, Fisheries and Food, Stafford.

¹⁹⁰ *Derbyshire Courier*, 15 June 1839.

¹⁹¹ *Derby and Chesterfield Reporter*, 16 August 1838.

Esq'.¹⁹² If the word of an experienced poacher can be believed, and why should it not, then this method of taking fish was abhorred by a true poacher. Denwood referring to a true poacher explains, 'he also opposes as strongly as the most vigorous protectionist the practice of killing fish with lime or dynamite'.¹⁹³ Worrall credited the use of lime as a method adopted by younger poachers, in his experience:

the older fish poachers rarely go in for poisoning. This is a cowardly method, and kills everything, both great and small, for miles down stream. Chloride of lime is the agent mostly used, as it does not injure the edible parts.¹⁹⁴

This evidence supplied by this ex-poacher certainly refutes the testimony of the learned judge and leaves his summing up at the trial open to question. One piece of evidence available offers a faint hint as to the type of character these fish poachers were. An old poacher recalling events on one river points out how organised poachers would use a net in conjunction with poison. The old man believed:

the poachers who work on a large scale called in the half light of a summer's evening and caught all the fish, yes, like the Hamelin piper, they took everyone! Up in the shallows they threw down a bag of lime and away down below the bridge they set a net across the water. Just before daylight, when all the water was discoloured, and every fish suffocated, they drew the net up. No fish escaped.¹⁹⁵

Considering this evidence there is a case to suggest that the poachers using lime in Derbyshire were amateurs and opportunist. They were certainly not as prepared as those poachers cited; for they brought no net with them.

If poaching was seen as a crime against the laws of the land, and a first step towards greater crimes, making matters worse some poachers had the effrontery to poach on the Sabbath. A report of one such case claimed that it is common practice for persons from all parts of the country to resort to Beighton,

¹⁹² *Derby and Chesterfield Reporter*, 14 July 1842.

¹⁹³ J. M. Denwood, *Cumbrian Nights* (London: Jarrolds, 1932), p.132.

¹⁹⁴ Worrall, *The Confessions of a Poacher*, pp.100-1.

¹⁹⁵ Niall, *The Poacher's Handbook*, p.118.

for the purpose of fishing, and particular so on the Sabbath-day. It was for this reason, and in consequence of the parishioners wishing to put a stop to Sabbath-day poaching, that the Major appeared to prefer the present charge of the two defendents [sic] being a part of those who were fishing in the stream at Beighton on Sunday last.¹⁹⁶

The two defendants in question, Edward and James Smith, were both fined 40s each, or if they failed to pay the fine they would be committed to gaol.

Contemporary opinion assumed hell and damnation for anyone breaking the Sabbath. Rev. Page announced what awaited these sinners:

but if the Sabbath is profaned, what can be expected the rest of the week? If men have not religion enough to induce them to spend the Lord's Day properly, are they likely to do well on the other six? An ill-spent Sunday is a sure sign that men have advanced far on the road that leadeth to destruction; it proves that they are *bad* and it makes them *worse*.¹⁹⁷

This is an unfair criticism of the greater number of indigent people; circumstances normally dictated their lack of attendance and not the need to poach. In innumerable cases:

few of the poor *could* attend, and, apart from the need to go to church to receive support from the endowed charities, fewer still would have attended if they could. Not only were so few seats in church free, but the poor knew that they had no place in a Church where distinctions of status in society were expressed in seating arrangements in churches.¹⁹⁸

However it is hardly surprising Sunday proved to be a popular day on which to poach, rather than attending church. For many workers after suffering a week of long hours and harduous work it was the only day when they could socialise and enjoy some leisure time. Of a more frightening consequence for the authorities, it was also a time when a labourer was unsupervised and beyond control. However, the proffered primary reason for poaching on a Sunday, like on Christmas Day, had more to do with evading

¹⁹⁶ *Derby and Chesterfield Reporter*, 2 June 1842.

¹⁹⁷ Rev. L. F. Page, *Incendiarism*, p.27.

¹⁹⁸ Michael Austin, *A Stage or Two Beyond Christendom* (Cromford: Scarthin, 2001), pp.140-1.

detection. The expectation that figures of authority would be in church offered too good an opportunity to miss.

CHAPTER 4 ARSON

4.1 A FEAR OF FIRE

For the people of England during the early part of the nineteenth century, especially those living in rural areas, arson 'aroused fears out of proportion to the actual incidence of the crime'.¹ The reasons for this were simple: a fire could very quickly destroy houses, outbuildings and a whole year's harvest. With fire-fighting equipment very rudimentary and not always readily available, in a short space of time what started out as a small fire could quickly spread and cause widespread and irreparable damage. Such was the example of a family at Morton, who lost their house, barn, twenty loads of wheat, five and a half quarters of barley, a quarter of oats and between ten and eleven quarters of oats in straw. In total, it was virtually the whole of the year's production.² A further example involved John Smith of Sawley, Derbyshire. In 1845 he lost his barn and corn stack, in this instance a fire engine took an hour and a quarter to arrive at the fire.³

On the efficiency of fire-fighting it has been noted that 'fire precautions, often imposing in appearance, frequently proved lamentably ineffective in practice'.⁴ Contemporary evidence offers a similarly pessimistic view. From local reports it is possible to gauge just how inadequate fire-fighting systems were for their allotted task. Because they were horse drawn, these machines were at a considerable disadvantage. In emergencies valuable time was consumed with harnessing the animals to the engine. Delays caused in this way were recognised and a plea to rural dwellers was made:

all farmers and county people who send to Derby for the engines, should send horses ready harnessed, to meet the engines on the road. It would be well, if some

¹ David Taylor, *Crime, Policing and Punishment in England*, p.37.

² *Derbyshire Courier*, 15 March 1834.

³ *Derbyshire Courier*, 6 December 1845.

⁴ P. G. M. Dickson, *The Sun Insurance Office, 1710-1960* (London: Oxford University Press, 1960), p.141.

plan could be formed, by which every engine in Derby might be furnished with a ready harnessed horse, the moment it is required to go into the country.⁵

Delay caused by harnessing horses was only one of several problems making for inefficiency in the local fire-brigades. Other reasons ranged from a lack of an adequate water supply, poorly maintained fire-fighting equipment and, as in the police force, a low quality of recruits.⁶

Although the destructive potential of fire made it a feared weapon, room for doubt exists in some 'arson' cases. Not 'all fires were the result of arson attacks. Sparks from a machine or an accidentally dropped lucifer match could start a conflagration'.⁷ At New Mills a fire which started small and localised, spread rapidly and consumed a stack of oats and vetches, then spread even further and destroyed a plantation of timber. By all accounts this fire was not caused intentionally 'but was the result of a custom which prevails at this season, of boys firing gorse'.⁸ Accidental fires were certainly not uncommon in Derbyshire. Cases such as those of William Mason who lost six haystacks⁹ or the fire where a barn, fodder, barley, the adjoining cattle shed, twenty-four dairy cattle and two heifers were destroyed.¹⁰ In another incident at Parkfield, Derby, where the fire was said to have been caused by spontaneous combustion caused by hempen cloth which was dressed with boiled linseed oil.¹¹ Fires were also an everyday risk at the corn mills, especially post mills. A post mill 'is a wooden box like structure onto which is mounted the sail'.¹² In consequence of the building materials utilized in

⁵ *Derby and Chesterfield Reporter*, 3 February 1831.

⁶ For reports on the poor quality of the fire service see: *Derbyshire Courier*, 12 May 1838; DBR, Council Minutes, 14 February 1838; *Derby and Chesterfield Reporter*, 30 December 1841; *Derby and Chesterfield Reporter*, 10 February 1843; *Derby and Chesterfield Reporter*, 16 February 1844; *Derby and Chesterfield Reporter*, 3 May 1845; *Derby and Chesterfield Reporter*, 8 August 1845; *Derby and Chesterfield Reporter*, 13 November 1846; *Derby and Chesterfield Reporter*, 18 December 1846.

⁷ David Taylor, *Crime, Policing and Punishment in England*, p.36.

⁸ *Derbyshire Courier*, 24 March 1838.

⁹ *Derbyshire Courier*, 8 January 1831.

¹⁰ *Derbyshire Courier*, 22 January 1842.

¹¹ *Derbyshire Courier*, 5 July 1834.

¹² Alan Gifford, *Derbyshire Windmills* (Birmingham: Midland Wind & Water Mills Group, 1995), p.8.

these mills, 'fire was also an ever present hazard and many were destroyed and damaged with spontaneous combustion'.¹³ These calamitous circumstances, as the following two examples depict, were not unknown in Derbyshire. At Ilkeston:

a flour mill in the occupation of a man named Morley, formerly standing on a space now occupied by Lawn Gardens, took fire early one morning in 1831, at 5 a.m. The whole building was a mass of flame which lit up the whole district. Fire raged until only the walls were left. At daylight hundreds of people came to see the effects of the fire which was thought to have been by the axle of the sails being too hot from want of oil.¹⁴

A further accidental fire was reported at Calow where a post mill was burned to the ground, and 'the fire is supposed to have originated from the spindles being overheated by friction'.¹⁵ Milling could be a risky business indeed.

Accidental fires were to be feared, but fires started intentionally were a terrifying prospect. As Horn contends, 'incendiarism, as an instrument of vengeance or intimidation, was one of the most feared rural crimes'.¹⁶ Randall and Newman assert that 'at a local level, arson, or the threat of it, could be a powerful weapon'.¹⁷ But in the annals of the rural people of England, 'the malicious destruction of property was a persistent and important element in the story of rural crime'.¹⁸

Such was the fear of arson attacks that until 1837, for those who were caught, arson could carry the heaviest penalty, hanging. This was no idle threat, prior to 1837 hanging had been used on several occasions. The following are examples of the unfortunates who suffered the consequences of their actions and were caught and hanged: Valentine Brice of Northants,¹⁹ and Richard Bustin of Warwickshire, who went to the gallows

¹³ Gifford, *Derbyshire Windmills*, p.5.

¹⁴ Gifford, *Derbyshire Windmills*, p.58.

¹⁵ *Derby and Chesterfield Reporter*, 21 April 1843.

¹⁶ Pamela Horn, *The Rural World, 1780-1850: Social Change in the English Countryside* (London: Hutchinson, 1980), p.168.

¹⁷ Randall and Newman, 'Protest, Proletarians and Paternalists', p.219.

¹⁸ David Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain* (London: Routledge & Kegan Paul, 1982), p.33.

¹⁹ *Derbyshire Courier*, 19 July 1834.

protesting his innocence.²⁰ Details of both cases are sketchy. Bustin, was accused of setting fire to 'corn and other ricks', belonging to E. Sheldon. Unfortunately, the relationship between Bustin and Sheldon is not given. No details are given on the Brice case. The reporter, in both cases, was more interested in the criminals' behaviour on the gallows.

Prior to my period of research arson attacks in Derbyshire were not unknown or uncommon. On Friday 15 August 1817 four men, John Brown, Thomas Jackson, George Booth and John King, were hanged at Derby gaol. Their crime: setting fire to hay and corn stacks at South Wingfield, their motives unknown.²¹ Just how much fear arson attacks instilled can be gauged by people's reactions. In 1844, seven years after its abolition, when certain counties were again witnessing frequent attacks, there were calls for the return of the death penalty, even from the pulpit. One vicar believed:

if according to the Divine Law, as we read in Exodus xxii. 6, the man who carelessly or accidentally caused his neighbour's property to be consumed by fire, was to make *restitution*, what must they deserve who willfully [sic] and maliciously set fire to the stacks of corn, and thereby endanger dwellings, and even the lives of their fellow creatures? What punishment, short of death, can be to severe? And if the crime continues and spreads, it may be needful to inflict even the extreme penalty of the law, and punish with death those malicious persons who doing what they can to bring a famine upon the land.²²

Without doubt an arsonist was a much-vilified character. Even so, hanging was not introduced, although the law covering arson attacks was tightened. Under the umbrella of the Act 1 Vict. cap 89 it was an offence to set fire to unattached sheds and outhouses. The Act also spread its net to cover a greater number of transgressors; now children under the age of eighteen caught carrying out arson attacks faced a possible prison sentence which also included whipping.²³

²⁰ *Derbyshire Courier*, 23 August 1834.

²¹ Power, *Hanged For a Sheep*, p.20.

²² Rev. L. F. Page, *Incendiarism*, p.40.

²³ D. J. V. Jones, 'Thomas Campbell Foster and the Rural Labourer; Incendiarism in East Anglia in the 1840s', *Social History*, 12 (1976), 5-43 (pp.18-19).

4.2 THE ARSONIST'S TOOLS

The anonymity of an arsonist was greatly aided by the variety of means and methods at his disposal. Archer says of the fires in Suffolk during the spring of 1844, 'The "Lucifer" match and well-lit pipe were no longer the only methods for starting fires. Incendiaries were reported to have constructed "chemical preparations" which allowed them to make an escape before the flare-up'.²⁴ Likewise examination of fire reports in Derbyshire reveal several methods used to start the arsonists' fires. At one fire a rather unusual combination of equipment was used, especially considering the need for anonymity. In 1832 a barn belonging to a farmer named Brierley was set alight, a man was seen leaving the vicinity holding a candle and a lantern.²⁵ On another occasion straw from the thatching of a public house in Chesterfield was forced down the chimney; fortunately for the owner, the straw was discovered the following morning before the fire was lit.²⁶ In 1843 John Hill lost a quarter of his harvested oats in a fire, the method employed this time was to insert burning material through a loophole in the building's wall.²⁷ Even though several methods were used to ignite the fires, there can be no doubt that an arsonist's cause was greatly helped by the invention of the lucifer match in 1830. The invention allowed an arsonist far greater mobility, matches were easy and light to carry, could be used in bad weather, and could be concealed from sight. As Archer stresses:

first, let us consider how fires were ignited [...] There were a number of techniques; hot coals or cinders, fireballs, tinder box and flint, pipe and "lucifer" matches. Any self-respecting incendiary would choose a box of matches.²⁸

²⁴ John E. Archer, 'By a Flash and a Scare': *Arson, Animal Maiming and Poaching in Norfolk and Suffolk, 1815-1870* (Oxford: Clarendon, 1990), p.110.

²⁵ *Derbyshire Courier*, 11 February 1832.

²⁶ *Derbyshire Courier*, 9 July 1836.

²⁷ *Derbyshire Courier*, 23 December 1843.

²⁸ Archer, 'The Wells-Charlesworth Debate: A Personal Comment on Arson in Norfolk and Suffolk', *Class, Conflict and Protest*, p.84.

The benefits of a lucifer were spelled out in a contemporary newspaper advertisement, although one suspects this advertisement was not intended for would-be arsonists. We are told the lucifer can be used 'for lighting a candle without risk or trouble; the most certain mode of obtaining an immediate light, price 2d. and 4d. per box'.²⁹ A letter in a later edition of the newspaper unwittingly revealed just how efficient lucifers were in setting light to materials. In detail the letter writer recounts a near fatal episode involving a servant using lucifers, he recalls:

I beg permission through you to warn the public against the use of Lucifer matches in *paper or their paste-boardboxes*, with sand paper at the bottom of them, to kindle the light by rubbing the matches upon it. My servant, as *she* drew the match across the bottom, ignited the edge of the lid of the box, when the whole of the matches therein blazed up and burned her hand. Such an occurrence, if the box (immediately dropped of course) had fallen on anything combustable [sic], would have been attended with dangerous consequences. If paper boxes are used, an old *empty* one should be kept to kindle the match upon, separate from the box containing the matches.³⁰

Lucifers were used in Derbyshire's arson attacks and evidence reveals how efficient a tool they could be and not only in lighting fires. Due to a match's simplicity it was easy for the culprit to distance himself from any evidence. A case in question occurred at a fire at Ockbrook. At one o'clock in the morning Bates, who owned the farm, discovered one of his ricks on fire. During a later search of the crime scene matches were found near to the untouched stacks of corn and wheat.³¹ The arsonist escaped unhindered and unnoticed, and there is no evidence to show the perpetrator was ever captured.

4.3 SWING RIOTS IN DERBYSHIRE

At the beginning of my period of study, southern and eastern counties were greatly affected by major riots, petitions and protests over wage rates and many of these were accompanied by arson attacks.³² The Swing Riots, as they are known, to varying

²⁹ *Derby and Chesterfield Reporter*, 7 June 1836.

³⁰ *Derby and Chesterfield Reporter*, 25 November 1841.

³¹ *Derbyshire Courier*, 20 April 1844.

³² Alan Kidd, *State, Society and the Poor in Nineteenth-Century England* (London: Macmillan, 1999), p.25.

degrees also affected Derbyshire and its neighbouring counties of Nottinghamshire, Staffordshire and Cheshire. One local newspaper related the extent of these riots. It told its readers: 'the incendiary system, which has for several months past spread with such devastating effects through various parts of the kingdom, has at length extended its ravages to Staffordshire'.³³ Derbyshire's authorities would have been well aware of these attacks in other counties and the example they may have set to disgruntled Derbyshire people, and in turn how much of a threat they posed to the county's social stability. However, when arsonists eventually struck in Derbyshire there was not a united response from the authorities, or local newspapers.

The response to the social unrest in Derbyshire took the form of reaction, rather than preventive action. The authorities seemed unwilling to act unless a problem occurred, otherwise there was no action taken to improve law and order. When it became apparent just how large a scale this arson epidemic had become, hints of local nervousness finally began to appear in local press reports. In an attempt to warn off any of those contemplating lighting fires, the consequences of their actions were clearly expressed. A would-be arsonist in Derbyshire received the following warning: 'the working classes in particular must see that any general alarm produced by violent proceedings has its first and worst effect upon themselves'.³⁴

One view regarding the causes behind these fires maintained labourers were venting their feelings against a combination of grievances, including low wages, rising bread prices, under-employment and begrudged relief, with low pay being the main cause of contention. Alternative reasons for the fires were expounded, one from a member of the clergy. Writing in the following decade, the Rev. Page, while accepting a link between arson and poverty, in one sermon preached: 'incendiarism is to be looked upon as a

³³ *Derby and Chesterfield Reporter*, 27 January 1831.

³⁴ *Derby and Chesterfield Reporter*, 18 November 1830.

visitation from God, permitted as a punishment for our national and individual sins, and intended as a call to repentance'.³⁵ But what were the reasons for the fires in Derbyshire?

In December 1830 one local newspaper contained a report of an arson attack, which was the first for this period in Derbyshire. On this occasion a fire destroyed wheat stacks belonging to John Chamberlain Hopkins Esq. of Long Eaton. Following this report details were given of the local authorities' reactions. The newspaper declared that: 'the greatest activity has been employed in organizing a constabulary force in the neighbourhoods'. In the nearby village of Sponden further action was taken when 'the respectable' people had met to discuss the appointment of special constables, and that upwards of fifty of them had been sworn in. These measures were said to have been only precautionary and 'no indication of bad spirit has been observed amongst the peasantry'.³⁶

This was not totally accurate, as the authorities, especially in the southern half of Derbyshire, where Sponden lay, were evidently unnerved by this fire in their own backyard. At a time when many southern counties were witnessing severe outbreaks of social unrest, authorities in southern Derbyshire responded rapidly to this fire and called a magistrates' meeting at Derby. At this meeting it was decided:

that in the present disturbed state of many parts of the Kingdom and after one outrage at Long Eaton, in the county indisputably committed [sic] by a midnight Incendiary, whatever confidence the Magistrates may repose in good sense, and visible determination of the People at large to preserve the Peace, and maintain the Laws, it would be highly censurable to them to disregard altogether the threats of further mischief, which have been sent into these districts and not to bring into immediate action those powers with which the Constitution and Legislature has entrusted them for the suppression of tumult and the prevention of crimes; the protection of persons and property; and the detection and punishment of offenders.

It was then resolved:

³⁵ Rev. L. F. Page, *Incendiarism*, pp.11-12.

³⁶ *Derby and Chesterfield Reporter*, 9 December 1830.

that however sensibly the Magistrates feel for the distress of the working classes of the community in particular trades, and places; and however anxious they are to adopt, as speedily as possible every reasonable measure for their relief; they are convinced that their privations will be increased and protracted by concession to threats and outrage; and they must recommend a firm and manly resistance to all demands accompanied with tumult and menace, and a resolution to uphold and protect the rights of property against violence and aggression.

In response to the 'violence and aggression', it was decided to induct further special constables into the immediate local area. On the same page there was a report of another meeting which had discussed the same topic, this one was held by the magistrates' counterparts in one area of northern Derbyshire, Magistrates acting for the Hundred of Scarsdale, resolved:

that the Lord Lieutenant of the County having met the Justices of the Peace of this Hundred at Chesterfield, on Saturday last, for the purpose of enquiring into the state of this part of the country, and the Magistrates having then expressed to him their fullest confidence in the peaceable disposition and good feeling of the people at large, yet being sensible of the propriety of the Resolutions passed at a Meeting of the Justices of the Peace acting for the Southern Divisions, held at the County Hall in Derby, on Friday last, the Magistrates now assembled are desirous of adding their ready co-operation in ensuring the preservation of the peace and good order of the county.³⁷

In spite of these words of support there is no evidence suggesting more constables were recruited in this particular hundred, which may have more to do with the fact that in this district there had been no fires.

Even though the arsonist had not struck, there was a flurry of activity by northern Derbyshire magistrates in districts near to Manchester, an area suffering from major industrial unrest. In one part of the region, the Peak area, several hundred special constables were enlisted. These volunteers came from several backgrounds including manufacturers, farmers, gentlemen and yeomen. One district, Tideswell, mustered two hundred and twenty volunteers.³⁸ It is easy to underestimate the depth of feelings and anxiety held by those in authority at that particular time. However several

³⁷ *Derby and Chesterfield Reporter*, 16 December 1830.

³⁸ Special Constables for the Peak, 4443, Box 57.

proclamations do give a clear indication of those feelings, including one under the King's name. It was proclaimed:

that any Person, or Persons who shall discover and apprehend, or cause to be discovered and apprehended, the Authors, Abettors or Perpetrators of any such Outrages as those above mentioned in the said Counties, so that they or any of them may be duly convicted thereof shall be entitled to the Sum of Fifty Pounds for each and every Person who shall be so convicted and shall also receive Our most gracious Pardon for the said offence, in case the Person making such a Discovery as aforesaid shall be liable to be prosecuted for the same.³⁹

Further clarification, if needed, of how high feelings were running came later in the proclamation, when it was revealed that the reward would be increased if the arsonist was named, the reward would be raised to £500, which was far greater sum than previously offered.

In Glossop at the end of December 1830, local authorities took stringent measures to stamp out a show of open defiance when spinners and other hands at local factories walked out of their employment. A newspaper reported, 'but we are happy to hear that hitherto they have behaved themselves in a very peaceable manner'. The report described a rally held by these workers, in which an estimated 600-700 people took part. After the march had ended, 'they dispersed without having manifested the least disposition to break the peace'. The next step taken by the authorities was extreme and would be repeated many times in Derbyshire. In response to such proceedings, 'the ultimate weapon at the disposal of the civil power was the regular army'.⁴⁰ Acting under orders from the Derbyshire authorities, 'a detachment of the 10th Hussars, under the command of Captain Kay, marched into Glossop on Monday last, and proceeded on Tuesday to Staveley Bridge, where they are stationed for the present'.⁴¹ In the light of early policing methods, which were totally inadequate, certainly in Derbyshire, to deal

³⁹ Special Constables for the Peak, 4443, Box 57.

⁴⁰ Philip Ziegler, *Melbourne* (London: Collins, 1976), p.133.

⁴¹ *Derby and Chesterfield Reporter*, 30 December 1830.

with large assemblies of people, calling in the army was a well established method of dealing with popular disturbances. During troubled times such action taken by local authorities was not uncommon. In Wiltshire 'the events at Tisbury which culminated in the infamous Battle of Pythouse were a prime example of such incidents in which labourers, who apparently had the consensus of the community, met with sudden resistance'.⁴²

This strike at Glossop was protracted and remained unresolved at the end of January. The prolonged duration of this strike caused greater consternation to the local authorities. In response to the strikers' stubbornness a decision was taken to strengthen the existing troop. The reinforcing consisted of a further two troops of the 4th regiment of Foot and these were stationed in Glossop itself.⁴³ This action on the part of the magistrates could not have been achieved without the blessing of the Home Secretary, and according to Ziegler 'such consent was rarely given'.⁴⁴

However summoning troops would be a policy to which Derbyshire's authorities turned to with varying results over the next twenty years. When the dispute was over, mixed fortunes awaited the strikers. Some, it could be said, were fortunate enough to return to work, however they did so for their original rates of pay. Others were not so fortunate, to compound their agony they found their jobs were 'occupied by fresh hands and persons from a distance'.⁴⁵ To keep the mills running during the strike, many owners brought in labour from other districts. So having been out on strike for several weeks, many workers now found themselves without a job or prospects of finding one. Once they had been sacked and gained a reputation for striking it would be extremely difficult to obtain further employment locally. One would have expected some signs of

⁴² Randall and Newman, 'Protest, Proletarians, and Paternalists', p.210.

⁴³ *Derby and Chesterfield Reporter*, 20 January 1831.

⁴⁴ Ziegler, *Melbourne*, p.133.

⁴⁵ *Derby and Chesterfield Reporter*, 10 February 1831.

resentment to have manifested themselves, but there were no reports of any arson attacks in this part of Derbyshire, and from the evidence we are told how the workers 'behaved themselves in a very peaceable manner'.⁴⁶

In light of these events such responses adopted by the local authorities must be called into question. Calling in the infantry seemed to be heavy handed and reveals signs of a lack of experience on the part of authorities in how to deal with such situations. This use of force seemed to be a premature response to what the local authorities were expecting to occur rather than events which did occur. The authorities' actions in the north towards the strikers were in fact in keeping with guidelines laid down by Melbourne, the new Home Secretary. On taking up this role 'one of his first acts as Home Secretary was to issue a circular to the magistracy, asking them to act with promptitude, vigour, and decision; and he went on to repress the outbreaks ruthlessly and without mercy'.⁴⁷ Giving a favourable review of the actions taken by Derbyshire's authorities, in his first time as judge at an assizes in Derbyshire, the Hon. Sir J. Vaughan, Kt., had this to say: 'it reflected the greatest honour of the magistrates of Derbyshire, that they had acted in the prompt and decided manner they had. If the like promptitude and decision had been everywhere exercised much mischief might have been prevented'.⁴⁸ This comment was not totally true, and it would seem to be more a criticism of other counties than an accurate description of events in Derbyshire. It is true there had been 'refusals to enrol as special constables' in other counties.⁴⁹ This was a problem Derbyshire's magistrates had to face in the near future. But the 'prompt and decided manner' had been against a visible threat. If their prompt attitude against an overt threat could be classed as a success, their results against covert attacks

⁴⁶ *Derby and Chesterfield Reporter*, 10 February 1831.

⁴⁷ Asa Briggs, *The Age of Improvement*, p.216.

⁴⁸ *Derby and Chesterfield Reporter*, 24 March 1831.

⁴⁹ Roger Wells, 'Mr William Cobbett, Captain Swing, and King William IV', *Agricultural History Review*, 45 (1997), 34-48 (p.39).

were a definite failure. By then there had been three fires, and no arsonists reported captured. What is more, the next twelve months would see one of the greatest concentration of fires in the twenty-year period.

There may have been a favourable response to the formation of special constables in order to police their own local areas; however, when it came to recruiting constables to police other parts of the county, the response was not so favourable. Describing the latest recruitment drive of special constables a newspaper reported:

we are informed that great reluctance is discovered by the inhabitants of several towns and villages in this part of the county to be appointed special constables, on account of the power vested in the magistrates to compel them to serve in places remote from their own parishes.⁵⁰

This reluctance seems all the more bewildering when we take into account that this report came one month after serious riots in Derby. On 8 October news reached Derby announcing rejection, by the Lords, of the Reform Bill. What happened next was no less than a riot, which lasted for a further two days. Again troops were called in, this time from Nottingham, in order to disperse the crowd, and the Riot Act was read. When events finally came to a halt three people had lost their lives. An insight into why there was a 'reluctance' to participate as special constables can be found in comments made by the Lord Lieutenant of Lancashire when he:

ascribed the backwardness shown by the inhabitants of his county in offering their services to a desire 'to feel secure before they enter upon this duty, that in case of difficulty and disturbance they should meet with support which in many places it would be impossible for them to expect from such a distance as Manchester before the case which required it was at an end'.⁵¹

Whether or not this recruitment drive finally turned out to be a success is debatable, one report tells of fewer criminals being tried, which resulted in a further pat on the back for

⁵⁰ *Derby and Chesterfield Reporter*, 29 November 1831.

⁵¹ Mather, *Public Order in the Age of the Chartists*, p.84.

the magistrates' action. At a meeting of the Derbyshire Assizes in his opening speech the presiding judge said:

he did not wish to pay any unnecessary compliments, but he thought the lightness of the calendar must arise from the activity of the magistrates, and he was not aware, they were second to any county in the Kingdom for the vigilance and firmness with which they executed their duties.⁵²

Yet again a not totally accurate statement was made. Although prosecuted crime at this time was low, again there were several episodes of crime where the perpetrators escaped undetected. By the time of his speech that year there had been four fires and soon to be a fifth, one of which was a mill at Eckington. In this case there was no question that the fire was anything other than intentional, as the mill was not in use. In article reprinted by Gifford from the *Derby Mercury* a graphic description of events was given:

the windmill at Eckington, belonging to Mr Wilson, was set fire to on the night of 19th January, by some wicked incendiary, and was entirely burnt to the ground. It had not been used for near a fortnight nor had there been any lights used in it. Every effort was made to save the property but the entire machinery and everything inside the mill were destroyed. Part of the wooden steps leading to the mill were the only thing that were unburnt.⁵³

With signs showing an escalation of arson attacks, the judge's speech certainly underplayed actual events.

Three suggestions can be proposed as to why Derbyshire magistrates took the action they did against overt signs of unrest. One, as already mentioned, the use of the army was a standard method of procedure. Second, the Pentrich Riots of 1817, which were 'the work of the destitute farm labourers, quarrymen and iron-founders of southern Derbyshire'.⁵⁴ This episode in Derbyshire's history ended with the hanging and beheading of three leaders of the riot. The contention is that the local authorities feared

⁵² *Derby and Chesterfield Reporter*, 9 August 1832.

⁵³ Gifford, *Derbyshire Windmills*, p.55.

⁵⁴ John Briggs, Christopher Harrison, Angus McInnes and David Vincent, *Crime and Punishment in England* (London: UCL, 2001), p.110.

the strike would escalate into a situation similar to the one at Pentrich. Third, the present policing methods were not adequate to deal with such situations and neither did the magistrates have any experience of dealing with such episodes in any other way. The easy solution in the face of a visible target was the historic remedy—call out the army. But in the face of an unseen enemy, systems were not in place capable of confronting it.

4.4 DONATIONS OF AID

According to F.M.L. Thompson, the landed gentry saw paternalism as part of their 'natural accompaniment'. He says:

in general, concern for the well-being of the propertyless poor, who were directly or indirectly his dependants, was as much a part of the character of the landed gentleman as it was an essential element in the structure of the deference society. Paternalism, which the outside world found it easy to criticize as autocratic, he looked upon as a natural accompaniment of landed wealth, and indeed as one of its prime justifications. It could be practised to best effect from a well-run estate.⁵⁵

In agreement with this view, Mingay contends: 'in providing friendly societies, allotments and village halls, the character of the gentry's influence on village life moved from control towards paternalism'.⁵⁶ If this were the case, then why were so many pleas made to Derbyshire's gentry by and on behalf of the poor throughout 1830-50?

There is no doubting there were some well intentioned people who willingly donated aid on a regular basis, whether from a Christian motive or otherwise, such as the Duke of Devonshire who contributed annually to those in need. In the main, aid was distributed during winter months, and not during the summer, when it was expected poverty would not be as biting. However evidence also shows a number of contributions from the local gentry and the advertising of the fact only increased during times of

⁵⁵ F. M. L. Thompson, *English Landed Society in the Nineteenth Century*, pp.16-17.

⁵⁶ G. E. Mingay, *The Gentry: The Rise and Fall of a Ruling Class* (London: Longman, 1976), p.140.

social unrest, otherwise there was a reluctance to supply aid. Later it will be shown how, during times of hardship, many local gentry seemed loathe to donate aid. Only when there were signs of covert protest such as arson attacks, did the volume of these donations increase.

Although there were several instances of aid offered during December 1830 and January/February 1831, cases were reported which seemed to be especially aimed at a would-be arsonist. Specifically, these reports coincided with a heavy coverage of the authorities' responses to threats of arson in Derbyshire. In one edition there were four reports of benevolence. The first was of 'a fat beast' donated by H.S. Wilmot Esq., of Chaddesen during December 1830, as he had for the previous forty years. Other cases involved fat sheep and coals which also had been distributed at Christmas time.⁵⁷ The following week there appeared a report regarding the generosity of the Earl of Chesterfield:

who has always shewn great attention to the wants of the poor, residing upon his estate, at Bretby, in this county, by giving very liberal annual donations of beef, bread and money, on each succeeding Christmas, has within this last week, added much to the comfort of his poor cottage tenantry by a bountiful supply of bedding, blankets, sheeting, and necessary articles of clothing.⁵⁸

What is so remarkable about these reports is they were all made in late January 1831, weeks after the donations. One can assume the reasoning behind this was the fact arson attacks had now spread into Derbyshire. In turn, certain gentry were afraid of a personal attack, and wished people to know they had contributed towards alleviating distress.

Cases of reported benevolence were not to be seen in the *Derbyshire Courier* or the *Derby and Chesterfield Reporter* again until 1836. The reason for this was possibly that 'the New Poor Law seemed to the poor to have placed the coping stone on the economic ascendancy of the farmer, and to have torn away the crumbling facade of

⁵⁷ *Derby and Chesterfield Reporter*, 20 January 1831.

⁵⁸ *Derby and Chesterfield Reporter*, 27 January 1831.

patronage and protection traditionally given by the propertied classes to the poor'⁵⁹ With a result which Randall and Newman have made evidently clear, 'paternal sentiments publicly expressed could not be translated into public action as easily after 1834 but they prompted expectations which, if not realised, could precipitate protest'.⁶⁰

At the beginning of 1836, five years after the last report, a newspaper restarted its reports on gifts of aid to the poor and needy. Along with a report of the Earl of Chesterfield's gratuities, there were gifts of a 'fat beast and bread' to the poor of Markheaton and Mackworth from Francis Mundy Esq. Elsewhere, eighty-five children at Mickleover Sunday school 'were regaled with roast beef and plum pudding' by the Hon. and Rev. Frederick Curzon, vicar of Mickleover. Prisoners of Derby borough gaol were 'plentifully supplied with roast beef, plum pudding, and ale', for which, the newspaper reported, the prisoners returned 'their most sincere thanks to his worship the mayor, for hospitality they received on Christmas Day'. Although the newspaper had not carried such reports since 1831 it did say gifts from Francis Mundy were given annually.⁶¹ What does seem to be a coincidence is these reports recommenced at a time when the weather was particularly appalling. The poor weather conditions had the inevitable consequences and newspaper headlines reported various hardships to many labourers. Coinciding with the renewed donations, poor weather and people out of work, was an increase in arson attacks. If rural labourers did not suffer enough from man-made constraints they were also at the mercy of natural constraints, 'first and foremost was the weather. Wet days deprived thousands of bricklayers, painters, agricultural labourers, and street sellers of their means of livelihood'.⁶² The events which occurred to bring about the rise in the volume of fires now need to be discussed.

⁵⁹ Digby, *Pauper Palaces*, p.224.

⁶⁰ Randall and Newman, 'Protest, Proletarians and Paternalists', p.218.

⁶¹ *Derbyshire Courier*, 2 January 1836.

⁶² Harrison, *Early Victorian Britain*, p.58.

In particular, regard will be made of one historian's view, 'that many of the rick burnings and farm fires were simply the result of personal pique'.⁶³

In early January the 'Agricultural Report for December' revealed how due to bad weather farmers were feeding their animals with wheat which they would not otherwise use: 'the turnips are going away fast, and many farmers are using large quantities of wheat in lieu of hay and oil cake in the double hope of raising the price of wheat, and saving in cost of food for the cattle'.⁶⁴

In contrast to this pessimistic agricultural report there was a sense of optimism in the lead mining industry, albeit for a short while. One newspaper optimistically noted 'it is with pleasure we inform our readers that the mining districts are in a complete state of activity, particularly in the vicinity of Wirksworth'. The report carried figures showing lead prices rising from £9 to £18 per ton, with fresh ground earmarked for new mining operations.⁶⁵ Unfortunately the newspaper had become carried away with its own enthusiasm. Prices continued to rise for a short while, until May, and then started to fall back. In early May the same newspaper revealed 'Pighead Lead which was a fortnight ago worth £28, is now saleable at but £26 and with the prospect of being a little lower'.⁶⁶ The British lead trade did receive some good news in 1837: due to continuing low prices the Spanish government decided to discontinue its production of lead for at least twelve months. It was estimated the benefits of this extra trade would be worth an extra 3000 tons a year to British producers.⁶⁷

However the heady days of Derbyshire lead mining were over; prices continued to fall. By 1839 the lead market was described as being 'in a very dull state', with prices

⁶³ A. J. Peacock, 'Village Radicalism in East Anglia, 1800-50', in J. P. Dunbabin (ed.), *Rural Discontent in Nineteenth-Century Britain* (London: Faber & Faber, 1974), 27-61 (p.30).

⁶⁴ *Derbyshire Courier*, 9 January 1836.

⁶⁵ *Derbyshire Courier*, 16 January 1836.

⁶⁶ *Derbyshire Courier*, 7 May 1836.

⁶⁷ *Derbyshire Courier*, 5 August 1837.

down from £20 to £15 a ton and wages down to 6s per load.⁶⁸ In early February a newspaper stated how due to continuing adverse weather conditions the poor were now receiving aid and who had donated it. R. Simpson, Esq., gave coals and shifts, and B. Manclarke from Warslow Hall donated coal.⁶⁹ By April the weather had not improved which resulted in continued hardship for many folk. One newspaper's 'Agricultural Report' contained a disillusioned note, reporting 'that the improvements of our agricultural prospects has not kept pace with our wishes or hopes'; the report continued: 'in Derbyshire the early grown wheats are good, but those sown later are much the reverse "heaved up by frosts, washed down by heavy rains"'.⁷⁰ May, and a further gloomy report was made: 'it is now admitted on all hands that the present, as regards climatic or weather, is one of the most withering and untoward seasons that ever occurred in any part of Britain since the year 1778'.⁷¹ There was to be no let up in the bad news. Describing the 'Distress of the Haymakers', a reporter stated:

it has been a heart rendering sight during the past week to travel in the suburban parts of the metropolis particularly in the northern roads, where hundreds of English and Irish mowers, and haymakers, with their numerous families, are grouped about the roads in the most abject poverty. The severity and length of the winter and the present precarious state of the weather, have so delayed the commencement of the harvest, that scarcely a farmer about town has ventured to cut his grass.⁷²

This six-month period of poor economic results also witnessed an increase in the number of reported fires. In January a report arrived of wheat stacks set alight near to the village of Stoney Middleton; one review of this fire claimed 'there is every reason to suppose the diabolical deed to be the act of an incendiary'.⁷³ A severe fire at Dale Abbey in March caused substantial damage when thirteen out of thirty wheat stacks

⁶⁸ *Derbyshire Courier*, 24 August 1839.

⁶⁹ *Derbyshire Courier*, 6 February 1836.

⁷⁰ *Derbyshire Courier*, 7 May 1836.

⁷¹ *Derbyshire Courier*, 28 May 1836.

⁷² *Derbyshire Courier*, 18 June 1836.

⁷³ *Derbyshire Courier*, 16 January 1836.

were destroyed.⁷⁴ June saw no let up in the arson attacks with three more fires and damage to property reported. The first incident at a property near Calow consisted of a stack set on fire and on the same site fifty-two panes of glass smashed in an unoccupied dwelling house plus 'various other mischieves [sic] had been committed'. The second case saw an unoccupied house broken into and set alight, resulting in extensive damage to the chamber floors, staircase, windows and part of the roof. Edward Territt who had been the previous owner and his brother-in-law John Hogs were arrested as suspects, but later released due to lack of evidence.⁷⁵ Two weeks later at Inkersall an arsonist set alight equipment at a local pit, which included ropes and gearings.⁷⁶

Two months later and August's agricultural news was no better, with one newspaper predicting a gloomy outcome for that year's harvest. The report related how the present harvest had only recently, and then only partially, commenced and the quality and quantity of the crops would be less than average.⁷⁷ September's agricultural report for the midland counties contained a mixed forecast, the 'wheat would be of good character' while 'barley and oats were not regularly good'. There was a more pessimistic report over how much herbage was available, it was generally thought there would be a shortage. This in turn would lead to a rise in prices of butter and cheese and it was expected prices would remain high throughout the coming winter.

Derbyshire's farmers suffered more from this inclement weather than their counterparts in neighbouring counties. In Leicestershire and southern parts of Nottinghamshire farmers had already completed their harvests and gathered in their crops.⁷⁸ Late 1836 and well into 1837 very poor weather conditions continued to sweep over Derbyshire. In early December 'the heavy and incessant rain during the whole of

⁷⁴ *Derby and Chesterfield Reporter*, 24 March 1836.

⁷⁵ *Derbyshire Courier*, 11 June 1836.

⁷⁶ *Derbyshire Courier*, 25 June 1836.

⁷⁷ *Derbyshire Courier*, 13 August 1836.

⁷⁸ *Derbyshire Courier*, 8 October 1836.

Monday night and following morning, completely flooded all the low lands in the neighbourhood of Chesterfield.⁷⁹ During December 1836 heavy snows arrived and according to one local account the fall was so heavy it reached a depth sufficient to cover a pony.⁸⁰ Accompanying these atrocious weather conditions were signs of rising food prices and the effects they would have on living standards of many people. Poor weather conditions remained. A local agricultural report for March 1837 recorded how due to recent adverse weather conditions extreme measures were now taken in order to feed local sheep. Under normal conditions in early spring these animals would be feeding in open pastures; they were not. Instead, farmers were resorting to drastic measures of feeding their animals on stored oats, which were normally intended for other purposes.

The combination of all of these factors resulted in food and animal prices remaining high, which resulted in the farmers killing their animals earlier than if prices had remained low.⁸¹ Two weeks later heavy snowfalls returned to parts of Deryshire, at times reported to be three feet deep.⁸² At the end of April economic conditions for many were not improving, one farmer was forced to give away his flock of lambs because he could no longer afford to buy enough fodder to feed them.⁸³ Due to ever-increasing prices of meat, there was an increasing need for cheaper substitute products. Because of the extra requirement for one of these substitutes 'the demand for pork is unprecedented' and 'this may be attributable to the high price of meat consequent upon the scarcity of fodder'.⁸⁴

⁷⁹ *Derbyshire Courier*, 3 December 1836.

⁸⁰ *Derbyshire Courier*, 31 December 1836.

⁸¹ *Derbyshire Courier*, 11 March 1837.

⁸² *Derbyshire Courier*, 25 March 1837.

⁸³ *Derbyshire Courier*, 29 April 1837.

⁸⁴ *Derbyshire Courier*, 3 June 1837.

Corn stacks and pits were again targets for arsonists during the early part of the following year. In late February a corn stack was set alight and 'arson was suspected'.⁸⁵ In another instance one report described what seemed to be a vendetta against E. M. Smith and his pit. However any suspicion of a feud was immediately disputed. In this instance a fire started in one section of his pit and a rope suspended in the shaft was cut. What leads me to suspect an organised campaign against Smith came later in the article when further information reveals this was not the first attack at this particular pit. Three months previously a similar attack took place. Prime suspects for these attacks were claimed to be dissatisfied miners. We are not told what in particular they were dissatisfied with, what we are told is that it was 'not from any malicious feelings directed against Mr. Smith'.⁸⁶

Good news moreover was in short supply for some other industries in Derbyshire. In the north of the county:

the proprietors of several net factories at Chesterfield suspended operations on Monday last, in consequence of the difficulty of effecting sales, and having large stocks of goods on hand. This unfortunate circumstance will necessarily throw out of employment a considerable number of hands.⁸⁷

More gloomy economic news arrived in August. At Glossop approximately six hundred power loom workers walked out of their employment. This was due to attempts by mill owners to impose a reduction of one penny an hour cut in wages.⁸⁸ The weather in Derbyshire at the beginning of 1838 was again inclement with temperatures often below freezing; a report from Bakewell told of a peacock being found frozen to death under a laurel bush.⁸⁹ During this particular period of economic uncertainty and bad weather there were no arson attacks reported in Derbyshire. Of note was one report, and that of a

⁸⁵ *Derbyshire Courier*, 25 February 1837.

⁸⁶ *Derbyshire Courier*, 25 March 1837.

⁸⁷ *Derbyshire Courier*, 10 June 1837.

⁸⁸ *Derbyshire Courier*, 26 August 1837.

⁸⁹ *Derbyshire Courier*, 27 January 1838.

fire in the adjoining county of Leicester. Here a report stated that Webster, whose property was fired, was a popular and well respected person locally and that he was 'as a master extremely hospitable to his labourers'. Apportioning blame, claims were made that on this occasion it was a revenge, not against Webster, but against his thirteen year old son. This young boy was a witness to a riot at a local workhouse, which had started over poor conditions. Animosity turned against the boy because had he identified some of these rioters to local authorities.⁹⁰ There is a point which can be made as to why this report was printed, it was directed at local commissioners in Derbyshire. The motive behind this move was simply because it illustrated what results could occur if they allowed poor conditions to prevail in their workhouses.

Further inclement weather continued to bring suffering to local people. Which in turn provoked the response: 'if you do not offer aid then these are the consequences you may have to face'. Throughout the following weeks several reports regarding a variety of donations to those in need filled the newspaper columns. Coals were given to the poor of Brimington and there was a backdated report recording how various workmen of Mr. Barrow were 'regaled last week, at their master's expense, with substantial suppers of old English fare, plum pudding and roast beef'.⁹¹ The following week there was yet another request for donations:

the Committee will be thankful to receive donations of onions, carrots and rice at Mr. Joseph Elliot's, Vicar-Lane; and they feel assured that if the severe weather should continue so as to render further distribution of soup necessary, they will be supported by the contributions of their benevolent fellow-townsmen.⁹²

At the end of January the ex-employees of Messrs Bridge and Co., a failed railway company, benefited from donations of soup. The soup, made from 100lbs. of beef, had been purchased by the doomed company's land surveyor.⁹³ The cold weather still

⁹⁰ *Derbyshire Courier*, 6 January 1838.

⁹¹ *Derbyshire Courier*, 13 January 1838.

⁹² *Derbyshire Courier*, 20 January 1838.

⁹³ *Derbyshire Courier*, 27 January 1838.

continued into February and so did hints to the affluent. As a letter writer in the *Derbyshire Courier* urged 'in thus advocating the cause of our destitute and suffering fellow-creatures at this inclement season, we would most affectionately say to those possessing the means, "Go ye and do likewise"'.⁹⁴

During February and March 1838 some of Derbyshire's industries still experienced varying turns of fortune. In February there was a report of new industrial premises being built on the site of the old Brampton Iron Works, which had been closed three years previously. Locally it was hoped that a considerable number of people would now be employed at these new premises. The closure of the works coinciding with a decline in production at other local industries had been a major blow for the area. On account of this decline in industry, 'much distress has of late been felt in the parish of Brampton by the stoppage of the Iron Works, together with an almost unprecedented declension of trade amongst the potters of the district'.⁹⁵ More economic gloom for the county came when persistent cold weather, yet again, led to work closures and many workers in the district of Chapel-en-le-Frith were put out of work. One commentary summing up the state of affairs in the town declared: 'indeed, there was never known a period at which so many were deprived of earning a subsistence, as has been the case during the last two months'.⁹⁶

The weeks following the 'Go ye and do likewise' comment saw several reports where various leading families in Derbyshire donated aid to the distressed, but only to their estate villages. The Duke of Devonshire supplied warm clothing and blankets to the poor of Beeley, Pilsley and Edensor. He also paid his masons half wages while they

⁹⁴ *Derbyshire Courier*, 3 February 1838.

⁹⁵ *Derbyshire Courier*, 17 February 1838.

⁹⁶ *Derbyshire Courier*, 3 March 1838.

were laid up due to the inclement weather. One condescending account of his Lordship's actions believed, 'the Duke is without company, and personally visits the poor in the neighbourhood of his splendid mansion, relieving their wants, and where necessary, giving advice and admonition'.⁹⁷ In Repton two gentlemen, C. H. and E. L. Crewe, donated soup and coals to the poor of the village.⁹⁸ Such donations as these certainly helped many in the closed environments of the estate villages, but unfortunately there were many who lived outside these villages and missed the safety net. By the end of March all reports of benevolence had ceased. In June there was only one reported fire and that was at Littleover where an empty barn was set alight.⁹⁹

Not until July in reports of various parties held in celebration of the coronation of Queen Victoria were more forms of benevolence mentioned. At one such celebration in the village of Elmton, 'one hundred and fifty of the labourers and servants, together with the Sunday-school children, were regaled with an excellent dinner of beef and rice pudding'.¹⁰⁰ Considering the social and economic climate these Derbyshire celebrations went off far more smoothly than those held for the previous monarch. When King William and Queen Adelaide were crowned there were several parties held throughout Derbyshire. In order for the villagers to celebrate the coronation the local gentry contributed food and drink. The Duke of Rutland donated to the Bakewell party, beef and ale were distributed to the poor of Alfreton and two sheep were roasted at Calver. However in Shirland matters did not proceed as parish officials had envisaged. No information regarding the scale of the local gentry's contributions to the village's celebrations is given. On reflection, it can be judged that the donations were minimal, as it was agreed at a parish meeting that two bell ringers would go around the village

⁹⁷ *Derbyshire Courier*, 10 February 1838.

⁹⁸ *Derbyshire Courier*, 3 March 1838.

⁹⁹ *Derbyshire Courier*, 23 June 1838.

¹⁰⁰ *Derbyshire Courier*, 7 July 1838.

collecting donations for the forthcoming party. This policy was met with such disgust and outrage by many villagers that in the end a general subscription was never attempted. On Coronation morning it was discovered just how high feelings were running in the village. In an open show of defiance the bell ropes were cut down and then to ensure the ropes could not be used they were cut into much smaller pieces. This was not enough to satisfy the fury of the villages and so two effigies were then put onto an ass and led around the parish. This procession was accompanied by villagers firing off their guns, the effigies were then taken away and burned on a bonfire. However the day was not a complete disaster, 'several pieces' of beef and ale were given away by the publicans.¹⁰¹

Throughout the summer the weather remained mixed, so much so that by September the following report appeared 'owing to the lateness of the harvest, partridge shooting has been postponed in some places to the 10th and in others to the 14th of September'.¹⁰² Inclement weather persisted and reports continued to come in of late harvests, in Darley Dale one farmer was harvesting his crops as late as November.¹⁰³ In December there were reports concerning fires at two mills. Although these fires had occurred two years apart, a strong argument can be made that they were reported together for a specific reason—as a warning. The article started by discussing a fire at a cotton mill in Lancashire, for which arson was given as the cause, where the owner 'Mr Jowett has rendered himself obnoxious to the chartists'. This fire totally destroyed the mill and resulted in 4000 people losing their jobs. The report continued: 'the ravages of the fire were evidently looked upon with satisfaction by a large concourse of people assembled,

¹⁰¹ *Derby and Chesterfield Reporter*, 15 September 1831.

¹⁰² *Derbyshire Courier*, 1 September 1838.

¹⁰³ *Derbyshire Courier*, 10 November 1838.

who refused, with brutal oaths, when asked to assist at the engines'.¹⁰⁴ The second article entitled 'the Poor of New Mills' brought the reader up to date on the outcome of a previous fire. Here 'a meeting of a few friends of the poor at New Mills, was held last week, for the purpose of entering into a subscription for the relief of the poor at that place and neighbourhood'. The report went on: 'the trade of this district has been most deplorable for the last two years; a great portion of the spinning establishments, at the present standing unemployed'. It also went on to say that a fire at a mill two years previously had thrown many out of work, and aid was now a requirement 'and will display those feelings of charity and good will which have ever been the characteristics of Englishmen'.¹⁰⁵ These two reports appear to offer a warning to anyone thinking of setting fire or damaging property: if you destroy our mills, you to will be the sufferers. The consequence of such action would be prolonged unemployment.

In late December a fire in neighbouring Nottinghamshire was reported because a Derbyshire man was accused. Details of the act are sketchy, no motive was given, but 'A respectable farmer' from Shirebrook was responsible for a fire at nearby Mansfield. In the same edition there was a follow-up report on the present status of the relief fund for the poor at New Mills, which now reached £90. There was only one further report of winter aid, at Blore, near Ashbourne, Mr Smith donated 1120lbs of beef to the poor and Offley Shore Esq. donated bread. But once again there were signs of people who were loathe to donate, and further pleas for aid were made. Commenting on this situation, a newspaper report pleaded, 'we hope the above examples will be followed by the wealthy in other parts of the country, especially at this time of the year'.¹⁰⁶

¹⁰⁴ *Derbyshire Courier*, 15 December 1838.

¹⁰⁵ *Derbyshire Courier*, 15 December 1838.

¹⁰⁶ *Derbyshire Courier*, 29 December 1838.

During early January 1839 a stack belonging to G. H. Barrow, containing between fifty and sixty tonnes of hay, was totally destroyed by fire. There was some conjecture on how this fire actually started, whether it was intentional or accidental. One reason suggested was that sparks from a nearby furnace blew onto the stack. The reporter questioned this theory, he did not believe this had been the cause at all, his reasoning behind the cause of the fire was more sinister. The blaze occurred when workers were taking their lunch and the fire had started at the bottom of the stack 'which creates some suspicion of its being done by an incendiary who possibly took advantage of the storm to elude suspicion'.¹⁰⁷ Attacks against Barrow and his workmen's property were not new. Throughout the previous three years there had been intermittent attacks which bore all the signs of a vendetta. More of this is discussed in the following chapter. As if to ward off any accusations of poor management against Barrow the report went to great lengths to point out he was a good employer. The reader was informed that:

Mr Barrow is a gentleman so much respected in the neighbourhood, that it is difficult to conceive why so serious an outrage should have been attempted against him: and till the contrary is established beyond all doubt we should consider the labouring classes of Derbyshire too intelligent not to know that farming produce cannot be destroyed and their employers injured, without causing the evil to recoil upon themselves.¹⁰⁸

An argument can be made that this report was a case where 'the majority of farmers and landowners simply refused to believe that their "kind, simple, honest-hearted" men could do the work of demons'.¹⁰⁹ However, a counter-argument suggests that 'although some landowners in Parliament praised the quiescence of the peasantry at critical moments, their private correspondence in the early Victorian years was often full of uncertainty and alarm'.¹¹⁰ There is another view, one I favour and one which evidence

¹⁰⁷ *Derbyshire Courier*, 12 January 1839.

¹⁰⁸ *Derbyshire Courier*, 12 January 1839.

¹⁰⁹ J. E. Archer, 'Under Cover of the Night: Arson and Animal Maiming', in G. E. Mingay (ed.), *The Unquiet Countryside*, 65-79 (p.71).

¹¹⁰ Jones, 'Rural Crime and Protest in the Victorian Era', p.111.

supports, that Barrow had indeed alienated employees and this report was playing down the issue (see chapter 5, pp.215-16 for a further discussion).

Some local gentry were donating aid. At a Bonsall lead works the owner 'regaled his hands, about thirty in number, on Wednesday night with roast beef and the usual accompaniments' and the following day what was left was distributed to the local poor. However reluctance on the part of those more affluent to donate aid still remained a problem. The Derby Benevolent Society had received £50 from 'four friends', the hope was that this show of benevolence would spur others to similar action, 'and we trust as the funds are very low, this seasonable donation will induce others to give their assistance'.¹¹¹

In March there was just one arson attack, on this occasion it would seem that a protest was intended, as the arsonist acted with discrimination. A barn at Wirksworth contained hay, which belonged to two people. One mow belonged to Joseph Ford and the second to William Ogden. In this attack only Ford's hay was set alight, while Ogden's hay at the other end of the barn remained untouched.¹¹² Pits were again scenes of fires. In Derby a workshop and engine house which had only recently been erected were ruined, the cause of the fire was unknown.¹¹³ At a mine in Loundsley Green, a cabin, shield and ropes were burned to the ground. In this instance arson was suspected.¹¹⁴ Feelings amongst labourers at New Mills were again running high, as a retributive attack was made at one mill due to the introduction of new technology. Called 'Wanton Mischief at the Adelphi Works', an attack on a new steam engine was described:

this engine (which will greatly diminish manual labour) was in great danger of sustaining material injury by the atrocious [sic] conduct of some persons

¹¹¹ *Derbyshire Courier*, 19 January 1839.

¹¹² *Derbyshire Courier*, 16 March 1839.

¹¹³ *Derbyshire Courier*, 13 April 1839.

¹¹⁴ *Derbyshire Courier*, 27 April 1839.

unknown, and who on Monday last put gunpowder under the same, with the obvious view of producing an explosion.¹¹⁵

At the end of August at Hayfield, a nearby village to Chapel-en-le-Frith, the alleged perpetrators of the above attack were named. Applauding the good behaviour of the majority of the labourers, the speaker said it:

is also very much to the credit of its manufacturing population is, that although the pernicious principles of the deluded Chartists have made considerable progress in the surrounding villages, it is believed that not one person advocating or countenancing those principles is to be found amongst the labouring and industrious population.¹¹⁶

Agriculture in Derbyshire during 1839 was again under threat from adverse weather conditions, with snow falling as late in the year as May. One particularly heavy storm was responsible for five inches of snow falling at Chapel-en-le-Frith.¹¹⁷ Farming continued to be plagued by bad weather. The Nottingham and Derbyshire Agricultural report for August announced heavy rains had caused problems to crops.¹¹⁸ The following month's report declared there was no let up to the calamitous weather. Claims were made of conditions so unfavourable that many crops had sustained irreparable damage. Although weather conditions were unstable, stability among the workforce does seem to have improved, as the same report, commenting on the social state of the two counties, noted 'the Chartists are once more easy, and peace reigns around us'.¹¹⁹ More dismal weather reports continued to arrive, and the signs of an improvement in social stability were short lived. In the *Derbyshire Courier* the following week a report told of heavy rains which had been so heavy as to cause flooding some on the roads from Chesterfield to Derby and Mansfield.¹²⁰ One month later sporadic fires were noted, in one of them a corn mill and an adjacent building

¹¹⁵ *Derbyshire Courier*, 6 July 1839.

¹¹⁶ *Derbyshire Courier*, 31 August 1839.

¹¹⁷ *Derbyshire Courier*, 18 May 1839.

¹¹⁸ *Derbyshire Courier*, 3 August 1839.

¹¹⁹ *Derbyshire Courier*, 14 September 1839.

¹²⁰ *Derbyshire Courier*, 21 September 1839.

valued at over £800 were destroyed. There was no definite proof of cause, however popular opinion believed 'it is considered by many to be the act of an incendiary; but so far as we have been informed, there is no foundation for this supposition'.¹²¹

During 1840 there were four reports of confirmed arson attacks in Derbyshire, each one in a different part of the county. The first two occurred in April, one near Derby and the second near Chesterfield. In the first fire an unoccupied house was completely gutted; it was suggested the motive was an act of protest. The house had belonged to Edward Degge Sitwell, Esq., 'who was compelled to eject the late tenant a short time since'. The second report was of a haystack belonging to a Mr Beardmore, which was set alight. There is a possibility that Beardmore had upset, in some way, his workforce. As if to allay fears the report added 'no person connected with Mr Beardmore's factory is in the least suspected'.¹²² The third attack described as an act of 'Incendiarism' took place at Shardlow, where this time outbuildings were a target.¹²³ The final report of arson for that year came in September, when a haystack at Bakewell was set alight.¹²⁴

During late 1840 and early 1841 there were no reported attacks, and there were very few advertised cases of donations by local gentry. Those acting charitably included Walthull, who donated beef and mutton to the poor of Darley,¹²⁵ and the Duke of Devonshire who donated to the poor of his estate villages of Pilsley, Edsenor and Beeley.¹²⁶ This lack of advertised donations coincided with two main occurrences. One, there were very few appeals for donations, which is interesting enough considering there was a spate of very bad weather during this particular winter. The one main call for aid involved Matlock, where a subscription had been entered into to supply coal

¹²¹ *Derbyshire Courier*, 26 October 1839.

¹²² *Derby and Chesterfield Reporter*, 2 April 1840.

¹²³ *Derby and Chesterfield Reporter*, 27 August 1840.

¹²⁴ *Derby and Chesterfield Reporter*, 17 September 1840.

¹²⁵ *Derby and Chesterfield Reporter*, 7 January 1841.

¹²⁶ *Derby and Chesterfield Reporter*, 28 January 1841.

'and by it gladdened the hearts of the widows of the poor stocking-maker and labourer, many of whom have been in a state of great destitution, owing to the late severe weather'.¹²⁷ Two, there were very few cases of recorded arson attacks. Intriguingly the one which was mentioned for early 1841 occurred at Matlock, where the outbuildings of Rev. Melville were set alight. Coincidentally this report was printed a week before there were calls of aid for the poor of Matlock.¹²⁸ Cynical as it may be, a conclusion may be reached, that aid was called for as much to assuage arsonists, as it was to relieve the poor of Matlock. Based upon this research of the two newspapers, the *Derby and Chesterfield Reporter* and the *Derbyshire Courier*, it would seem that not all the arson attacks in Derbyshire were reported. Certain fires were reported by one newspaper and not by the other, which occurred too frequently for it to be coincidental. Hypothesizing, certain arson attacks were deliberately not reported, so as not to encourage further fires. Those fires which were reported were published for a specific purpose. When charity was not forthcoming, or events had reached a critical stage where action was required to pacify local unrest, then fires were reported.

During the summer of 1841 there were reports of two further fires, one at Mackworth, where a barn and cart were destroyed; no indication was given of the fire's origin.¹²⁹ However in a second fire a corn mill at Lea was destroyed, this time it was blamed on an arson attack.¹³⁰ There were no further reports of arson attacks that summer, but by September there were reports on poor economic statistics, and what may be the consequences of such a poor economy. According to a report headed 'Public Meeting at Derby - The Depressed State of Trade' one speaker told the members of the meeting that:

¹²⁷ *Derby and Chesterfield Reporter*, 18 February 1841.

¹²⁸ *Derby and Chesterfield Reporter*, 11 February 1841.

¹²⁹ *Derby and Chesterfield Reporter*, 3 June 1841.

¹³⁰ *Derby and Chesterfield Reporter*, 17 June 1841.

even in our own town, though it is never affected to the extent of many others, yet if they would attend the Court of Requests—if they would attend the Board of Guardians, they would be witness of the depression and human suffering even in our own town (Hear, hear.). And the evil was extending. Need he remind them of the condition of the stocking makers?¹³¹

Local economies were in decline, and aid was again distributed, but not without some controversy. A local newspaper contained a letter signed X. Y. Z., in which the following comments were made:

I am truly glad to find that the appeal made to the better circumstanced classes in Derby has been liberally responded to. At this season of distress and difficulty, such aid will be peculiarly opportune.

Allow me to suggest to the Committee the policy of distributing *coals* and *soup* instead of blankets. I think the two former would be found more generally serviceable than the later, and for reasons which I need not enounce.[sic]¹³²

Soup proved to be one of the more frequently used forms of aid distributed to the local poor during winter months, such as in one report headed 'Seasonal Benevolence' which consisted of 'Excellent Soup'.¹³³ However donations in the form of soup were not always appreciated by those they were meant to assist, as the following report illustrates. At Wirksworth:

during last week a subscription has been entered into by the inhabitants of this town to the amount of about £100, to be applied in fuel and provisions for the poor (who had been called on to know what they needed most) gave the preference to coals, and were generally opposed to soup which has usually been distributed.¹³⁴

Why should a simple item like a bowl of soup cause so much controversy? I would suggest that there were three reasons for this. First, as the previous letters implied, blankets were frequently pawned by many and the money ill-used for other purposes, such as buying alcohol. Second, although some of Derbyshire's poor may have expressed their objections to the receipt of soup, nevertheless it still remained on the list of goods offered to them by various local gentry and benevolent societies, and most

¹³¹ *Derby and Chesterfield Reporter*, 30 September 1841.

¹³² *Derby and Chesterfield Reporter*, 9 December 1841.

¹³³ *Derbyshire Courier*, 10 January 1846.

¹³⁴ *Derbyshire Courier*, 9 January 1830.

importantly it was not always free. For those who could afford 'most excellent and nourishing soup has already been dealt out, at the nominal price of one-half penny per pint, which we hear will be continued'.¹³⁵ Third, as Harry Hopkins contends, these donations were not carried out on a charitable basis, or for the good of the recipients, but as part of an act of keeping up appearances. He argues:

for what the aristocracy really excelled at was what we would now call 'public relations'—at sustaining the Image: the presents of game, the audit dinners, the annual blow-outs in the park for 'loyal' labourers, the gifts of blankets at Christmas, the agricultural society prizes, the schools and parsonages which some families—few perhaps but enough—built, as the Heathcotes and the Barings and the Mildmays did all over Hampshire.¹³⁶

Based upon the evidence for Derbyshire, a strong case can be made that donating aid was not only a form of 'public relations', but also of self-preservation. If aid was not forthcoming then there was the possibility of acts of retribution, or a fear of such acts. Options to the poor were few, there was starvation, the much hated and loathed workhouse or making their feelings known. There were only signs of donations from the gentry when the frustrations of the labouring classes boiled over and turned into covert action.

By now bad news was coming from all around Derbyshire. October 1841 saw two lace works in Chesterfield ceasing production, while it was reported that:

others are expected to stop from the same cause: many hatters also have been out of work for a long time back. Distress is paying us a visit with a vengeance, for I can assure you want; yes extreme want; is felt by a number of the working classes in this neighbourhood (Brampton Moor).¹³⁷

Derbyshire was hit by what were becoming annual events: bad weather and more gloomy economic news. At the end of November 1841 a 'Trade and Commerce' article despairingly declared:

¹³⁵ *Derbyshire Courier*, 14 January 1837.

¹³⁶ Harry Hopkins, *The Long Affray*, p.294.

¹³⁷ *Derby and Chesterfield Reporter*, 7 October 1841.

many days have been added to the winter by anticipation: the week opened with such weather as is not often met with on this side of Christmas. It comes upon us while as yet no abatement, but on the contrary a rapid increase of the people's distress is seen.¹³⁸

In December 1841 the sorry plight of these redundant framework knitters was succinctly summed up: 'during the last four months things have been getting worse and worse, and now there are many workmen totally at a standstill, and in consequence, in absolute want and wretchedness'.¹³⁹

During these winter months there were reports on the social stability in other parts of the country, one commented: 'a number of incendiary fires are again recorded in different parts of the country'. However there were only five reports of fires in Derbyshire during these winter months, and they were not all attributable to arson attacks. In October 1841 the Town Hall in Derby was severely damaged by a fire, but as to the circumstances, 'there is little doubt that it was caused by the imperfect construction of the hearth place'.¹⁴⁰ The next two fires were a stables and Hathersage Hall, on both occasions no cause was given.¹⁴¹ There was no doubting the cause of the fourth fire, a barn in the village of Borrowash was set alight and as a result of an investigation of the scene footprints were found in the snow leading to and from the fire.¹⁴² The last fire was at a mill in Chapel-en-le-Frith where the cause was not known.¹⁴³ Through the winter period relief did not arrive in sufficient quantities and there were renewed calls for aid, such as in Chapel-en-le-Frith. When Thomas Gisborne donated coals and mutton to the poor of that town more generosity was called for. The plea was 'a correspondent trusts that those who have it in their power to administer the necessities of their suffering fellow-creatures will speedily follow Mr. Gisbourne's

¹³⁸ *Derby and Chesterfield Reporter*, 25 November 1841.

¹³⁹ *Derby and Chesterfield Reporter*, 9 December 1841.

¹⁴⁰ *Derby and Chesterfield Reporter*, 28 October 1841.

¹⁴¹ *Derby and Chesterfield Reporter*, 2 December 1841.

¹⁴² *Derby and Chesterfield Reporter*, 20 January 1842.

¹⁴³ *Derby and Chesterfield Reporter*, 27 January 1842.

praiseworthy example'.¹⁴⁴ There was also news regarding charity donations such as 'Christmas Dole' totaling £27 in crowns and half-crowns placed at the disposal of the vicar of Wirksworth.¹⁴⁵

Although the winter remained harsh, the pleas to the more financially well-off were minimal and then dwindled away. But more significantly the number of fires due to the arsonist were also minimal. I would strongly suggest that this was attributable to one major event, the christening of the Prince of Wales. Throughout Derbyshire there were several celebrations held in honour of this event during which money was raised in aid of the poor, or if not money, meals were supplied to the poor. Such events included one at Belper's Workhouse where the inmates were given roast beef and plum pudding and at Matlock where one meeting raised £34 for the poor.¹⁴⁶ In April it was announced that 'The Prince of Wales Derby Charitable Fund' had been terminated and the following totals were given of aid which had been distributed: 944 tons of coal to 4,353 people, 49,972 two-penny loaves 'at one penny each', 53,110 quarts of soup at one penny a quart and £71 7s 2d was raised and distributed among children at various Sunday schools 'for the purpose of a rejoicing on Whit Sunday next in honour of the birth of the Prince of Wales'.¹⁴⁷ With so much fund-raising going on resulting in aid distribution it had not been necessary to call upon the local gentry for more assistance.

Once the festivities were over there was no further mention of gifts or aid to the poor even though their conditions showed no signs of improving and there were further predictions of a poor harvest. In February 1842 the inclement weather still caused extreme problems for many of the inhabitants of Derbyshire. Initially these problems were caused by heavy falls of snow. Then when the snow thawed the water 'deluged the

¹⁴⁴ *Derby and Chesterfield Reporter*, 6 January 1842.

¹⁴⁵ *Derby and Chesterfield Reporter*, 13 January 1842.

¹⁴⁶ *Derby and Chesterfield Reporter*, 27 January 1842.

¹⁴⁷ *Derby and Chesterfield Reporter*, 7 April 1842.

the valleys; and the hardy sons of the mountains are now plodding knee-deep in what they provincially call "snow-broth".¹⁴⁸ One such report summed up the prevailing conditions: 'the weather as for a series of months past been such as to retard farm work very much, and it is not until now that, many farmers have been able to sow their fallows with wheat'.¹⁴⁹ There continued a series of reports on the poor economic climate of trade and industry, 'as the time goes on, the "state of the country" grows more urgent: indications that it is really alarming meet the eye at every turn—in the Revenue-accounts, in Parliament, and in the public events of the week'.¹⁵⁰

Later that month 'The Unemployed Operatives of Derby' met to draw up a plan of action to relieve their desperate plight. According to one newspaper: 'on Thursday morning last a portion of the unemployed operatives assembled in the Market Place to discuss and determine upon measures for obtaining food for themselves and their families'. Their objective was put plainly enough, 'they disclaimed all political bias—what they wanted was *bread* for their families'. It was made abundantly clear to the readers how 'all the speakers urged upon the people to respect the laws'. With regards to their problems, the leaders of the unemployed decided upon two courses of action. These were 'to visit the mansions of the aristocracy in large bodies and make their case known, demanding of them employment or food; and the other to throw themselves in a body upon the Poor-law Union'.¹⁵¹ For some of the really destitute, the latter choice remained the only option, as records in local workhouse minutes bear witness. Such was the case of William Ainsworth and his family. They were forced into the workhouse when Ainsworth lost his job.¹⁵² The desperation felt by these people is emphasised by the necessity of having to resort to aid from an organization which was utterly despised

¹⁴⁸ *Derby and Chesterfield Reporter*, 2 February 1842.

¹⁴⁹ *Derby and Chesterfield Reporter*, 24 February 1842.

¹⁵⁰ *Derby and Chesterfield Reporter*, 14 July 1842.

¹⁵¹ *Derby and Chesterfield Reporter*, 28 July 1842.

¹⁵² Bakewell Workhouse Minute Book, 22 August 1842, D521 CW1/4.

and hated. In the end with no alternatives any aid was preferable to no aid at all. During this traumatic time there is no evidence of people resorting to arson as a form of protest, the last noted fire attributable to arson was way back in January. However there were signs of crime in general increasing, the Chairman of the June Quarter Sessions expressed these disapproving views:

he could not help expressing his regret at the state of the Calendar which was now before him. During the years which he had had the honour of presiding over this Court he did not recollect ever having seen such a Calendar, both as regards numbers and the weight of the charges which it contained. Almost every offence known to the law was to be found in it—burglary, sheep stealing, horse stealing, cutting and maiming, and other minor offences; and happening, too at this season of the year, it not only increased his regret, but his surprise, to find such an enormous calendar presented before them.¹⁵³

Of most interest is what the judge did not say—no one was charged with arson.

In August and following on from the open air meeting a letter appeared in a local newspaper from 'The Unemployed of Derby'. The letter contained a summary of the unemployed's views on how they came to their present unhappy state and lodging a complaint against false accusations made against them:

to the inhabitants of Derby and its vicinity we the unemployed citizens of Derby take the liberty of expressing our gratitude for the very handsome donations which we have received from various quarters for the temporary alleviation of our complicated distress; and also to lay before a visiting and resident public an outline of our present wretched condition.

They firmly believed their 'wretched condition' was solely due to a downturn in trade and not as some would have it. The letter continued, 'we have been charged frequently of being idle and improvident, but we defy anyone to prove such an assertion; for nothing would give us greater pleasure than to earn our bread by honest labour'.¹⁵⁴ At the same time as the unemployed were praising their benefactors a meeting was held where complaints were heard regarding people seeking aid. In proceedings of the Derby

¹⁵³ *Derby and Chesterfield Reporter*, 30 June 1842.

¹⁵⁴ *Derby and Chesterfield Reporter*, 11 August 1842.

Town Council called to look into the 'State of the Borough', a warning was issued over the growing problem of beggars in the town. In irate terms:

Mr Mousley called the attention of the Council to the great increase of vagrants, and also to the vast increase of another class of persons who travel from town to town in the capacity of hawkers and pedlars, many of them with goods obtained by questionable means, who have no licence, and who are suffered to dispose of their goods to the injury of the fair trader. (Hear, hear). People's doors were constantly beset by beggars and by this class of persons, and in his judgement, this nuisance called for immediate correction. (Hear, hear).¹⁵⁵

If at this moment the only concern of the Derbyshire authorities was the increasing numbers of beggars, far worse troubles in the form of organised strikes were about to begin. Although one recent local historian has observed, 'Derby historians either made no reference to Chartism, or dismiss it in a few sentences',¹⁵⁶ these Chartist influenced strikes were major protests.

4.5 PLUG RIOTS

In the same edition of the newspaper there were several reports of workers leaving their employment, both in the neighbouring counties and in Derbyshire itself. Under the heading of 'Riots in Manchester', readers were informed that 'yesterday morning several thousand people entered Glossop and surrounding districts, and turned out the hands'.¹⁵⁷ In the following week's edition there were several reports on the continuing troubles. At Chapel-en-le-Frith there was a major turnout:

on Wednesday the 10th instant, in a body of men and women, computed at six or seven thousand, made their appearance in New Mills Derbyshire, and turned out all the hands from the mills; from there they proceeded to Mr Walsh's print works, at Furnis and ordered all hands out.¹⁵⁸

Some of the crowd then went on to draw the boilers' fires and release the steam. This type of attack upon boilers was typical during these disturbances, and led to the troubles

¹⁵⁵ *Derby and Chesterfield Reporter*, 11 August 1842.

¹⁵⁶ Rosemary Key, 'An Assessment of the Chartist Movement in Derby, 1839-42', *Derby Miscellany*, 16, 3 (Spring, 2002), 62-78 (p.71).

¹⁵⁷ *Derby and Chesterfield Reporter*, 11 August 1842.

¹⁵⁸ *Derby and Chesterfield Reporter*, 18 August 1842.

being called the Plug-Plot Riots.

Strictly speaking this protest centred around industries in towns and cities. However where my interest manifests itself is when these rioters in their hundreds and thousands marched through the rural areas of north and south Derbyshire. This was no minor insurrection; no fewer than fifteen counties felt the effects of this disturbance. Such was the magnitude of this unrest it has led one historian to describe it thus:

there are objective grounds for believing that, limited though they were in duration to a period of two months, the disturbances of 1842 were the most intense of any that occurred in Britain from the time of the French Revolution to that of the Chartist *détente* of 1848.¹⁵⁹

In the year before the riots, officials in Derbyshire started to show signs of unease at the Chartists' activities in the area. In a letter to Normanby, the Home Secretary, Derby's Mayor had this to say:

I feel it my duty to forward to your Lordship the accompanying particulars of the proceedings of the Chartists in this town, not so much on account of any fear or alarm on my part as to satisfy the wishes of the more timid portion of the inhabitants, particularly of those residing in the neighbourhood of their usual place of meeting.

He continued to relate how the number of Chartists at these meetings 'is not so great, not exceeding perhaps one hundred in the whole'. What is of vital importance is his next statement. He stated that the 'Magistrates refrained from interfering with them, there having been no disposition to a breach of peace. But urged as they are, by some of the inhabitants to do so'. A note of insecurity in the Mayor's manner appears when he asks for instructions on what to do next.¹⁶⁰

There had indeed been several Chartist meetings, as various pieces of correspondence testify, and although large numbers gathered the testimony remained the same—no violence. Describing events of one such meeting a report testified:

¹⁵⁹ F. C. Mather, 'The General Strike of 1842', in John Stevenson and R. Quinault (eds.), *Popular Protest and Public Order: Six Studies in British History, 1790-1920* (London: Allen & Unwin, 1974), 115-140 (p.115).

¹⁶⁰ Disturbances in Derbyshire, 14 May 1841, HO 45/45.

'nothing as yet has occurred at these meetings although attended by several hundred persons to excite actual disturbance. There is not any display of offensive weapons nor at present any direct threat of immediate violence'. When nothing else could be found to fault the demonstrators' behaviour, fault was found with the day they met. The feeling was that 'the congregation of large numbers of persons in the public market on Sundays is offensive to the respectable inhabitants of that part of town'.¹⁶¹ The Mayor continued to relate Chartists' activities to the Home Office on a regular basis. Similar accounts of Chartist meetings continued into the following year and the reports on these meetings followed a similar pattern. None of these meetings ever became violent; the complaints were that 'much violent language was employed by Chartist speakers'.¹⁶²

The resentment shown towards these meetings may have had much to do with the new social structure in Derby, now:

a small, new, affluent and very influential commercial middle class, predominantly Liberal and reformist in politics, evangelical and nonconformist in religious conviction, fervent in its nationalism, and largely opposed to working-class combination, was making a great deal of money out of railways and the ancillary industries which they gave rise to.¹⁶³

Opposition to these meetings was all to do with an anti-union sentiment. When no suitable reason was found to suspend or call a halt to these gatherings, any criticism, no matter how small, was used against them.

In the autumn of the following year a flurry of letters passed between jittery Derbyshire authorities and governmental officials. On 11 August 1842 a nervous Glossop magistrate wrote to the Duke of Devonshire, Lord Lieutenant of the county. He pleaded 'that in consequence of the present disturbed state of this parish, it will be utterly impossible to preserve the peace therein unless the magistrates have other aid in

¹⁶¹ Disturbances in Derbyshire, 5 April 1841, HO 45/45.

¹⁶² Disturbances in Derbyshire, 11 March 1841, HO 45/45.

¹⁶³ Austin, *A Stage or Two Beyond Christendom*, p.137.

that object than what the civil power is able to furnish'. In the magistrate's estimation during the last two days between ten to twenty thousand individuals from Manchester and the surrounding areas were seen roaming the area. Work had come to a halt in the local mills and as a result of this lack of work the magistrate feared the worst. He believed:

the alternative consequence, it is easy to foresee [sic], that it appears too evident as these people have no means of subsistence, that they will be driven to depredation—committing every species of aggression and violence, and throwing the whole of the populous manufacturing district into a state of anarchy and confusion.¹⁶⁴

The Glossop official's plea to the Duke of Devonshire for military assistance received the answer: 'troops of yeomanry to hold themselves in readiness'.¹⁶⁵

Meanwhile in Derby authorities looked for a more permanent solution. The Mayor wrote to the Government expressing a wish for a barracks for 'occasional or permanent occupation of troops or squadron of horse'. However there remained one major stumbling block to this proposal—finance. The Mayor's letter continued:

but having great difficulty in procuring funds for the above named purpose, they beg to know how far the Government would be willing to assist them either by a part of the outlay in the first instance, and by a yearly sum, to pay the rent or interest of the money forwarded.¹⁶⁶

In Belper and Derby, stocking-makers came out of work and attempted to prevent other workers in the same industry from carrying on their work. A report to the authorities claimed a mob from Lancashire was approaching Leek, Staffs, and would move on from there and make its next destination Derby. In readiness to meet this threat Ashbourne's authorities swore in two hundred and sixty-three special constables and put on stand-by the yeomanry.¹⁶⁷ The mob split up at Derby and 'no larger body of men however than three to four hundred silk stockingers, who had unfortunately turned out under a dispute

¹⁶⁴ Disturbances in Derbyshire, 11 August 1842, HO 45/244.

¹⁶⁵ Disturbances in Derbyshire, 13 August 1842, HO 45/244.

¹⁶⁶ Disturbances in Derbyshire, 13 August 1842, HO 45/244.

¹⁶⁷ Disturbances in Derbyshire, 16 August 1842, HO 45/244.

with their Masters on account of reduced wages arrived in Derby'.¹⁶⁸ The disgruntled workers halted on the outskirts of Derby and held their meeting. In readiness to meet a perceived threat from the workers, Derby's Mayor announced 'that the Magistrates have come to the determination to raise an additional civil force, to be sworn in as special constables, to consist of the middle and higher classes of the inhabitants'.¹⁶⁹ The authorities had no intention of allowing a planned meeting of the 'disaffected' on Holbrook Moor six miles outside the city of Derby. In their belligerent mood the authorities made no attempt at negotiating a peaceful settlement with the workers. In return the workers received the reprisals of a vengeful ruling authority, what occurred next had all the hallmarks of an army manoeuvre. At six o'clock on the Monday morning troops were sent out to move on 'the further side of the meeting, while our troops of yeomanry followed in an hour after to take them on the nearest side'. When this pincer movement had enclosed the meeting three hundred specials along with the magistrates were to enter the meeting and 'take into custody, all on the Hustings'. This action caused the group to splinter off into smaller groups, one of these estimated to be between seven and eight hundred entered Derby. These strikers found themselves quickly expelled 'without much violence or hurt to anyone'.¹⁷⁰ The mills were again up and running after virtually two weeks of industrial unrest, and quiet returned to the city. Nevertheless this episode must have left the authorities feeling very nervous and uneasy as they still persisted in pestering the Home Office for protection. However these calls did not meet with a favourable response and by October they had still not received any funds towards the new barracks.¹⁷¹

¹⁶⁸ Disturbances in Derbyshire, 17 August 1842, HO 45/244.

¹⁶⁹ Disturbances in Derbyshire, 20 August 1842, HO 45/244.

¹⁷⁰ Disturbances in Derbyshire, 23 August 1842, HO 45/244.

¹⁷¹ Disturbances in Derbyshire, 26 August 1842, HO 45/244.

Throughout these troubled times there is no evidence of any deliberate fires anywhere in the county. At none of the meetings or when the out of work labourers marched through the rural districts were there any reports of violence, fires or any other confirmed destructive episodes. This in itself is a surprising, as a significant number of strikers roamed the rural districts of north and south Derbyshire. The protesters showed more interest in halting manufacturing production than causing havoc and destruction along the way. The first reported fire did not appear until the middle of September when an attack on a barn was reported at Mercaston.¹⁷² The next and last reported fire of the year in Derbyshire was at Sinfin-moor, where a stack was set on fire and the apprehended culprit was a twelve-year-old boy. The small number of fires, in contrast to other areas of the country, was of no comfort to many in Derbyshire, and did not help to alleviate many of their worries. Concerns were aired when it was announced:

we are sorry to observe from the papers that have come into our possession since our last number went to press, that incendiarism is gaining ground in the agricultural districts. All that we can hope is that the fiends in human shape, who resort to this horrid practice, may be brought to know they cannot thus act with impunity.¹⁷³

The alarm caused by these fires continued to plague the establishment and when this present spate of fires continued into the following year precautions were advocated.

In the first few weeks of the new year, a review of recurring arson attacks appeared in the newspapers. Part of this review outlined the precautions taken against any further arson attacks. The note explained:

we regret to notice the occurrence of an incendiary fire in this neighbourhood, which has alarmed the country. Night patrols are established in the villages, who perambulate the highways and rick yards till the approach of the morning.¹⁷⁴

¹⁷² *Derby and Chesterfield Reporter*, 15 September 1842.

¹⁷³ *Derby and Chesterfield Reporter*, 17 November 1842.

¹⁷⁴ *Derby and Chesterfield Reporter*, 6 January 1843.

January saw continuing newspaper reports on the poor state of the local economy and the effects it was having on the local people. In one village 'a meeting was held at the National School, in Chapel-en-le-Frith, on the 13th inst, to form a committee for the purpose of raising a fund for the relief of the poor of the place'.¹⁷⁵ Coinciding with the calls for aid were sporadic reports of gifts to the poor, but not all were donated by choice, many were by charitable organisations, such as the Liversage Charity at Derby. This particular society was responsible for issuing 293 families with coals, clothes and blankets.¹⁷⁶ Early 1843 saw only two fires, one in February and one in March, however these saw the start of a period of unrest which lasted until 1847 and would witness the greatest concentration of fires in Derbyshire during the scope of this research. In February a farmer had ten quarters of oats destroyed when an arsonist pushed burning material through a loophole in his barn.¹⁷⁷ The arson attack in March was seen as an act of protest against a farmer who terminated a supply of an illegal source of food. In Killamarsh land belonging to Mrs Mallender had been persistently raided by thieves who stole her potatoes. To protect her vegetable crop from further incursions she had a haystack built over the top of them. Unfortunately for Mrs Mallender this did not prove to be a sufficient deterrent; as it was supposed, the thieves set fire to the haystack. The explanation given for this attack was that: 'it is therefore thought that the stack has been set on fire in revenge for the disappointment of the potatoe [sic] stealer'.¹⁷⁸

The weather for the first half of that year proved to be variable, but too often turning out to be wet and cold, which by June led to this report for Chapel-en-le-Frith:

the thunder and lightning were awful. The weather for the last fortnight has been extremely cold (more like November than June), which has greatly retarded the growth of the different kinds of crops. There was a fall of snow upon the hills on Friday morning.¹⁷⁹

¹⁷⁵ *Derby and Chesterfield Reporter*, 27 January 1843.

¹⁷⁶ *Derby and Chesterfield Reporter*, 6 January 1843.

¹⁷⁷ *Derbyshire Courier*, 4 February 1843.

¹⁷⁸ *Derby and Chesterfield Reporter*, 31 March 1843.

¹⁷⁹ *Derby and Chesterfield Reporter*, 16 June 1843.

Despite the weather being wet, there was a modicum of good news, it had not retarded the crops quite as badly as previously expected. By August, reports were forecasting the harvest in the Peak would be good 'with perhaps the most abundant yield ever known, due to heavy rains'.¹⁸⁰ Up to this point there had been few arson attacks reported in Derbyshire at this time; and now when hay had either been harvested or was about to be harvested, signs of unease over their safety began to appear. Fears of an outbreak of arson attacks were expressed in local papers. One agricultural report contained the following warning to farmers:

the error to which we allude and which we are anxious to point out to our agricultural friends, is the common error of not placing stacks sufficiently detached from each other. From the combustible nature of property of this description, and its exposure to the mischievous combinations of envy, hatred, and malice, its safety must be increased by being placed at such distances as would prevent communication by fire from one stack to another.

The report then continued and gave reasons for these suggestions:

we are led to make these remarks from the danger of the crowded state of stack yards, and villages, as it rarely happens that a fire engine can be found in rural districts, where the danger is greatest, and where from the exposed and combustible nature of hay and corn in the straw, every precaution is necessary.¹⁸¹

This was indeed a timely reminder for three weeks later an arsonist struck, burning down a stack belonging to Jedediah Strutt Esq., eliciting the following report:

how it originated is at present unknown; it is supposed to be the act of an incendiary, but what motive or inducement anyone could have for so diabolical deed, seems very strange as Messrs. Strutts' numerous work people are all regularly employed at good wages.¹⁸²

What the report failed to mention was the capacity in which Strutt officiated, he held the position of a local Poor Law Union Guardian, a more in-depth discussion on this subject is taken up later in the chapter. Whereas the end of the year saw an increase in reported arson attacks throughout the country, matters were not so grave at home with

¹⁸⁰ *Derby and Chesterfield Reporter*, 25 August 1843.

¹⁸¹ *Derby and Chesterfield Reporter*, 8 September 1843.

¹⁸² *Derby and Chesterfield Reporter*, 29 September 1843.

only two fires reported in Derbyshire. In only the first week of December an arson attack was reported at Fritchley, and it appears this was not the first time this had happened. Here a stack of wheat was set alight, and according to information supplied two weeks previously at the same site a stack of wheat and straw were set alight.¹⁸³ The weeks following this report saw reports of arson attacks in various parts of the country. Under a report titled 'Incendiarism', the information that 'several papers record "the progress of incendiarism" in the agricultural districts' was given.¹⁸⁴ In early January 'the papers of the agricultural districts still record incendiary fires'.¹⁸⁵ By March the *Bury Post* had announced fires during the past week;¹⁸⁶ three weeks later incendiary attacks were reported from Essex and Sussex.¹⁸⁷

Through the winter of 1843 matters reverted to type, there were no reported acts of benevolence and no fires reported. Not until the new year, when reports of fires in other parts of the country began to circulate, were any donations mentioned. However these reports of benevolence were not in the volume of previous times, they were relatively small. When fire reports were high, so were reports of donations and when fire reports were low so were reports of donations. With the volume of fires in Derbyshire less than in other parts of the country then in all probability aid was not thought necessary, especially when that particular winter was mild. Complacency may have been the order of the day; however, there was a particular report which has the feel of a warning to those who were not donating. In a report of 'Seasonal Benevolence', Mrs Holland of North Wingfield gave coals to the poor of the villages of Ford House, North Wingfield, Brackenfield and Wessington. Due to this act of benevolence the following recognition was given:

¹⁸³ *Derby and Chesterfield Reporter*, 1 December 1843.

¹⁸⁴ *Derby and Chesterfield Reporter*, 8 December 1843.

¹⁸⁵ *Derby and Chesterfield Reporter*, 5 January 1844.

¹⁸⁶ *Derby and Chesterfield Reporter*, 1 March 1844.

¹⁸⁷ *Derby and Chesterfield Reporter*, 23 March 1844.

it is a pleasure to announce and give publicity to so many acts of liberality on the part of this kind-hearted lady, and we feel assured that she is no stranger to the words of our Saviour, 'When thou doest alms, let not thy left hand know what thy right hand doeth'. The following lines are also applicable to her character:

'When wealth to virtuous hand is giv'n,
blesses like the dews of Heaven:
Like Heav'n it hears the orphan's cries,
And wipes the tears from widows' eyes.'¹⁸⁸

Two weeks later an obituary of Joseph Strutt, a generous benefactor, contained a discussion of aid. Part of this discussion is as follows:

the poor are *not* ungrateful when treated with humanity and gentleness. But when the dole is given reluctantly, and after much importunity—when it is accompanied by reflections and insults—when the applicant feels that his presence is offensive and that he is scarcely recognised as a member of the same common family—when the bread that is given is eaten with choking spasms, and bitter tears, where bruised and outraged feeling contends with the imperious cravings of nature—is it any wonder the sufferer is querulous and bitter?¹⁸⁹

These words were very true, in Derbyshire dole was reluctantly given.

April 1844 saw considerable unrest in the county mining industry with many miners coming out on a protracted strike. At one meeting held by striking miners their grievances and reasons for striking were given:

Mr Vernon, Mr Smith, and one or two others addressed the meeting at considerable length, stating that the wages they received were not sufficient to keep them from starvation,—they could at times only obtain bread and water, and sometimes were without bread.¹⁹⁰

Over the next few months, newspapers continued to keep their readers up to date with the status of the striking miners. In June the following report was given: 'there seems now a prospect of the colliers resuming work within a very short period, though, we believe, on a much worse terms than they were employed prior to the strike.'¹⁹¹ This strike came amidst frequent reports of arson attacks in other parts of the country. For instance a report headed, 'Spread of Incendiarism', noted 'within the last few days fires

¹⁸⁸ *Derby and Chesterfield Reporter*, 5 January 1844.

¹⁸⁹ *Derby and Chesterfield Reporter*, 19 January 1844

¹⁹⁰ *Derby and Chesterfield Reporter*, 12 April 1844.

¹⁹¹ *Derby and Chesterfield Reporter*, 14 June 1844.

have occurred at Chippenham, Wicken, South Lopham, North Lopham, Foulden, Exning, Barton Mills, Battlesden Hall, Buxhall, Coddenham, and Thetford'.¹⁹² However during this period, with miners out on strike and other counties ravaged by arson attacks there was only one report of incendiarism in Derbyshire. This particular fire occurred at Ockbrook where 'between the wheat and straw stack a box of lucifer matches, half consumed, was found'.¹⁹³ In June the *Derby and Chesterfield Reporter* carried a report from *The Times* relative to arson attacks and suggested reasons for their causes. The report stated that *The Times*:

has sent 'our own correspondent' to investigate the matter; and he writes very like the gentleman who did such good service in bringing to light the grievances of Wales. He imputes the fires to low wages, combined with these circumstances—

"1. The effect of the altered custom of employing agricultural labourers by the day, instead of, as formerly, by the year".

"2. The effect of the New Poor Law upon the employment of labourers; and

"3. The enclosure of commons and vacant lands; the joint effect of the above causes driving the young men and boys to the resort of the beer-houses, having no other place to go to."¹⁹⁴

Farmers were again affected by poor weather. After long periods of heavy snows and wet weather, Derbyshire farmers now had to contend with a drought. In May it was reported how extremely dry weather was causing severe problems for those living in the Peak, 'few if any, can recollect a parallel time in this district, remarkable generally for abundance of rain'.¹⁹⁵ At the beginning of June weather conditions were not improving, and the effects these conditions had on the people of Chapel-en-le-Frith were examined:

April and May are both passed over nearly without any rain, consequently land, both meadow and pasture, is suffering very seriously, the latter being nearly burned up; and the grass in the former is thin and stunted, the heat of the sun having forced the herbage to seed and maturity before it had attained its annual growth.¹⁹⁶

¹⁹² *Derby and Chesterfield Reporter*, 17 May 1844.

¹⁹³ *Derby and Chesterfield Reporter*, 19 April 1844.

¹⁹⁴ *Derby and Chesterfield Reporter*, 21 June 1844.

¹⁹⁵ *Derby and Chesterfield Reporter*, 24 May 1844.

¹⁹⁶ *Derby and Chesterfield Reporter*, 7 June 1844.

Two weeks later there were reports of a break in these dry conditions, when there was a 'Tremendous Storm at Chesterfield',¹⁹⁷ and the following week storms again returned, this time with a 'Great Thunderstorm'. As a result:

this and the adjoining counties were visited by terrific thunder storms on Monday last. The lightening and rain was very severe at Belper, Matlock, Bakewell, Tideswell, &c., but we have not heard of any serious accident having occurred in these districts.¹⁹⁸

This wet weather proved to be ephemeral as two weeks later the drought was causing more economic hardship, 'in several places in the Peak water is sold, on account of its scarcity, at a halfpenny the gallon. At Foolow, Litton, Tideswell, and in many other adjoining places, good water is an article of unparalleled scarcity'.¹⁹⁹ This particular spell of drought was not localized and it has been cited as one reason for some farmers pursuing a policy of underemployment. In some areas 'the collapse of corn prices in 1843 and the famous drought during the late spring and summer of 1844 highlighted this problem. Farmers became trapped in the vice of a poor wheat market, the disappearance of fodder crops, and low livestock prices'.²⁰⁰

There were no reported fires during the autumn of 1844. However, a warning was given in an article by the North Derbyshire Agricultural Society on what dangers may be around the corner. This pessimistic report claimed:

we are sorry to find that work is scarce and wages reducing. The labourer has reason to dread the approach of winter, and if he be not assisted by those who have it in their power, their will be a fearful augmentation of poor rates and increase of crime. We would not anticipate an evil, we would rather endeavour to prevent it by lending our feeble aid in ameliorating and improving the condition of the labourer.²⁰¹

This report is in marked contrast to one made during a Parliamentary hearing into the then present condition of agriculture. Answering the question 'is their plenty of

¹⁹⁷ *Derby and Chesterfield Reporter*, 21 June 1844.

¹⁹⁸ *Derby and Chesterfield Reporter*, 28 June 1844.

¹⁹⁹ *Derby and Chesterfield Reporter*, 12 July 1844.

²⁰⁰ Jones, 'Thomas Campbell Foster', p.28.

²⁰¹ *Derby and Chesterfield Reporter*, 18 October 1844.

employment in your neighbourhood?' Greaves, a Bakewell farmer, answered 'generally there is; we have always employment'.²⁰²

There was a limited response to North Derbyshire Agricultural Society's appeal, however. Aid was not reportedly given until the Christmas period, when the 'Soup Committee have resumed their duty' along with a few other donations in other areas of Derbyshire.²⁰³ Between December 1844 and February 1845 there were reports of three fires in Derbyshire, two of which were repeat performances. The first one occurred in Killamarsh where an estimated seven to eight tons of straw were destroyed.²⁰⁴ Information supplied in the second report would suggest the owner had over the years caused some resentment and become somewhat disliked. This was not the first time his property received a visit from an arsonist: 'this is the third time Mr Fritchley has been treated in this diabolical manner within about two years'.²⁰⁵ The third report came a week later, and again this property had been previously targeted, only this time eleven years previously, here a stack of oats at Barlow was set on fire.²⁰⁶ Over the next few months weather conditions were very unfavourable to farming. In April 'the severity of the weather continued until the middle of the month, with more than the usual cold; and having relaxed its vigours towards the end, April 1st is ushered in with all the exhilarating influence of spring'.²⁰⁷ Throughout this period there was only one further arson attack, when a wood at Killamarsh was set on fire, which was blamed on a poacher.²⁰⁸ Over the next few months weather reports were mixed, however there was some optimism, which led to the following report being given in September:

it is to be hoped that a change so favourable will have the effect of securing to the poor working man his full quantity of food at something like a legitimate price,

²⁰² BPP, *Agriculture*, 1844, p.149.

²⁰³ *Derby and Chesterfield Reporter*, 3 January 1845.

²⁰⁴ *Derby and Chesterfield Reporter*, 3 January 1845.

²⁰⁵ *Derby and Chesterfield Reporter*, 14 February 1845.

²⁰⁶ *Derbyshire Courier*, 22 February 1845.

²⁰⁷ *Derby and Chesterfield Reporter*, 18 April 1845.

²⁰⁸ *Derbyshire Courier*, 11 April 1845.

and also be the means of continuing unto him his present somewhat prosperous condition.²⁰⁹

There were no more signs of arson attacks until December, when a fire at Sawley destroyed a barn full of barley, peas and potatoes, and a large barley stack.²¹⁰

The first arson attack of 1846 arrived early in the new year, when a fire destroyed a hay and barley stack at Breaston.²¹¹ February saw a spate of fires, two in the same evening, one at Padley Wood, Chesterfield, and the second at Clay Cross of which more will be mentioned later.²¹² A third fire occurred two weeks later at Cresswell, here a stack of wheat was set on fire. The next fire had the potential of more serious consequences. During a sermon at an Independent Chapel someone attempted to set fire to the building. This involved 'someone turning the gas light at the door at the pannelling [sic]'; fortunately for the congregation it was discovered before too much damage was caused.²¹³ The final report of a fire, and reputed arson attack of the year, took place in April at Belper.²¹⁴ The irony of the situation is the end of this particular spate of fires from December 1845-April 1846 coincided with a time of considerable unrest in local industries. In Duffield the framework knitters were unhappy when there was a proposed wage cut, and in response took industrial action. In consequence of this: 'the workmen have determined upon opposing the reduction; and many of them having large families, they are thrown for support upon the generosity of the public'.²¹⁵ In April at Derby some of the workers' actions were described as 'The Sawyers' Strike', when

we are informed that in consequence of the turn out of the sawyers in Derby, and the demand they make for increased wages (which their employers consider very unreasonable), a firm employing many pairs of hands have purchased several

²⁰⁹ *Derby and Chesterfield Reporter*, 12 September 1845.

²¹⁰ *Derby and Chesterfield Reporter*, 5 December 1845.

²¹¹ *Derby and Chesterfield Reporter*, 16 January 1846.

²¹² *Derbyshire Courier*, 14 February 1846.

²¹³ *Derby and Chesterfield Reporter*, 13 March 1846.

²¹⁴ *Derbyshire Courier*, 25 April 1846.

²¹⁵ *Derby and Chesterfield Reporter*, 16 January 1846.

thousand yards of land near the station, and purpose erecting machinery with an engine of 30 horse-power, suitable for sawing all descriptions of timber.²¹⁶

Although there was considerable unrest, again it was noticeable that there were no further reports of fires for that year.

The beginning of 1847 saw yet again newspapers printing reports of social hardship throughout Derbyshire with reports of meetings concerned with bringing aid to the poor of Derby and Wirksworth.²¹⁷ One newspaper coverage pleasingly noted: 'the severity of the present season must necessarily be trying to the poor, and it gives us great pleasure to enumerate the charities that have come under our notice'.²¹⁸ A second report concerned workers from Tideswell, a village which contained 610 looms, where half of them were standing idle, and:

the others not more than half employed—earning on an average from 4s to 5s per week, which divided amongst a population of 1,260—entirely depending hand loom weaving for subsistence—gives for each of the employed 1s 3d per head per week; or if divided amongst the whole the miserable sum of 1¼d. per head daily.²¹⁹

There were no signs of aid offered to these suffering workers, or if there were they were not reported in the press.

The year 1847 was a busy time for the arsonist. After a quiet start to the year, March would see the arrival of a spate of fires. Over a period of one week there were three attempt to set fire to Lanthorn Pike and a fire on the preserves belonging to John White were set alight.²²⁰ During May a stackyard at Staveley was burned to the ground, 'the cause of the fire is not at present known, but when first perceived, the stack was on fire at both ends, and being a large one, causes suspicion of its having been willfully [sic] ignited'.²²¹ In the same week a haystack at Spondon was set alight and the suspect for

²¹⁶ *Derby and Chesterfield Reporter*, 3 April 1846.

²¹⁷ *Derbyshire Courier*, 30 January 1847.

²¹⁸ *Derby and Chesterfield Reporter*, 1 January 1847.

²¹⁹ *Derby and Chesterfield Reporter*, 30 April 1847.

²²⁰ *Derbyshire Courier*, 30 January 1847.

²²¹ *Derby and Chesterfield Reporter*, 4 June 1847.

this was a female servant who lived in, when the case came to court she was found not guilty.²²² The next fire took place in August when ten acres of fields belonging to a George Jackson were destroyed by an arsonist.²²³ The final arson attack of 1847 arrived at the end of the year and again it was in the Derby area, where a hayrick was set on fire.²²⁴

The beginning of 1848 saw contrasting reports on the economic fortunes of agriculture and industry in Derbyshire. On the agricultural front it was claimed economic fortunes had improved for farm workers, in 'previous times farmers and labourers laid up during winter months, not so now. Hail, rain, and snow does not now as it did then afford a holiday, but brings with it additional labours in the care and preservation of stock'.²²⁵ Obviously if farmers had transferred their style of farming from growing crops to rearing beasts for milk, it would also hold major implications for agricultural labourers. In the past, winter months proved to be lean periods for agricultural workers normally culminating in several layoffs for long periods of time. But unlike crops, animals required all year round attention. Milking would have to take place on a daily basis, and milk be prepared for transportation to the customer. This change in agriculture offers one explanation as to why there were fewer arson attacks than in other counties. Moving away from growing crops to rearing animals would automatically mean there were a smaller number of haystacks, which in turn meant there were fewer easy targets for the arsonist.

No such good fortune was reported for industry. Most of the news was pessimistic, such as in the village of Dronfield where 'the depressed state of trade' was the norm.²²⁶ There were no out-and-out pleas for aid during this period. However, there were the odd

²²² *Derbyshire Courier*, 5 June 1847.

²²³ *Derbyshire Courier*, 7 August 1847.

²²⁴ *Derby and Chesterfield Reporter*, 17 December 1847.

²²⁵ *Derby and Chesterfield Reporter*, 14 January 1848.

²²⁶ *Derbyshire Courier*, 15 January 1848.

reports of aid, as in the case of Samuel Sims Esq., who ‘according to his annual custom’ distributed beef to the poor.²²⁷ Calls for aid followed the by now normal pattern, no signs of a call for aid until the arsonist struck. Throughout the winter there were no signs of incendiarism, summer would see the arrival of the arsonist. The first fire occurred in July, when that year’s growth was destroyed at a farm belonging to a Robert Penistone, and ‘strong suspicions of incendiarists are entertained’.²²⁸ Such continuing poor economic results had the inevitable consequences—men were thrown out of work. Again the local gentry showed a reluctance to come forward and offer assistance in times of crisis, which resulted in people resorting to the dreaded workhouse. One local workhouse ‘resolved that wandering vagrants applying for admission at the Ashbourne workhouse be allowed half the amount of Bread stated in Dietry Tables, and Gruel’.²²⁹

The lead industry was the next to receive gloomy economic news. Several seams were running out of lead, which resulted in many miners facing the prospect of unemployment. This chronic situation left the miners with only two choices, face unemployment or walk between twelve and fourteen miles a day to find alternative work in the ironstone and coalfields. The downfall of this industry was succinctly summed up: ‘altogether, from being one of the most important bodies of workmen—the most thriving, and most industrious in the district—they are become the most needy’.²³⁰ Although the miners faced a precarious future there were no signs of arson attacks in the districts associated with these miners.

The next and last arson attack reported for that year presented itself when corn stacks on a property belonging to Mrs Halksworth were destroyed. These particular stacks were tithe corn belonging to Lord Scarsdale, and the alleged motive behind this

²²⁷ *Derbyshire Courier*, 1 January 1848.

²²⁸ *Derbyshire Courier*, 29 July 1848.

²²⁹ Ashbourne Workhouse Minute Book, 29 April 1848, D520 CW1/2.

²³⁰ *Derby and Chesterfield Reporter*, 27 October 1848.

destruction was due to a resentment at paying the tithes. Evidently 'great altercations had taken place between Mrs Halksworth and the farmers from whom the tythe had been gathered, and there is some suspicion that the setting fire to the corn is the deed of some person or persons thereby aggrieved'.²³¹ By November other areas which relied upon traditional industries began to show signs of suffering from an economic decline. Belper was one such town, where production of its nail and lace industries was in decline. An indication of just how badly the town had suffered from this recession, is seen in a reply to a questionnaire, the subject of which was employment of workhouse inmates. In the workhouse, the correspondent noted, 'the women work at washing, making and mending clothes, of which we have a great deal to perform, the number of inmates being nearly 300'.²³² This shows the level of depression in some local areas as the figure given represents a high percentage of the town's population.

At the beginning of 1849 Belper was again the centre of social unrest when large numbers of glove makers came out on strike, 'for an advance of sixpence a dozen'.²³³ Industrial strife continued for many months, by June 'there was no appearance of a termination of the strike'. What happened next was very unusual during a period of industrial unrest. An arson attack occurred in the same place, and at the same time, as the industrial unrest. This may have been coincidental, but a shed was set on fire at Belper.²³⁴ There were no further reports until November. However there were signs of arson attacks taking place and not reported at the time. At Hatton a newly erected calf shed and a haystack were burned down, the third fire 'within a mile of the place that has taken place during the last few weeks'.²³⁵ However, this was the last act of arson during 1849/50. This lull in fires again coincided with a lull in major calls for aid in local

²³¹ *Derby and Chesterfield Reporter*, 27 October 1848.

²³² Ashbourne Workhouse Minute Book, 18 November 1848, D520 CW1/2.

²³³ *Derby and Chesterfield Reporter*, 9 February 1849.

²³⁴ *Derby and Chesterfield Reporter*, 15 June 1849.

²³⁵ *Derby and Chesterfield Reporter*, 16 November 1849.

newspapers, even though there was continuing poor economic news. Warnings of a worsening economic climate came in a letter to the local Guardians from Ashbourne's Relieving Officers. These Officers believed that:

in consequence of the scarcity of work, we are expecting applications to be made by able bodied men. We beg most respectfully to ask whether we must relieve where destitution prevails with temporary Out Relief until the next Board day or give an order to the Workhouse.

We also beg to ask whether we may be allowed to make such arrangements with the paupers as will enable us to remain home on Christmas Day.

The reply to this plea was 'that the Relieving Officers be allowed a discretionary power as above requested and that they be allowed to make arrangements to enable them to remain at home on Christmas Day'.²³⁶

The beginning of 1850 saw growing unrest when workers in the glove trade came out on a protracted strike over wage rates and union recognition. Events surrounding this strike maintained the familiar pattern. When overt action was taken there were no signs of covert protest, and as always there were minimal calls for aid for those in need.

4.6 CHANGING ATTITUDES TOWARDS ARSON ATTACKS

In February 1846 the *Derbyshire Courier* carried a report of a fire at Clay Cross, which in itself was not unusual. However this report differed from all previous reports concerning events taking place at the scene of a fire. The consternation came from the efforts to extinguish the fire, rather from the fire itself. Concern arose over the onlookers' lack of interest in assisting to put out the fire.²³⁷ This tallies with the evidence presented by David Taylor, who makes the comment that 'refusal to help in the attempt to put out the fire, assaults on firemen and the cutting of hoses were very explicit actions'.²³⁸ Initially at previous fires in Derbyshire there had been no signs of such reluctance on the part of the locals in helping to extinguish the blaze. On the

²³⁶ Ashbourne Workhouse Minute Book, 8 December 1849, D520 CW1/3.

²³⁷ *Derbyshire Courier*, 14 February 1846.

²³⁸ David Taylor, *Crime, Policing and Punishment*, p.37.

contrary, there were glowing reports telling of people more than willing to help. In 1843 when Joseph Fritchley lost his stack to a fire, the neighbours were on hand in an attempt to extinguish the blaze.²³⁹ At a fire at Sawley 'the flames were checked by the inhabitants, who used every exertion possible, and had it not been for their assistance, the house, a large mass of buildings, and another very large stackyard must have fallen sacrifice to the devouring flames'.²⁴⁰ The point to be emphasised is that in all these arson outbreaks, made prior to the fire in Clay Cross, local newspapers had praised local people's help. After Clay Cross there was a notable change of attitude by some locals towards attempts at extinguishing fires; they showed a reluctance to help. One thing does seem clear, this change in attitude by local people in Derbyshire does not fit the pattern seen by Archer in East Anglia. He writes:

however, there is a notable contrast between the pre- and post-Swing era. In the earlier period it appears that labourers did lend their assistance, but after 1830 and the defeat of organised collective action, their attitudes hardened significantly and there are a few instances of aid being given to farmers until the 1850s.²⁴¹

Peacock maintains on many occasions locals were reluctant to help at fire fighting, 'indeed it was so rare for the labourers to help douse the fires that, when they did, it was regarded as an indication of guilt!'²⁴² If these historians' views are correct, and I have no reason to suggest otherwise, then the implication is a change in attitude occurred a decade later in Derbyshire than it did in the worst affected counties.

This transformation in attitude could be for a variety of reasons. As Randall and Newman argue, 'where the power of the landed was not absolute, the custom of the labourers to *demand* paternal action survived and would be invoked [...] The weak were not without their weapons'.²⁴³ This change in attitude could also have applied

²³⁹ *Derbyshire Courier*, 23 December 1843.

²⁴⁰ *Derbyshire Courier*, 6 December 1845.

²⁴¹ Archer, *By a Flash and a Scare*, p.159.

²⁴² Peacock, 'Village Radicalism', p.35.

²⁴³ Randall and Newman, 'Protest, Proletarians, and Paternalists', p.223.

where 'arson gave the labouring community the opportunity to transform an individual act of covert protest into a collective and overt display of hatred against the farmers'.²⁴⁴

In other words, an individual personal attack of arson could lead to outward displays of agreement from local people.

Archer in his work on arson in East Anglia found the attacks were at their greatest during the years October 1843 to December 1844. He discovered, 'as the months progressed concern in the local press remained muted and gave little indication of the real fear experienced by many of the landowners'.²⁴⁵ The following table compares and contrasts my findings of arson attacks in Derbyshire with those of Archer's in Norfolk and Suffolk.

Fig.4: 1 Outbreaks Of Arson

Year	No. of Fires		Derbyshire Incidents			
	Norfolk	Suffolk	Derbyshire	Target	Location	Source
1830	28	19	1: 1	Stacks	Long Eaton	D. C. 9 December
1831	53	11	6: 1	Stacks/Goods	Ockbrook	D. C. 20 January
				Stack	Weston-on-Trent	D. C. 29 January
				Property	Snelton	D. C. 21 April
				Stacks	Ashbourne	D. C. 7 July
				Stacks	Matlock	D. C. 25 August
			1	Stack	Derby	D. C. 10 December
1832	52	12	2: 1	Windmill	Eckington	W. o D. p.55
				Barn	Derby	D. C. 11 February
1833	58	14	1: 1	Stack	Calver	D. C. 3 January
1834	33	17	4: 1	Stack	Bakewell	D. C. 10 April
				Stack	Barlow	D. C. 19 April
				Stack	Bradwell	D. C. 8 May
				Stack	Borrowwash	D. C. 15 November
1835	17	8	2: 1	Stack/goods	Shirland	D. C. 5 September
				Stack	Normanton	D. C. 1 October
1836	13	7	7: 1	Stack	Stoney Middleton	D. C. 16 January
				Stack	Dale Abbey	D. C. 12 March
				Stack	Calow	D. C. 11 June
				House	Dronfield	D. C. 11 June
				Coal Mine	Inkersall	D. C. 25 June
			1	Stable	Staveley	D. C. 2 July

²⁴⁴ Archer, 'The Wells-Charlesworth Debate: A Personal Comment on Arson in Norfolk and Suffolk', *Class, Conflict and Protest*, p.87.

²⁴⁵ Archer, *By a Flash and a Scare*, p.108.

			1	Inn	Chesterfield	D. C. 9 July
1837	10	7	5: 1	Stack	Willington	D. C. 14 January
			1	Pit	Dunston	D. C. January No date #
			1	Stack	Brackenfield	D. C. 9 February
			1	Stack	Wessington	D. C. 25 February
			1	Pit	Dunston	D. C. 25 March
1838	3	5	2: 1	Barn	Littleover	D. C. 23 June
			1	Stack	Hardwick	D. C. 15 December
1839	4	1	3: 1	Stack	Staveley	D. C. 12 January
			1	Barn	Wirksworth	D. C. 23 March
			1	Pit	Loundsley Green	D. C. 13 June
1840	6	7	4: 1	Stack	Chesterfield	D. C. 28 March
			1	House	Horsley Car	D. C. 2 April
			1	Shed	Shardlow	D. C. 27 August
			1	Stack	Bakewell	D. C. 12 September
1841	11	4	4: 1	Shed	Matlock	D. C. 11 February
			1	Stack	Blackwell	D. C. 18 March
			1	Mill	Lea	D. C. 17 June
			1	House	Unknown	PRO ASS1 11/9
1842	15	10	3: 1	Barn	Borrowash	D. C. 22 January
			1	Barn	Mercaston	D. C. 15 September
			1	Stack	Sinfin Moor	D. C. 3 November
1843	40	44	6: 1	Stack	Killamarsh	D. C. 31 March
			1	Stack	Belper	D. C. 29 September
			1	Chapel	Belper	D. C. 13 October
			1	Cotton	Glossop	D. C. 23 December
			1	Stack	Fritchley	--- ---
			1	Stack	--- ---	--- ---
1844	76	142	1: 1	Stack	Ockbrook	D. C. 20 April
1845	32	21	5: 1	Stack	Killamarsh	D. C. 3 January
			1	Stack	Fritchley	D. C. 14 February
			1	Stack	Barlow	D. C. 22 February
			1	Wood	Killamarsh	D. C. 11 April
			1	Barn	Sawley	D. C. 5 December
1846	32	27	6: 1	Stack	Breaston	D. C. 17 January
			1	Stack/goods	Clay Cross	D. C. 14 February
			1	Stack	Padley Wood	--- ---
			1	Stack	Cresswell	D. C. 28 February
			1	Chapel	Chesterfield	D. C. 13 March
			1	Stack	Belper	D. C. 25 April
1847	15	20	8: 1	Preserves	Glossop	D. C. 20 March
			3	Moorland	Lanthorn Pike	--- ---
			1	Stack	Staveley	D. C. 29 May
			1	Stack	Sponden	D. C. 5 June
			1	Farmland	Whittington	D. C. 7 August
			1	Stack	Derby	D. C. 17 December
1848	17	27	2: 1	Stack	Horsley Gate	D. C. 29 July
			1	Stacks	Eyam	D. C. 27 October

1849	27	51	5: 1	Shed	Belper	D. R. 15 June
			1	Calf Shed	Hatton	D. R. 16 November
			1	Haystack	--- ---	--- ---
			2	Unknown	--- ---	--- ---
1850	30	45	Nil			

Sources: Norfolk and Suffolk, J.E. Archer, *By a Flash and a Scare*, p.70.
 D.R. Derbyshire Reporter, D.C. Derbyshire Courier,
 W. o. D. Windmills of Derbyshire

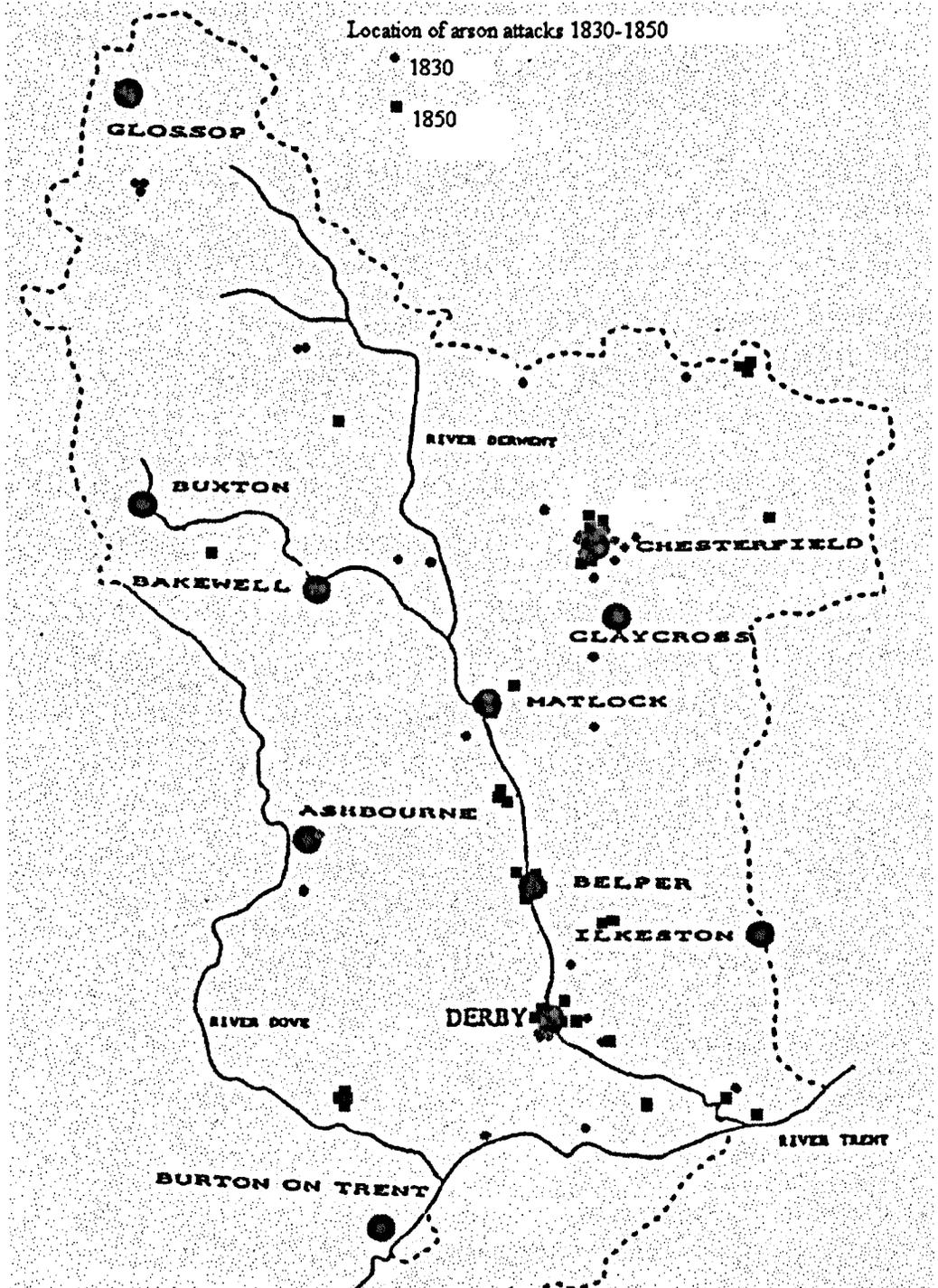
The above data can be expressed in table form to see if there was a 'seasonality' for arson, and the locations plotted on a map to illustrate the distributions of fires.

Fig. 4: 2 A breakdown of arson attacks into monthly occurrences between 1830 and 1850

<u>Month</u>	<u>No. of Fires</u>
January	11
February	9
March	11
April	8
May	2
June	8
July	4
August	3
September	4
October	3
November	6
December	8
Total	<u>77#</u>

One fire missing from this count as no date was given in the PRO records

Fig. 4: 3 Locations of fires in Derbyshire.



Over half of these fires occurred during the months of December, January, February, March and April, the months of winter and early spring. I would suggest that there were three main reasons for this. In the first place, these months offered an arsonist a greater period of darkness in which to accomplish his task and make an escape unseen and undetected. Secondly, this period was also a time when there was a greater chance of agricultural workers having no work and relying upon aid to survive, which would also be a period when any grievances would be more acutely felt. Third, at this time of the year crops were harvested and stored. In setting fire to a barn now a greater loss to the owner could be inflicted than if a field was set alight. It is easier to set fire to one stack, which would hold the produce of several fields, rather than attempting to set fire to several fields of produce.

The above figures reveal new evidence regarding incendiarism in Derbyshire. In their study of the Swing riots, Hobsbawm and Rudé claim that between 1 January 1830 and 3 September 1832 there were only two arson attacks in Derbyshire. These figures severely underestimate the scale of unrest in the county during this period. Derbyshire as one of the 'counties only marginally affected by the labourers' movement' requires a re-evaluation.²⁴⁶ My statistics reveal there were nine fires during this period, well over the amount stated by Hobsbawm and Rudé. Regarding commencement of arson attacks in the south-east it has been said 'the fires began with the destruction of farmer Mosyer's ricks and barn at Orpington on 1 June'.²⁴⁷ This fire pre-dates by nearly six months the first fire in Derbyshire, which did not occur until 9 December 1830, coincidentally also a stack. Jeremy Caple maintains that collective action by agricultural workers in Kent started during late August 1830 and continued into late December and then re-starting in late July and August 1831. These actions took on

²⁴⁶ Hobsbawm and Rudé, *Captain Swing*, p.304.

²⁴⁷ Hobsbawm and Rudé, *Captain Swing*, p.97.

various guises and 'as a background to the collective protests there was the firing of barns and ricks and the receipt of threatening letters often signed by the mythical "Captain Swing"'.²⁴⁸ Taking Archer's figures for Norfolk and Suffolk we see there was a major leap in the number of fires during 1830-31. Comparing Derbyshire's figures for this period there were considerably fewer fires than witnessed in East Anglia. However, 1831 did see a sharp rise in the number of fires. More importantly by taking the period of fires from November 1830, it can be seen that there was a concentration of fires over the winter 1830-31. Then, like Kent, there was a lull until fires appeared again in July-August 1831. Where there were two distinct time scales to fires in Derbyshire, there were also two different regions. Those fires started during the winter months of 1830-31 were mainly concentrated in southern Derbyshire, in particular around the city of Derby. The second set of fires were in northern Derbyshire, centred around Matlock and Ashbourne, although there was never the major concentration of fires witnessed in East Anglia.

After a slight rise in the number of fires in 1834, the next group of fires falls in 1836 and 1837. In 1836 most of the fires were between early June and early July, one of the heaviest concentrations of fires during the twenty-year period of study. Most of these fires took place in north Derbyshire, where the focus was in and around Chesterfield. If we take the number of fires for that year we see that they are equivalent in numbers to those in Suffolk, but less than in Norfolk. After July there were no further outbreaks of arson until January 1837, when all arson attacks occurred in a short period between January and March. The locations of these fires this time were evenly split between north and south Derbyshire, and there were fewer fires than either Norfolk or Suffolk. From 1837 until the end of the period of research there was only one year where the

²⁴⁸ Jeremy N. Caple, 'The Captain Swing Protests of 1830-1', in Andrew Charlesworth (ed.), *An Atlas of Rural Protest in Britain, 1548-1900* (London: Croom Helm, 1983), 151-54 (p.151).

number of fires prove to be slightly more than Suffolk, and that was 1839. However, it must be said, that in both counties the number of fires were minimal. At no time did the number of fires ever outstrip those of Norfolk. 1843 saw a sharp rise in fires in Suffolk and Norfolk as it also turned out to be the case in Derbyshire. However in 1844, when Suffolk and Norfolk saw their highest number of fires, Derbyshire witnessed one of its lowest. Over the next three years Norfolk and Suffolk witnessed a drop in the number of fires, whereas Derbyshire saw a rise in fires which remained consistent until 1847 when the number of fires reached their peak. This peak corresponded with a period of dire need and economic hardship for many folk. By 1848 the number of fires fell back, only to see a rise again in 1849 and fell away completely in 1850 which is the end of the period of study.

4.7 THE ARSONIST'S TARGETS

There seem almost to be as many theories about arson attacks as there are historians researching the topic. Wells in his study on rural life in east Sussex argues how acts of incendiaryism became a central and 'enduring mode of protest'.²⁴⁹ T. L. Richardson also sees arson attacks as a form of protest. He contends: 'indeed, the nocturnal destruction of threshing machines, corn stacks, and farm buildings by fire was regarded as a particularly vindictive form of protest and was the cause of considerable alarm amongst the ranks of the landowning and farming classes'.²⁵⁰ Peacock in his work on East Anglia argues in the early part of the nineteenth century strike action had been the main weapon for dissatisfied workers: he then sees a change in tactics with arson becoming the main form of attack. He further contends, 'henceforth rick burning, that old remedy, would replace striking'.²⁵¹ In their work on social conflict in Wiltshire, Randall and

²⁴⁹ Wells, 'The Development of the English Rural Proletariat and Social Protest, 1750-1850', *Class, Conflict and Protest*, p.29.

²⁵⁰ T. L. Richardson, 'The Agricultural Labourers' Standard of Living in Lincolnshire, 1790-1840: Social Protest and Public Order', *Agricultural History Review*, 41 (1993), 1-18 (p.13).

²⁵¹ Peacock, 'Village Radicalism', p.40.

Newman see matters somewhat differently. They postulate 'in Wiltshire in the years from 1837 to 1850 we can see examples of various protest forms from arson to strike action'.²⁵² The main question now is did arson attacks in Derbyshire match any of these criteria, or did they follow their own individual pattern? If the causes of some fires were due to acts of protest, at whom and what were they aimed?

Historians also face the problem that when culprits were actually arrested their motives for carrying out their attacks were rarely given in court records. One reason for this is that between 1750 and 1850 any criminals accused of arson, or otherwise, and brought to trial, in court had little or no opportunity to defend themselves. Emsley, summing up this lack of civil rights, remarks, 'occasionally the accused said nothing, or made very little response to the charge. They had, after all, had little time or opportunity to prepare a defence while incarcerated in the squalid gaols of the period'.²⁵³

Commenting on the Wells-Charlesworth debate, Archer sees Wells' claim, that arson attacks were 'lethal', as a metaphorical description. Archer himself feels 'incendiary fires aimed to destroy property, not life'.²⁵⁴ In the case of Derbyshire there were episodes of arson which did not meet Archer's criterion and held the possibility of more lethal consequences. Although ultimately these fires did not lead to a loss of life, on four occasions arson attacks were aimed at a person as well as property. The first fire concerned a cottage belonging to Anne Rowe of Snelston, where two men called for alms and without permission entered her house. When aid was refused they moved back to the door 'and one of them projected an instrument into the room and discharged it at a squab, which was immediately in flames, they then closed the door on her and ran away'. Later giving her description of the weapon used, Rowe described it as 'not like a gun, but considerably thicker, bright, and had the appearance of light coloured wood',

²⁵² Randall and Newman, 'Protest, Proletarians and Paternalists', p.219.

²⁵³ Emsley, *Crime and Society in England, 1750-1900*, p.193.

and it made the sound like that of a pop-gun.²⁵⁵ In another instance, Edmund Serrett of Dronfield set fire to the house of John Cooper Bacon with an 'intention of hurting him'.²⁵⁶ William Abbott set fire to the home of Charles Ducken²⁵⁷ and Matthew Johnston did likewise to the house in Duffield of Samuel (surname unreadable).²⁵⁸

What can be said about the targets of these fires, is that without a doubt, the favourite target of an arsonist was a farm. More specifically stacks of wheat, corn and oats. For, as Jones explains, 'the targets were usually thatched barns and stacks, threshing machines and furze hedges at some distance from the farmhouse'.²⁵⁹ What does set Derbyshire apart from Jones's viewpoint are any signs of attacks on threshing machines. In fact no reports were found indicating malicious intent towards threshing machines. This presumably has more to do with the patterns of agriculture in Derbyshire than in East Anglia or the southern counties. Due to the emphasis on grass rather than crops, Derbyshire farmers would require fewer threshing machines.

Up to the mid-1830s the arsonists' targets proved to be linked to agriculture, the only exception was the attack on a domestic property. However from the late 1830s, a time of industrial growth for coal mining, we start to see signs of attacks on pits. These new targets, it could be ventured, were the result of two factors. First, agricultural workers left the land to work in the pits and took with them their skills and knowledge of arson. Whether this was has a means to make a personal, economic or whatever point. Second, the invention of the lucifer match, which many men, especially those who smoked a pipe, could carry concealed while having a good cause to possess matches.

²⁵⁴ Archer, 'The Wells-Charlesworth Debate: A Personal Comment on Arson in Norfolk and Suffolk', *Class, Conflict and Protest*, p.83.

²⁵⁵ *Derby and Chesterfield Reporter*, 3 February 1831.

²⁵⁶ PRO, ASSI 11/7.

²⁵⁷ PRO, ASSI 11/9.

²⁵⁸ PRO, ASSI 11/16. Only the first name (Samuel) of Johnson's intended victim is legible.

²⁵⁹ Jones 'Thomas Campbell Foster', p.14.

4.8 WORKHOUSES

One point worthy of consideration is whether there were any connections between workhouses, Poor Law Guardians' property and signs of protest. In some areas of the country, as in East Anglia, workhouses and their personnel were frequently targeted by arsonists.

Derbyshire consisted of nine Poor Law Unions: Ashbourne, Bakewell, Belper, Chapel-en-le-Frith, Chesterfield, Derby, Glossop, Hayfield and Shardlow. The manner in which opposition to Poor Law Amendment Act expressed itself at these workhouses was not limited to covert encounters, there were many instances of overt operations. Examining overt protest first we find on one occasion the wrath of two vagrants manifested itself in breaking two windows of the Brassington Workhouse.²⁶⁰ A further and more serious show of displeasure occurred at Crich. In a lengthy report recounting events, Walton the Relieving Officer explained how:

on the 12th instant he was at the Parish of Crich that after he had distributed the relief to the poor, he was violently assaulted by a riotous and tumultuous assembly of persons, who threw stones, brick bats and dirt at him—that Mr. Smith, the constable, was present when he was struck with a stone or brick—that, he pointed out the person to the said constable, but he refused to take charge of him and did not endeavour to dispose the mob or [sic] did he render him any assistance.²⁶¹

Based upon Walton's testimony the constable was summoned to appear before the local magistrates in order to give an account of his supposed lack of action. After giving his testimony the magistrates decided:

there was not sufficient evidence before the magistrates to justify them in convicting the constable and the magistrates were inclined to consider the case as rather an error of judgement in the constable than any wilful neglect of duty and particularly as he afterwards evinced a ready disposition to bring forward the guilty and to protect the Relieving Officer the following week when the same sort of attempt was intended to be made upon him. Two married women who were very violent in the affray and who were detected with dirt in their hands and threatening the Relieving Officer were convicted in the penalty of one pound each

²⁶⁰ Ashbourne Workhouse Minute Book, 14 February 1846, D520 CW1/1.

²⁶¹ Belper Workhouse Minute Book, 16 September 1837, D19 CW1/1.

and costs and in default of payment were committed to the House of Correction at Derby for one month each.

In 1843 six women 'all of them of notoriously bad character' broke a day room window. For their behaviour the women were sent before the magistrates who were 'requested to punish them to the utmost extent of the law'.²⁶² Belper again suffered from internal unrest when a fourteen-year-old boy broke a schoolroom window. For his misbehaviour the lad received six strokes with a birch rod across his bare bottom.²⁶³ Two years later at the same institute, four boys were flogged for an incident when they had 'willfully [sic] broken a pane of glass in the boys washroom'.²⁶⁴ Whether these were children's pranks or outright dissent may never be known. Although examples are taken from only two workhouses, unrest followed a similar pattern at the other workhouses in the Union.

What is abundantly clear from this research carried out on workhouses is that there were considerably more cases of overt protest than that can be linked to covert protest. Only two clearly defined cases of an arson attacks could be found, which were carried out against Poor Law officials' property. The two gentlemen involved were Jedediah Strutt of Belper in 1843 and George Jenkinson of Whittington in 1847, both of whom suffered attacks on their farm property. Such tended to be the case when many union officials were themselves farmers (see Appendix 7). There is a case to be argued that the two fires may have been started for reasons other than those attributable to workhouses and poor relief. Both Strutt and Jenkinson held high-profile positions in their respective neighbourhoods. Strutt's family owned large factories in and around Belper, and employed large numbers of employees. It is therefore a possibility that an irate employee set fire to his stacks and not someone seeking vengeance over poor

²⁶² Belper Workhouse Minute Book, 11 November 1843, D19 CW1/5.

²⁶³ Belper Workhouse Minute Book, 25 November 1843, D19 CW1/5.

²⁶⁴ Belper Workhouse Minute Book, 3 May 1845, D19 CW1/5.

relief. Jenkinson at one time or another held a variety of high profile posts. However in Jenkinson's case his offices, other than the one associated with the local workhouse, were held after the fire. He became a surveyor of the highways; he worked as a member of the parish council and in 1849 was elected chairman of that council.²⁶⁵ Because of this there is a greater possibility the fire was indeed linked to matters concerning poor relief. However in both cases the culprit or culprits were never caught, so we will never know the motives behind the attacks. The only other covert attack against workhouse property which I could find, was the killing of a pig belonging to the Chesterfield Workhouse. This discussion is returned to in the following chapter.

At first this lack of animosity is surprising considering how people at the time suffered under poor economic conditions, whether it was due to a downturn turn in trade, strikes or vagrancy. Two suggestions may be offered as to why this should be. First there was a demographic change taking place, as witnessed in places like Chesterfield. Young men left the land and moved into trades, in particular mines and railroads. As a result of this, in the majority of cases, those who stayed behind, or were in receipt of indoor or out-relief, were the elderly or the very young. This last point is made abundantly clear from the following figures.

Fig. 4: 4 Average weekly number in Chesterfield Workhouse

1840 127 of whom 65 or 51% were under the age of 16

1844 172 of whom 97 or 56% were under the age of 16

Source: A. F. Watson, 'Chesterfield Poor Law Union, 1837-1847, (Unpublished M. A. thesis, 1975, no academic institution stated).

A breakdown of the inmates at Alfreton gives a similar picture of a majority of inmates who were minors. A report of a visit to this workhouse contained the following figures:

²⁶⁵ Whittington Parish Records, LM-42.51 WH1.

Fig.4: 5 An analysis of inmates at the Alfreton Workhouse 15 December 1838

17 adults: 7 men
 10 women
 21 children all under the age of 14 years of age

Source: Belper Workhouse Minute Book, 15 December 1838, D19 CW1/2.

It has been said of the Chesterfield Workhouse that 'the workhouse was primarily a children's home, an orphanage fulfilling an important function but certainly not one it was intended for'.²⁶⁶ This exodus from the land goes some way in explaining why there were fewer rural fires in Derbyshire than other counties. When industry took up the majority of young workers, farmers faced severe competition for labour and were forced to pay higher wages, which went some way towards alleviating one major source of grievance, one which had been a contentious point in other counties. Those counties relying solely upon agriculture as a source of employment would face no such conflict of interest. As previously mentioned, those people remaining in the villages were the elderly or very young, and unlikely candidates as arsonists.

Covert action against workhouses or their officials was minimal. However, as described earlier in the chapter, there was no such reluctance in showing disapproval when informal aid was not forthcoming. Here there was more willingness to point out perceived lapses of paternalism on the part of the gentry. There was still, in times of need, an expectation on the part of the under-privileged, whereby they should still receive gifts from those of better fortunes. In other words, no matter how great was the urge of the gentry, in the face of rising poor rates, to relinquish their paternal duties, those with lower standards of living were not so willing to see them relinquished.

²⁶⁶ Watson, 'Chesterfield Poor Law Union', p.65.

4.9 REASONS FOR ARSON ATTACKS

There is a great deal of difficulty in assessing what were actual reasons for many fires, the anonymity of this crime makes it virtually impossible. On this subject the view of one contemporary, E. J. Wakefield, is worth quoting at length:

a husbandry labourer knows every path, hedge, bush, post, and dog, on his master's farm. His ordinary labour must take him every day close to his master's stacks, and he is thus enabled to reconnoitre, without exposing himself to suspicion, the spot on which we will suppose that he intends to act. Either as a poacher or a pilferer he is accustomed to prowl at night, and like a cat can see in the dark, besides being able to leave home at any hour of the night, without exciting the notice of his family or neighbours if they should happen to hear him on the move [...] He can creep towards the devoted ricks, perfectly certain of not being seen [...] With three blows of the flint and steel the tinder is alight: he touches it with a match, stuffs the match into the rick, shuts the box, pops it into his pocket, and shuffles away with the same caution as before. In five minutes the stack is ablaze: and in a thrice as much time perhaps, he is either snoring, wide awake, by the side of his wife, or else bawling under his master's bedroom window—'fire ! help ! Lord's sake, sir, get up; help fire'.²⁶⁷

Arson was simple to achieve and capture easily evaded, hence the small proportion of arsonists brought to justice. In the majority of arson cases reported in local newspapers the story was repeated, a deliberate fire and the culprit had escaped undetected. Such a case was a fire at Barlow, where haystacks were destroyed and no-one apprehended. The writer of this report was confident in his own mind who had caused the damage, he stated: 'no doubt exists of this being the work of some evil and wicked incendiary.'²⁶⁸ Wary of the obstacles placed in front of me by anonymity, an analysis of reasons behind fires in Derbyshire will be attempted.

The threat of unemployment was ever-present in Derbyshire, whether as a result of modernisation in labour intensive manufacturing, downturn in trade or bad weather. As a result, poverty was never more than a step away. Linking poverty and arson attacks prove to be a continual contentious point. Chadwick, in his report to the Poor Law

²⁶⁷ E. G. Wakefield, *Swing Unmasked, or the Causes of Rural Incendiarism* (London: 1831), p.204.

²⁶⁸ *Derbyshire Courier*, 19 April 1834.

Commission was very sure of his reasoning:

in the first place, they cannot get enough work, either in their own parishes or out of them. If labour goes into another parish, they say to him, 'You are not one of our parish, and we cannot employ you'. They then give him an allowance, which is not enough for him, and he runs about discontented and gets into some mischief. I need not say that all these attacks are well known to have been set on fire by the surplus labourers.²⁶⁹

Further primary evidence supporting a link between poverty and arson came during a Derby Winter Sessions' sitting. We are told:

his Lordship then remarked upon the onerous nature of the poor-rates, and explained some causes of their use, as connected with the price of provisions during the war; he particularly animadverted upon the paying of wages to agricultural labourers out of the poor rate. The practise had been productive of great evils and the disturbances and the acts of incendiaries, had been chiefly in those counties where the practise of paying wages out of the rates had been general.²⁷⁰

During late December 1843, *The League* made a passing reference connecting fires and the labourers' ongoing poverty in many areas. The paper maintained that due to the labourers' predicament 'in many counties the daily recurrence of incendiary fires marks their deep moral degradation'.²⁷¹ In 1844 outbreaks of arson attacks in Norfolk and Suffolk were severe and 'this outburst of incendiarism has a special significance because it caught the attention of the press, Parliament and public. In particular, it drew to East Anglia one Thomas Campbell Foster'.²⁷² Foster, an investigative journalist for *The Times*, made his assessment of the situation; 'he concluded that the great number of fires in southern Norfolk and west Suffolk were the results of the lack of employment, inadequate wages and the effects of the New Poor Law'.²⁷³ As in other parts of the country, in Derbyshire there were those who recognised poverty as a main cause of such

²⁶⁹ Report from His Majesty's Commissioners on the Administration and Practical Operation of the *Poor Laws*, Appendix A, Parts 1-3, Assistant Commissioner's Reports with Evidence and Index, 1834, 8-10 (Shannon: Irish University Press, 1971), p.14a.

²⁷⁰ *Derbyshire Courier*, 23 December 1843.

²⁷¹ *The League*, 30 December 1843.

²⁷² Jones, 'Thomas Campbell Foster', p.7.

²⁷³ Jones, 'Thomas Campbell Foster', p.21.

discontent. In the following case, views were given as to what steps should be taken to alleviate some of this discontent. Joseph Bridgett in a letter to the *Derby and Chesterfield Reporter* contended:

but we all know what is the offspring of idleness, be it voluntary or compulsory; and when to it we add poverty and distress, famine and starvation, they form a catalogue only equaled in its frightfulness by the consequences which so readily follow, when these materials are worked upon by excitement and allowed free scope by opportunity.

Having given his warnings on what problems would occur due to economic hardship, he offered his views on a solution. He continued:

now that the inclement season is setting in, let us again have our Soup Fund and other benevolent aids to the poor, suited to the necessity of the times, let us prove to them that we indeed have their welfare at heart, and then there is, I think, little danger of their flying in the faces of their benefactors in any future popular commotion.²⁷⁴

However there was not universal support for a link between poverty and arson, and other explanations of the causes of arson were offered. In 1831, in an unsigned letter to the *Derbyshire Courier*, views were aired over the causes of social tension which arose during the then-present Swing Riots. In the anonymous writer's opinion:

I am fully convinced that the spirit of dissatisfaction which now prevails does not originate with the pauper, but with evil designing men, who much more richly deserve the extreme penalty of the law than the poor misguided labourers, who are the dupes of their artifice.²⁷⁵

This veiled reference 'evil designing men' could well be aimed at such figures as William Cobbett who at that particular time came under scrutiny by the government, and would later face trial for alleged seditious libel, and inciting arson attacks during the Swing Riots. He was a man who openly and wholeheartedly took up the cause of the rural workers, toured the country, spoke ceaselessly, and wrote thousands of words on their behalf.²⁷⁶ Incitement, as a reason behind arson attacks, was given during a

²⁷⁴ *Derby and Chesterfield Reporter*, 17 November 1831.

²⁷⁵ *Derbyshire Courier*, 5 February 1831.

²⁷⁶ For further reading see Cobbett, *Rural Rides*. Also Ian Dyck, *William Cobbett and Rural Popular Culture* (Cambridge: Cambridge University Press, 1992).

Parliamentary hearing on the state of agriculture. Discussing reasons behind the latest round of arson attacks in Wiltshire, Sir James Graham, Bart., asked ‘do you think they arose from delusion among the peasantry and attempts to inflame their minds, rather than from pressure or actual distress? In reply Richard Webb, land agent, land surveyor and farmer, answered ‘certainly’.²⁷⁷ However, based upon my previous hypothesis a proposal can be presented of strong evidence to support a link between arson and poverty. In times of economic hardship and with aid not forthcoming, fires were frequently sufficient means to prompt local gentry into action.

One historian has suggested that ‘not all fires were the result of arson attacks. Sparks from a machine or an accidentally dropped lucifer match could start a conflagration. But as he added, ‘however, as the insurance companies well knew, a significant number of the fires were started deliberately’.²⁷⁸ Indeed, the policies of the companies would add to owners’ problems. As Hobsbawm and Rudé point out, ‘more serious was the fact that, faced with the spread of incendiarism, insurance offices were refusing to accept new policies covering farming stock in the disaffected counties, or were steeply raising their premiums’.²⁷⁹ After receiving heavy financial losses due to fire damage, many insurance companies took fright and responded by imposing stringent measures. In November 1830 Col. Harvey of the Norwich Union Insurance Company addressed his board on the alarming increase of incendiary fires—not only in his neighbourhood of Holt, but throughout the kingdom—and on the necessity of further advancing the premium for insuring farming stock.²⁸⁰ Later the following year, the Norwich Union called for a summary of financial losses incurred due to fire damage on farm property between the midsummer of 1830 and 1831. These losses were broken down into three

²⁷⁷ BPP, *Agriculture*, 1833, p.52.

²⁷⁸ David Taylor, *Crime, Policing and Punishment*, p.36.

²⁷⁹ Hobsbawm and Rudé, *Captain Swing*, p.225.

²⁸⁰ Norwich Union Fire Insurance Society Board Minute Books, 26 November 1830.

categories; these were accidental, lightning or incendiary.²⁸¹ The following figures include losses on farm property embracing buildings and stock which were presented to the Board.²⁸²

Fig. 4: 6 Payments made by the Norwich Union for fire damage between 1830-31

Accidental	£4000
Lightning	£380
Incendiary	£8300
Total	<u>£12680</u>

The number of fires in Derbyshire during 1831 rose sharply from the previous year and insurance companies were now nervous and not willing to take any economic risks. Having suffered heavy financial losses in southern counties, there was an immediate response in Derbyshire to early signs of the arsonist. After a report of one fire in Derbyshire 'several of the Fire Office Agents, in Ashbourne, have received orders from their respective Offices, not to effect Insurances on Agricultural Property for the present'.²⁸³ A later report subtly suggested to local farmers what measures to take if they did not wish to become an arsonist's next target. Headed 'Swing' the article ran:

the fire offices have suffered so much by their generous and praiseworthy resolution of not refusing an insurance on agricultural property at the time the incendiary proceedings commenced, that they have determined not to insure the property of any agriculturist who uses machinery.²⁸⁴

A suggestion can be offered that this was a hint to local farmers not to buy or use machinery or else face the consequences. Placed in the same edition of the newspaper there was 'An Address to the Labourers, on the Subject of Destroying Machinery'. This letter was aimed at the would-be arsonist, pointing out how machines were part of the evolutionary process, prescribed by God, and progress was inevitable. The writer starts:

²⁸¹ NU, 12 September 1831.

²⁸² NU, 19 September 1831.

²⁸³ *Derby and Chesterfield Reporter*, 9 December 1830.

²⁸⁴ *Derby and Chesterfield Reporter*, 23 December 1830.

you must remember that the Almighty has sent man into the world furnished, as far as the make of his body is concerned, with less means of providing sustenance for himself than any other animal it has pleased him to create.

The theme of this letter continues to argue and allude to the social benefits produced by machines in the form of lower food prices. The letter proceeds:

whatever tool, instrument, or machine lessens the quantity of labour required to prepare any commodity or article, renders it cheaper in the market and more within the reach of every person who desires to buy it; and of course, as labourers are buyers, they profit by the cheapness.

The letter writer concludes by expressing the consequences of ignoring modernization, if modernisation did not occur man would revert back and become cavemen.²⁸⁵

The Norwich Union did not remain alone as other insurance companies suffered financially due to arson attacks. In 1845 the Phoenix Insurance Company paid out in farming claims more than double the sum it received for that year in premiums. Such were the losses from some districts, the company's agents were discouraged from carrying out their business there.²⁸⁶ Arson attacks now reached such epidemic proportions in some counties they became part and parcel of everyday life. Reporting on arson attacks in Bedfordshire, one article by a farmer in *The League* claimed such was the frequency of these attacks they had ceased to be considered a crime by the generality of the labourers.²⁸⁷

Understandably there was now a reticence on the part of many landowners to broadcast their personal views on why they thought many of the fires occurred. These reservations had all to do with a fear of receiving a visit from an arsonist if they openly voiced their opinions. Discussing the threat to landowners, Henry Pilkington giving his evidence to the Poor Law Commission was quoted as saying:

to my question, whether they had any knowledge of the causes of the incendiary fires which had taken place in the neighbourhood, they made very little reply;

²⁸⁵ *Derby and Chesterfield Reporter*, 23 December 1830.

²⁸⁶ Clive Trebilcock, *Phoenix Assurance and the Development of British Insurance: The Era of the Insurance Giants, 1870-1984*, 2 vols (Cambridge: Cambridge University Press, 1999), vol 2, pp.149-50.

²⁸⁷ *The League*, 9 December 1843.

indeed they seemed rather to shun the question (which I have observed in other places); and one of them said, 'It would not be over safe to have all we have talked about to-day mentioned in open-air'.²⁸⁸

In general this was the case in Derbyshire, motives behind arson attacks remained muted, most kept their own counsel.

One different reason cited by historians for a number of arson attacks were the rumours of self-inflicted fires by the farmers themselves. Their motive for doing so was purely financial as they would then be in a position to claim compensation in the form of insurance money. As Jones says, 'finally - the ultimate twist in the conspiracy theory - some of the fires were apparently started by farmers themselves'. Although he does add, 'with rare exceptions, however, such rumours were not substantiated'.²⁸⁹ However in all the references in relation to arson attacks in Derbyshire, there was no mention suggesting owners set fire to their own property. Nevertheless a great deal of attention was paid as to whether or not properties were insured. Such was the case of a fire at Chapel-en-le-Frith, where a fire completely destroyed a mill, with the report stating that the building was fully insured.²⁹⁰ There may not have been anything sinister in this report, it could have simply been printed for other reasons. First it could have been a statement of defiance, 'although you think you may have hurt us, we were insured'. Which was exactly the message the paper sent out in the previous decade. Reporting on a fire at Derby, the report ran:

whatever the motive of the parties guilty of firing his property, the design has been rendered abortive by the prudence of the proprietor but the fire-office that insured the hay has sustained a loss of £45, and so much capital has been lost to the country.²⁹¹

²⁸⁸ BPP, *Poor Law*, 1834, 9, p.98a.

²⁸⁹ Jones, 'Thomas Campbell Foster', p.20.

²⁹⁰ *Derbyshire Courier*, 29 January 1842.

²⁹¹ *Derbyshire Courier*, 10 December 1831.

Following on from this report, and after Derbyshire had witnessed three years of arson attacks, an anonymous letter gives an interesting contemporary insight into this problem. The writer contends that:

I am surprised to observe the apparent unconcern with which the incendiary fires we are constantly reading of in the public prints, are viewed by my brother farmers. When it is considered for how small a sum a person may make his property secure from that bane, the mid-night incendiary, it is strange so very few avail themselves of the privilege, the duty on farming stock having been taken off by Government purposely to check the alarming growth of this anti-English crime, places it within the reach of all farmers however small they may be, to secure their property, the rate being but two shillings a year for a hundred pounds worth of farm produce, thus the motive for burning stacks and barns would be speedily be done away with, as it must be obvious to all, that the pique or malice of the incendiary is against the person of the farmer, not against his property; consequently when it becomes known that the fire offices are the only persons that will be injured, the motive ceases.²⁹²

This letter was signed 'A Derbyshire Farmer', and in his view farmers in Derbyshire were treating fires with little or no concern. Unwittingly the letter reveals insurance companies were still taking premiums on farm property in Derbyshire. After an initial wariness on the part of insurance companies towards Derbyshire's farming industry, it looks like there had been a change of opinion. This maybe due to the fact that after three years' experience it was proving fires in Derbyshire were less of a problem than in other counties? The author of this letter suggests fires were personal acts of protest against farmers, a point which insurance companies were well aware of. Certain farmers gained a particularly unwelcome reputation, even a notoriety and were disliked locally, which brought with it reprisals. Accordingly, insurance companies took it upon themselves and instructed their agents to investigate what sort of character a farmer had before they took on the risk and insured him. If indeed it was found he was known to be of a troublesome nature then insurance premiums would be increased. According to Emsley:

²⁹² *Derby and Chesterfield Reporter*, 27 November 1834.

insurance companies rightly recognised that the problem was not one-sided and warned their agents to enquire whether farmers were deemed 'obnoxious' in their locality before undertaking to offer their services; in addition they surcharged unpopular farmers who were already policyholders.²⁹³

In 1830 the Norwich Union Insurance Company received letters of enquiry from their agents based in the towns of Canterbury, Ashford, Hythe, Dover and Sandwich. These letters requested instructions on whether or not to refuse insurance premiums on farming stock. This was due to existing local circumstances where heavy losses were incurred due to incendiariasm. The reply instructed the agents to continue taking insurance as usual, but to use their own discretion in refusing obnoxious characters.²⁹⁴

Other insurance companies followed suit. For example in response to the agricultural workers' uprisings in 1830 the Sun Insurance Company secretary stated:

the following questions be asked of all persons making new Insurances upon Farming Stock or Farm Buildings. Whether any threatening letter has been sent to any of the parties interested? Whether any disputes have arisen with workmen or others? Whether any threshing machine be kept or hired for use on the farm in question?²⁹⁵

Reports in the *Derbyshire Courier* suggested some local farmers were disliked because of their offensive nature. On account of this enmity farmers suffered acts of reprisal. After a fire at Borrowash, reasons for the incident, and those suspected of carrying out the crime, were indicated in a newspaper report. It was supposed the farmer:

had himself been obnoxious to a considerable number of men and boys (many of them persons of bad character), who had been engaged in making a bonfire the night before, by rescuing from the fire two large pieces of timber his property which had been stolen and causing the fire to be extinguished.²⁹⁶

Circumstantial evidence in the following case suggests this particular farmer had upset a person or persons unknown. A corn stack belonging to Joseph Fritchley was burned to

²⁹³ Emsley, *Crime and Society in England, 1750-1900*, p.95.

²⁹⁴ NU, 11 October 1830.

²⁹⁵ Dickson, *The Sun Insurance Office*, p.143.

²⁹⁶ *Derbyshire Courier*, 15 November 1834.

to the ground, this was not the first time an incident like this had occurred. According to the local newspaper, 'three weeks earlier a wheat stack of his had been burned down'. In the report it was claimed that both fires had been caused by the same person.²⁹⁷

On another occasion the incentive behind an arson attack was an attempt to raise agricultural labourers' wages. In 1844 *The League* published an article on the case of James Lankester. Lankester had set out on a personal crusade, which was to burn down as many hay and corn stacks as possible. Unfortunately for Lankester, his mission was curtailed when he was caught. His motive behind these actions was an attempt to raise the price of corn, in his view cheap corn was the 'curse' of the English labourer. He believed in order to raise the level of agricultural labourers' wages corn prices would need to be dearer. In order to achieve this aim corn needed to be made more scarce, hence his crusade to burn down corn stacks.²⁹⁸ Reporting on arson attacks the *Derby and Chesterfield Reporter* agreed to some degree with Lankester, arson attacks would result in increased prices of grain. However the newspaper was at odds with Lankester's assumptions over increased prices of corn, the reporter envisaged that:

no one can be so stupidly ignorant as to see that extensive destruction of hay would raise the price of it in the market, and that in consequence, milk, an article of essential importance to the poor, would advance in price, and add to the general distress.²⁹⁹

This was a timely reminder to anyone contemplating arson. The results of such actions were just as likely to self-inflict economic hardship as they were to inflict hardship upon the target.

Finally, there are two more examples to confirm just how complex is the subject of arson, and showing how not all fires were acts of protest. The first example concerns two young boys, John Howe, aged 14, and his friend John Hollingworth, aged 11. Both

²⁹⁷ *Derbyshire Courier*, 23 December 1843.

²⁹⁸ *The League*, 3 August 1844.

²⁹⁹ *Derby and Chesterfield Reporter*, 8 December 1831.

were involved in an attempt to burn down the mill in which they worked. Howe's reason for this attack was simply because he wanted more free time to play, rather than working. However, Hollingworth took fright and raised the alarm.³⁰⁰ The second example concerns the case of Matthew Johnson, aged 21, who set fire to a shed. He told the trial judge 'I set fire to the shed, wishing to be sent out of the country'. Unfortunately the judge was not sympathetic to his cause, 'in passing sentence, his Lordship said the terms of imprisonment were not to be allotted to the pleasure of a prisoner'. The judge sentenced Johnson to eighteen months' hard labour.³⁰¹

Proving beyond any reasonable doubt how some fires were acts of protest is not easy, because 'such acts were the traditional weapons of the powerless against the great. They do not appear in the court records because the offenders were never caught'.³⁰² In many cases it is necessary to rely upon circumstantial evidence, in order to prove protest was indeed the motive. In a case described as 'Wanton Mischief', a stable at Butterfield Colliery used by the butties for putting their hay in was set alight. Arson was suspected 'as a quantity of gunpowder had been ignited'. The fire was put out before much damage occurred. The reader was also informed this was not the first fire at these premises, they had received an arsonist's attention before.³⁰³ In the same issue a fire was reported at Dukinfield Mill; again the fire was extinguished before much damage could take place. In this instance 'lighted shavings had been found' at the scene of the crime.³⁰⁴ A further case suggesting protest as a motive concerned three attempts in one week to set fire to Lanthorn Pike in March 1847. In a newspaper report it claimed how during the previous week a portion of the moor had been set alight, on the Monday of the week of publication (20 March 1847) another fire had occurred on the heath and

³⁰⁰ *Derbyshire Courier*, 23 December 1843.

³⁰¹ *Derby and Chesterfield Reporter*, 22 June 1849.

³⁰² Hay, *Albion's Fatal Tree*, p.253.

³⁰³ *Derbyshire Courier*, 2 July 1836.

³⁰⁴ *Derbyshire Courier*, 2 July 1836.

near to the gardens and plantations. Then on the Tuesday night another attempt to fire the moor had been made.³⁰⁵

Throughout the period of study there was some debate over whether or not there was a possible link between poaching and various arson attacks. In a small number of cases this would indeed be true; however, contemporary opinion on the subject was mixed. Under questioning by a Select Committee on the Game Laws, Sir Henry Verney was asked if he thought there was any connection between incendiarism and poaching. His reply was, 'I do not think these incendiary fires had anything to do with poaching or with the poachers'.³⁰⁶ Not everyone agreed with Sir Henry Verney. For example Jones writes that, 'when Jeremiah Head of Great Saxham was imprisoned for poaching, he threatened to destroy "every place the old b—(Squire Mills) has got"'.³⁰⁷ If poachers could not be emphatically proved to be the culprits, there were always those who were willing to blame them. A fire destroyed ten acres of a wood belonging to the Duke of Leeds, blame for this destruction fell on a poacher who had previously escaped capture.³⁰⁸ In 1847 there were two reports of attempts to destroy game preserves by fire. In one 'Malicious damage' was caused to preserves of John White and in the same edition it was reported how gardens and plantations on Lanthorn Pike (as mentioned above) were set alight.³⁰⁹

4. 10 THREATENING LETTERS

Peacock in his research into village radicalism in East Anglia found threatening letters were used in an attempt to intimidate employers. He says of the violence which had taken place during the first half of the nineteenth century, 'its causes are eloquently

³⁰⁵ *Derbyshire Courier*, 20 March 1847.

³⁰⁶ PP, *Game Laws*, p.63.

³⁰⁷ Jones, 'Thomas Campbell Foster', p.13.

³⁰⁸ *Derbyshire Courier*, 11 April 1845.

³⁰⁹ *Derbyshire Courier*, 20 March 1847.

spelled out in threatening letters, and statements in court and from the scaffold'.³¹⁰ But in Derbyshire there is a paucity of reported threatening letters. Looking through the *Derbyshire Courier* only one reference to a threatening letter could be found. However this letter was not applicable to an incident in Derbyshire, but to one in the adjoining county of Nottinghamshire sent through the post by 'incendiaries and their accomplices'.³¹¹ The editorial comment on this letter claimed the writer must be suffering from 'some form of derangement'. However, local newspapers contain so little information on the subject of threatening letters. Writing on the subject of agrarian threatening letters E. P. Thompson claims 'they are some of the saddest examples of the genus, especially those written in the nineteenth century - the testimony of men driven to fury by the humiliations of the poor law, low wages, the abuse of charities'.³¹² This description certainly fits the next example of threatening letters. As with the *Derbyshire Courier*, an examination of the *Derby and Chesterfield Reporter* revealed only one incident involving a threatening letter, only this time it did refer to a Derbyshire man. This writer was Henry Coxon of Rodsley, near Ashbourne. He was gaoled for sending three threatening letters, one to each overseer of the poor at the villages of Rodsley, Yieldersley and Osmaston. In his letters he threatened to burn and destroy any stacks of corn and hay owned by the three overseers.³¹³ However Coxon was apprehend before he had an opportunity to carry out his threats, if indeed he ever intended to. This incident fits very much into the frame of a "Swing" letter, one where 'they were expressing in their personal actions the feelings of resentment of their class'.³¹⁴ On other occasions written threats were made, but not in letter form. After one arson attack, with the loss of two haystacks, it was reported 'threatening words

³¹⁰ Peacock, 'Village Radicalism', p.57.

³¹¹ *Derbyshire Courier*, 20 December 1845.

³¹² E. P. Thompson, *Albion's Fatal Tree*, p.275.

³¹³ *Derby and Chesterfield Reporter*, 9 December 1830.

³¹⁴ Peacock, 'Village Radicalism', p.31.

being previously written on the adjacent building'.³¹⁵ The next report is not so vague in recounting a message written on a door; the householder received the following warning: "John Mallender, if you do not leave this place you will be shot".³¹⁶ Although outbreaks of fires in Derbyshire were not as extensive as other counties, it is difficult to believe that so few letters were ever sent. In part this could be because 'farmers sometimes maintained an understandable silence over small cases of incendiarism and the receipt of scores of threatening letters'.³¹⁷ In addition it is a possibility that there were cases where newspapers did not wish to publicize such letters, in order not to encourage other would-be letter writers.

Although there were claims of 'derangement' made regarding the author of the anonymous letter, there was only one further reference linking mental illness to arson attacks, and this was given as a defence. Robert Lee, aged 18, was accused of setting light to a haystack, and the jury found him guilty 'but recommended the prisoner to mercy, on account of their hearing he was not sane'. This plea gained very little sympathy from the court for as 'the learned *Judge* explained to the jury that they could find but one verdict, either that the prisoner was guilty or not guilty, and that without attachment to any special qualifications'. As a result of the judge's views the prison chaplain and surgeon were called for and the later explained 'he considered the prisoner to be of weak intellect, but that he understood what was right and wrong'. Due to the arising debate and the additional testimonies the sentence was deferred until a later date and not subsequently reported in the press.³¹⁸

Although determining who carried out arson attacks is blighted by anonymity, one fact does emerge, which is that, like poaching, arson was male-dominated. Engaging the

³¹⁵ *Derby and Chesterfield Reporter*, 7 July 1831.

³¹⁶ *Derby and Chesterfield Reporter*, 23 April 1840.

³¹⁷ Jones, 'Thomas Campbell Foster', p.13.

³¹⁸ *Derby and Chesterfield Reporter*, 18 March 1841.

evidence from local cases where culprits were caught and charged, only one woman ever received a conviction. In this particular instance Alice Potter was found guilty of setting fire to nine stacks.³¹⁹

What emerges from this research in Derbyshire, is that both overt and covert forms of protest were used throughout the twenty year period, each with a varying measure of success. Also what is evident, is as forms of protest, they were never used in conjunction with each other. Fires were used successfully many times as a means of settling personal scores and encouraging donations of aid from local gentry. Whereas overt forms of protest, although still maintained, did not in the majority of cases have the same success rates. Strikes never brought about their desired results even after weeks of privation; if they were lucky, workers went back to a job, either for the same rates of pay or less. If they were unlucky they found they had lost their jobs, taken by workers from other areas. Contemporary newspaper reports were never sympathetic to the strikers' causes; where newspapers were in agreement was in the attitude adopted by the strikers. Throughout the twenty-year period all the reports regarding strikes referred to the good behaviour of those taking industrial action. When on strike the hands always conducted themselves with calm and dignity. For example, in 1833-34 'one of the most protracted and severe contests between masters and men ever witnessed in a manufacturing community' took place. In Derby silk weavers and other workers enrolled by their thousands in trade unions. This union membership was resisted by the owners who on 25 November 1833 insisted that any workers joining a union would lose their jobs. The very next day according to accounts 2,400 workers struck, and did not return to work until 7 May 1834. Even though other unions financially supported the strike to the tune of £4,783 15s, many workers suffered great

³¹⁹ PRO, ASSI 11/6.

privations and many died from 'sheer want'. Through these trying times the workers' attitudes were seen as exemplary, and:

although, 'picketing', or placing turn-outs to prevent the introduction of fresh hands, was as usual practised, the turn-out was attended with fewer breaches of peace than almost any on record.³²⁰

Throughout the course of this lengthy strike there were no signs of any fires or animals attacked in or around Derby. The heightened signs of law-breaking involved poaching offences, and these increased as the strike bit deeper, and hunger became a major problem.

³²⁰ Stephen Glover, *History and Gazetteer of Derbyshire*, 2 vols (London: Longman, 1829-33), vol 2, p.607.

CHAPTER 5 ANIMAL MAIMING

5.1 WHAT WAS ANIMAL MAIMING?

If not one of the most prolific crimes during 1830-50, then certainly one of the more horrific and psychologically disturbing was animal maiming. This crime 'probably deals with the most secret and least understood of all forms of protest'.¹ When reading through various reports of cruelty inflicted upon animals, it is very difficult not to allow personal feelings to blind one's judgement. There is a sound warning for any historian starting to research this particular topic. It is that 'while it is difficult to conceal a sense of outrage when reading of the many and varied tortures the animals had to suffer, moral outrage on the historian's part does not add to our understanding of this crime'.² Before 1822 the law did not offer animals any individual rights, any cruelty inflicted upon them was judged to be a crime against the owner and not against the animal. From 1822 the new law 'took not the owner but the animal into account and protected it from cruel or careless handling'. Until the Black Act was repealed in 1832, animal maiming was a capital offence. After 1832 the sentence was reduced to transportation or imprisonment.³ The early nineteenth century witnessed changes in attitudes towards animal welfare and with a growing moral sensibility this new law was an attempt to protect animals from cruelty.

In examining this particular crime some historians, such as Rudé, have limited themselves to offences against cattle.⁴ However Archer argues that to limit the investigation like this is a 'misnomer' as a variety of animals were targets.⁵ Archer found tortures of animals, while not numerous, were not uncommon. Citing just a few

¹ J. E. Archer, 'Rural Protest in Norfolk and Suffolk, 1830-70', 2 vols (Unpublished doctoral thesis, University of East Anglia, 1981), vol 1, p.7.

² Archer, "A Fiendish Outrage"?, p.147.

³ Archer, *By a Flash and a Scare*, pp.199-200.

⁴ George Rudé, *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia, 1788-1868* (Oxford: Clarendon Press, 1978), pp.149-50.

⁵ Archer, "A Fiendish Outrage"?, p.149.

illustrate the barbarity of these crimes. They include donkeys who had their ears cut off at the base, horses having their tongues either pulled out or slit and sheep who had their entrails pulled out by a man using his bare hands.⁶

Researching animal maiming in Derbyshire revealed a variety of animals were the unfortunate victims of such attacks. These included a cow that died in agony with no visible signs of injury. After an autopsy examination the cow's stomach was found to contain 'a large stocking needle, a quantity of hobnails, a number of shoe tacks and some very sharp pieces of wire, besides a substance resembling leather'.⁷ As the report on this particular case pointed out, these objects can only have been forced down the animal's throat, it would have been impossible for a cow to have eaten these articles with its food. There was too an episode of a cat who had its claws pulled out 'as if by pincers',⁸ and a pig which had its back and jaw bone broken 'and the poor animal was otherwise mutilated'.⁹ However, categorizing the motives behind such attacks on animals is not a simple task. Take, for example, attacks on sheep and cattle which have raised considerable debate. Peacock believes the dismembering of animals falls only into the category of an act of protest. In his view, 'by this method the creature was killed, skinned, and only the best cuts of meat were taken—the head, skin, fat and entrails were left as an awful reminder of the power of the labourers'.¹⁰ Archer maintains an alternative view, writing that a 'considerable numbers of sheep were literally hacked to pieces and left to die slow lingering deaths. Where cuts or joints of sheep were taken we must consider this sheep stealing, though in any lay person's language such mutilation was clearly maiming'. Continuing, he shows how in some instances sheep were attacked for different motives. He explains 'if the sheep was

⁶ Archer, "A Fiendish Outrage?", pp.150-2.

⁷ *Derbyshire Courier*, 14 June 1845.

⁸ *Derbyshire Courier*, 19 August 1843.

⁹ *Derby and Chesterfield Reporter*, 7 June 1832.

¹⁰ Peacock, 'Village Radicalism', p.44.

simply left dead in the field then it has to be considered a case of maiming'¹¹ Rudé in his classification of animal maiming makes the following assessment:

small as the sample is, it is large enough to show us that cattle-maiming, like arson, could be of two kinds: an acquisitive kind (as a form of theft, whether for sale or for personal consumption) and a protesting kind, where close-fisted employer or a rack-rented landlord was the target of attack.¹²

After examining various cases of animal maiming in Derbyshire, it seems logical to concur with Archer, that to say animal maiming is a crime of protest is too simple. The crime is complex and deserves a more detailed explanation.¹³

This work divides animal maiming into four categories. The first category is that of acquisition, where an animal was killed and a part or the whole was taken away. My second category is that of protest, where an animal was killed or mutilated and not taken away, while at the same time bringing a deep psychological terror and financial loss to the animal's owner. The third category is that of accidental injury and finally the fourth those whose perpetrators needed psychiatric help. In drawing up these four categories a heavy reliance has been placed upon the work carried out by Archer on the subject of animal maiming.

5.2 ANIMALS KILLED FOR ACQUISITION

As early as 1831 the killing of sheep caused Derbyshire's local authorities and farmers a great deal of consternation. In an article entitled 'Malicious Sheep Killing' a newspaper reported, 'and as this species of depredation has been so frequently committed of late every exertion is being used to bring the guilty party to justice'.¹⁴ One farmer suffered from attacks on three separate occasions, and each time his sheep were slaughtered.¹⁵ There were peaks and troughs in the reports of sheep stealing, but

¹¹ Archer, *By a Flash and a Scare*, p.201.

¹² Rudé, *Protest and Punishment*, p.150.

¹³ Archer, *By a Flash and a Scare*, p.211.

¹⁴ *Derbyshire Courier*, 3 September 1831.

¹⁵ *Derbyshire Courier*, 27 February 1836.

stealing always continued to a degree. Following reports of only isolated incidents there began a flurry of sheep stealing towards the end of 1837. Describing these local events one newspaper claimed ‘several depredations of the same kind have been committed in the neighbourhood lately’.¹⁶ Unfortunately this report does not elucidate on whether the sheep were killed and left on the spot or whether they were killed and parts or the whole of the sheep carried away. Other evidence is more conclusive, as in the case of a John Smith who in 1842 was caught in possession of the hind legs and the loins of a ewe.¹⁷ Presumably it was easier to carry away the remains of a sheep than it was to carry away a whole one, dead or alive. To carry out the process of dismembering an animal would be noisy, messy, time-consuming, take a lot of nerve or the person would have been so desperate as to risk being captured when killing the animal.

Although there were occasional reports of live sheep taken, dismembering animals seemed to be the favourite method of approach, a fact not missed by a local newspaper. Remarking on one theft the *Derbyshire Courier* reported how the animal was stolen and not ‘slaughtered on the spot, as is the usual case’.¹⁸ The perpetrators carrying out these attacks fell into two distinct types of killers—those who knew what they were doing and those who did not. At times evidence reveals the killing of animals was not always carried out by professionals. One report describes how a ewe had been slaughtered with the head and the entrails left behind, and judging by the way the act had been carried out, it was by ‘no butcher’.¹⁹ However there were at times attackers who did take their time, and were selective on which parts of the sheep they took. After an attack on a sheep at Brampton ‘it appears that the depredators were rather nice in their choice of meat, as they only carried off the primest parts’.²⁰ One newspaper claimed to know the

¹⁶ *Derbyshire Courier*, 25 November 1837.

¹⁷ DQSR, Q/SO1/38.

¹⁸ *Derbyshire Courier*, 23 March 1844.

¹⁹ *Derbyshire Courier*, 1 January 1848.

²⁰ *Derbyshire Courier*, 2 February 1839.

identity of the felons. When 'a few evenings ago, two men having the appearance of butchers, went into a field belonging to Mr Goodall, near Repton, and attempted to catch some sheep by running them into one corner'.²¹ In one area of Derbyshire the problem of sheep killing reached such dramatic proportions lucrative incentives were offered for the thieves' capture. One report advertised a 100 guineas reward and 'His Majesty's gracious pardon will be granted to any of the gang impeaching his accomplices'. These unidentified criminals gained the sobriquet 'The Staveley Sheep Stealers', named after the village and area where they operated.²²

Considering the economic plight of many people in the vicinity this reward money would have been extremely useful. However even this incentive was not sufficient or high enough to entice any member of the local community to come forward and identify the culprits, if indeed the villagers knew who the culprits were. By February of the following year sheep continued to be attacked and the reward remained unclaimed.²³ In April and matters continued without any visible signs of change, attacks on sheep still persisted, bringing such comments as: 'the frequency of the crime of sheep stealing is at the present time almost unprecedented, and we have for weeks past had occasion to mention robberies of this nature'. The report went on to say 'this circumstance strongly indicates that the robberies are effected by a determined band of marauders, the existence of which we had occasion recently to allude to'.²⁴ One month later and still no success, the reward money rose to one hundred and five guineas.²⁵ In the light of poor policing methods such rewards represented an attempt at buying cooperation, rather than relying upon detection. During January 1838 reports were unremitting, all complaining of sheep slaughtered; on occasions the dismembering of the sheep was

²¹ *Derby and Chesterfield Reporter*, 2 July 1840.

²² *Derbyshire Courier*, 13 August 1836.

²³ *Derbyshire Courier*, 18 February 1837.

²⁴ *Derbyshire Courier*, 29 April 1837.

²⁵ *Derbyshire Courier*, 27 May 1837.

committed in a 'workmanlike manner'. One report headed 'Another Sheep Slaughtered' discussed attacks on sheep at Derby and as in other areas a reward was posted. This report claimed 'the frequency of the depredations has induced a number of respectable individuals of the trade to offer the reward of £50'.²⁶ This type of reporting was not exclusive to Derbyshire. Roger Wells states that: 'in the later 1830s and throughout the 1840s, the regional press recurrently reported waves of rustling, lamented the rarity of convictions, and began to speak of the winter "season" for the crime; journalists, and the police, attributed it to unemployment and farmworkers' "necessitous condition"'.²⁷

Undoubtedly the unemployed and farmworkers were involved in some cases of sheep stealing. However, as will be explained, there were far more likely suspects. Whether Staveley's authorities took the view Wells was to form is not known, however this particular area was suffering from unemployment, and the crimes took place as winter approached. In an attempt to dissuade people from resorting to crime, a timely reminder of alms donations appeared in the local press, along with an offer of future aid. One report reminded people the annual Gisborne Charity would shortly be operational.²⁸ This particular charity had been founded by the Rev. Francis Gisborne in 1817, and afterwards augmented by his will in 1818. Those who benefited annually from this charity were one hundred vicarages and curacies throughout Derbyshire and each received the benefit of its dividends. Under the regulations of this charity it was the responsibility of each rector to use the dividends to buy flannel and woollen cloth at Christmas each year and distribute them amongst the poor. When divided out this only represented small sums of money, for instance the vicar of one Ashbourne parish received £5 10s to distribute amongst his parishioners.²⁹ If a similar amount of money

²⁶ *Derbyshire Courier*, 13 January 1838.

²⁷ Wells, *Class*, 'Social Protest, Class, Conflict and Consciousness, in the English Countryside, 1700-1880', *Class, Conflict and Protest*, 121-214 (p.179).

²⁸ *Derbyshire Courier*, 16 December 1837.

²⁹ W. Hobson, *The History and Topography of Ashbourne* (London: Dawson & Hobson, 1839), p.87.

was available for the parish of Staveley, and previous higher incentives had failed, this certainly would not be a sufficient incentive to bring a halt to the crimes. Although the incentive of a reward failed to bring to justice any sheep stealer, one local authority, through the initiatives of their police, did have a limited success. On this occasion 'through the active exertions of Allen and Tomlinson, two of Derby borough constables, two persons, who it is supposed slaughtered and stole a sheep, the property of Mr. Hall, nr Alvaston, have been taken and committed for trial'.³⁰

After consulting the evidence it appears those who were caught sheep stealing represented only a minority when compared to the number of reported cases. However, those who were caught paid a heavy price, such as John Woolley convicted of stealing one ewe who received the sentence of transportation for ten years.³¹ William Wilson also received the same sentence, although he stole two sheep.³² Over the years leniency towards sheep stealers did not increase. In 1842 the *Derby and Chesterfield Reporter*, after a further sheep slaughtering, offered this warning to the offenders: 'perhaps we cannot do better than point, as a caution to sheep-stealers, to the sentence passed on a prisoner at our Borough Sessions, who although he received a good character, was sentenced to ten years' transportation'. The prisoner in question was William Sherwin, for whom even the prosecution pleaded for leniency. However in the view of the 'learned Recorder':

it was painful for him to perform his strict duty on this occasion, after the testimony that had been given in behalf of his character. Such testimony, in the generality of cases was always of some weight, but the offence of sheep stealing was one of a most serious description, and one which, he grieved to say, was of almost everyday occurrence.³³

³⁰ *Derbyshire Courier*, 24 February 1838.

³¹ *Derbyshire Courier*, 6 January 1838.

³² *Derbyshire Courier*, 24 March 1838.

³³ *Derby and Chesterfield Reporter*, 20 January 1842.

Although the severity of punishments may have acted as a deterrent to some people, they did not act as a general deterrent, as sheep stealing continued unabated. In a number of villages 'we are sorry to state that the slaughtering of sheep continues to be practised in the neighbourhood of Chellaston, Aston and Alvaston'. One farmer living in the vicinity of these villages had lost five sheep in as many attacks during the previous six months 'and upwards of twenty have been lost and stolen in the neighbourhood: but as a strong suspicion has arisen against certain persons, it is probable that the offenders will shortly meet their desserts'.³⁴ July and still no decline, Staveley's sheep stealers still evaded capture, and were still plying their trade: 'the gang of sheep-stealers which have for some time infested Staveley and their neighbourhood, still continue to carry on their depredations'.³⁵ In the early part of 1839 not many weeks passed by without reports of sheep stolen or slaughtered. During March 1839 the frustrated authorities in and around Staveley remained unsuccessful in their pursuit of sheep stealers, still no culprits had been apprehended.

With various rewards failing to act as incentives in leading to a capture, an alternative measure was taken. It was reported that 'a very handsome subscription has been entered into by the inhabitants of Staveley for the purpose of engaging a regular and permanent police officer', due to 'depredation' in the parish where sheep stealing was still a frequent occurrence. The search for an officer came at a busy time for the sheep killers. In the same issue there were reports of four other incidents where sheep had been slaughtered.³⁶ At the beginning of April Staveley's authorities finally took a progressive step and swore in an officer, and for assistance in his duties he was allocated two or three 'occasional assistants'.³⁷ The reports mentioned show Staveley

³⁴ *Derbyshire Courier*, 29 September 1838.

³⁵ *Derbyshire Courier*, 21 July 1838.

³⁶ *Derbyshire Courier*, 2 March 1839.

³⁷ *Derbyshire Courier*, 6 April 1839.

was not unique in suffering from continuous attacks by sheep stealers, the areas which suffered greatly were those where the construction of the North Midland Railway passed through. In Clay Cross 'property to a considerable amount having been already destroyed in that neighbourhood by these nocturnal marauders, the farmers had need be unanimous in their efforts to protect their flocks'.³⁸

5.3 USUAL SUSPECTS

As previously mentioned, compared to the number of reported attacks on sheep, convictions of the attackers were minimal. As a result of this, suspicions regarding the identity of these criminals were regularly printed in the local papers. In their content these reports were biased and predisposed in blaming the same suspects. One report stated: 'the nefarious practice of sheep stealing continues to be carried on'. Continuing the report goes on to point out how this was the seventh sheep stolen from that particular farmer. Where the report is very confident, is where it apportions blame. In their view the culprits are single young men 'who are too idle and profligate to endeavour to obtain an honest livelihood'.³⁹ This was not the first occasion where young men were suspected of breaking the law. In another crime report, this time from Wirksworth, blame was apportioned to 'boys and young men, who for many weeks past have been in the habit of annoying the inhabitants by pulling up shrubs and saplings in gardens and committing other depredations'. The report continued:

it is believed that several of the individuals concerned are accustomed to move in situations in life very different from the generality of those who are foremost in these mischievous pranks, and if so are surely the more to blame for connecting themselves with such a party.⁴⁰

³⁸ *Derbyshire Courier*, 27 April 1839.

³⁹ *Derbyshire Courier*, 4 June 1843.

⁴⁰ *Derbyshire Courier*, 12 January 1839.

There were social commentators who thought they had an answer to the many problems facing these young individuals. Printed in the *Derbyshire Courier* was an extract from Clayton's *Sketches in Biography*. Giving his advice, Clayton told his readers:

in the course of my travels I have seen many a promising and fine young man gradually led to dissipation, gambling, and ruin, mainly by the want of means to make a solitary evening pass pleasantly. I earnestly advise any youth who quites [sic] the abode of purity, peace, and delight—his paternal home—to acquire a taste for reading and writing.⁴¹

Blaming young men was all too easy, they were among the usual and most popular suspects for any unsolved crime, and remained so throughout the 1840s. Even from the pulpit they could not escape the finger of guilt pointed at them. One priest was adamant in his view:

ask any clergyman, or any other person well acquainted with the spiritual condition of our parishes, what class of persons give him the most trouble and uneasiness, as to their moral conduct, and he will without hesitation say, the younger men and older boys.⁴²

During this period throughout the country there was general underemployment and unemployment among young single men. The reason for this was simply because during times of hardship young men were always the first casualties of unemployment. Normally employers were reluctant to dismiss married men because 'when poor rates were high, farmers preferred to keep married labourers with families as they would obviously form more of a burden on the rates than a single man if unemployed'.⁴³

The difficulties in proving with total accuracy whether single persons were to blame lies in a lack of detail in many reports and because so few perpetrators were caught. Hampering clarification further, criminal records rarely, if at all, specified whether an

⁴¹ *Derbyshire Courier*, 2 November 1839.

⁴² Rev. L. F. Page, *Incendiarism*, p.30.

⁴³ Edwina Billinge, 'Rural Crime and Protest in Wiltshire, 1830-75' (Unpublished doctoral thesis, University of Kent, 1984), p.62. See also Archer. He cites one example where this was not the case. J. Lewin giving evidence before the *Select Committee of the House of Lords on the State of Agriculture in 1836*, said he would rather employ single men, as they were cheaper. Archer, 'Rural Protest in Norfolk and Suffolk, 1830-70', vol 1, p.26.

offender was married or single. However, circumstantial evidence does strongly suggest another category of workers. Its members may have been single and some of them may have been young but they were stronger candidates as suspects for sheep stealing. These were a group of men whose reputation and deeds spread fear in the locals wherever they worked, these were the navvies.

First of all it has to be determined why sheep were stolen. There were never claims of whole flocks, or sheep in large numbers, stolen. There were, however numerous occasions where single sheep were mutilated. Evidence does reveal, how certainly as far as the killing of sheep were concerned, navvies were the culprits. On one occasion Charles Smith, described as a 'Navigator', turned himself in to the Chesterfield police admitting he had cut the throat of a sheep. Giving his motive, he claimed 'he had been seeking work on the railroad, but failed, and in consequence of being out of employment, he was famishing'. On receiving his sentence, allegedly, 'he left the room with a light step'.⁴⁴ In 1839 Wickin, alias Mark Hatfield, was caught in the process of cutting up a stolen sheep, also in his possession were pieces of mutton and two rabbits.⁴⁵ For his crime Hatfield received a sentence of fifteen years' transportation.

There is strong circumstantial evidence supporting the hypothesis that the navvies were the main culprits. There can be no doubt, prior to construction of the NMR, that sheep stealing had occurred, and would continue after completion. But there can also be no question, while construction of the line took place, that there was a very sharp increase in numbers of sheep attacked. The navvies were forced to work under the notorious truck system. This monopolistic system forced the navvies into buying sub-standard food-stuffs at inflated prices. Placing more pressure on the navvies' tenuous economic situation, in January 1838 the contractors of the line connecting Chesterfield

⁴⁴ *Derby and Chesterfield Reporter*, 17 October 1837.

⁴⁵ *Derby and Chesterfield Reporter*, 14 February 1839.

and Staveley went into bankruptcy, leaving all the workers out of work for several months. In the same region this coincided with several reports of sheep killed and dismembered; this is too much of a coincidence for the culprits to be any other than the navvies.

Likewise, when construction of the line was complete, the volume of attacks on sheep in the area decreased. There were still reports of isolated incidents of sheep stealing throughout the county, and even isolated incidents at Staveley.⁴⁶ However what were missing from the newspapers were reports of the 'Staveley Sheep Stealers'. To detect a sheep stealer, even with an efficient police force, would have been difficult, without one, almost impossible. It did not necessarily mean that the same navvies were always taking sheep, in which case keeping track of an individual navvy amongst so many would have been like searching for the proverbial needle in a haystack. Assuming many of the culprits were navvies, it would go some way to explain why rewards posted around the region were not claimed. It would be highly unlikely for a villager to know which navvies were stealing, therefore they could not point the finger of guilt and claim the rewards.

Not until the bad winter and economic downturn of 1842 did the volume of sheep stealing again increase, but this time attacks were spread throughout the county, and not centralized. When sheep stealing increased, six stolen in eight months, Eckington's authorities reacted rapidly in pointing the finger of guilt. Accusations, now the navvies had moved on, targeted previous suspects. Now, 'the plunderers consist chiefly, if not wholly of young single men, who are too idle and profligate to endeavour to obtain an honest livelihood'. The press added that at the last Assizes two of this gang received sentences of twelve months while the remainder had been overheard to say 'that they

⁴⁶ *Derby and Chesterfield Reporter*, 16 July 1840.

would rather run the risk of going to Derby gaol for twelve months than relinquish their unlawful practises' [sic].⁴⁷

A strong argument can be made, that in the majority of cases crimes were due to hunger and poverty, it was a search for adequate food rather than covert protest. In order to endure the long hours of heavy physical work a healthy diet would have been required. Navvies were forced to work under a monopolistic economic regime resulting in a shortage of money, high food prices and a poor diet. In order to withstand the demands of their physical work it was necessary to supplement their diet. One means of achieving a better diet was to steal from an available source of food. If all else failed their only course of action open would be to steal to survive.

A possible reason why there were so few navvies apprehended could be because this working group contained a proportion of ex-agricultural workers. From their past experience they would know how and where many sheep were kept and also when and which sheep were least protected. All of which confirms what Horn maintains, that 'nevertheless most cases of sheep stealing were inspired not by vengeful or defiant motives—or at least not by these alone—but by hunger and poverty'.⁴⁸

Sheep were not always stolen for food, at times they were taken for monetary reasons. When Daniel Jackson fell behind with his rent, he went out and butchered a sheep as a means of paying off his arrears.⁴⁹

As already stated, sheep were the main animals killed and carried away; however there were episodes of other animals treated in a similar manner. There were many occasions of farmyard fowl stolen. In one episode two pigs were killed, with a newspaper alleged, the intent to carry them away.⁵⁰

⁴⁷ *Derby and Chesterfield Reporter*, 2 June 1842.

⁴⁸ Horn, *The Rural World*, p.226.

⁴⁹ *Derbyshire Courier*, 17 March 1832.

⁵⁰ *Derbyshire Courier*, 21 January 1837.

If one newspaper report is anything to go by, then some of these sheep stealers went about their business armed in readiness to protect themselves in case they were caught in the act. After one incident where a sheep was slaughtered, the attackers left behind a weapon, here:

the thieves also left behind them a strong stick, about a yard long, with a prong or two-grained fork made straight, about six or seven inches long, and screwed into one end and so formed as to become a dangerous weapon in case of attack; when not wanted, it could be unscrewed and the prong put into the pocket, and the handle used as a walking stick.⁵¹

This supposition that the stick could also be used as a weapon is surprising, because unlike poaching, there were no reports of armed conflict associated with attacks on sheep. However a suggested reason for carrying this particular weapon, and it was not as a weapon of defence, but simply a device by which to kill any sheep the thieves happened to come across. In carrying such a concealed weapon the criminal could walk freely and unobtrusively without incurring any suspicion.

5.4 ATTACKS ON ANIMALS AS ACTS OF PROTEST

The second category covers animals maimed or killed as acts of protest. Incidents of animal maiming cases never reached the heights of arson attacks. However they did raise sufficient national interest to warrant questions in Parliament. On being asked if he knew of any stock maliciously injured, Robert Fuller, who was the attorney and solicitor connected with the stewardships of various estates near Newbury, replied 'not many, I have heard of such cases'.⁵² Archer in his work on animal maiming puts the docking of horses' and oxen's tails firmly in the category of theft. He says 'the cutting of horses' and oxen's tails, docking in other words, likewise was clearly an act of theft but this has been included in the maiming category because contemporaries often regarded it as an act of vindictive mutilation'. But as he goes on to say: 'in such

⁵¹ *Derby and Chesterfield Reporter*, 24 November 1842.

⁵² BPP, *Agriculture*, 1844, pp.301-2.

instances docking was one of the few genuine social protest crimes to provide a financial bonus for the protester'.⁵³ In one case where theft certainly was the motive a local farmer had the tails of between seventy and eighty of his bullocks cut off and taken away. This was not the first occasion where this happened, three years previously in the same pasture a similar incident occurred.⁵⁴ Adding to this a case can be made where the docking of horses' tails could also be used as a form of protest. On one occasion in Derbyshire a mare had her hair and mane cut off but this time the hair remained in the field where it fell.⁵⁵

However on other occasions where animals sustained attacks a great deal more suffering was inflicted. Included among these are an episode described as a 'Diabolical Act' where during the night an attack took place on a mare and 'the wound was three inches deep, in a part where it is customary to stab horses'. Where that was one shudders to think. A detailed account of the wound described it as a clean cut and 'it was the act of some monster in human shape'.⁵⁶ A horse was again the subject of a brutal attack, in this episode the animal 'had its eyes literally cut out!'⁵⁷ In an incident described as 'Diabolical Mischief' a milch cow was hamstrung and due to the severity of its injuries had to be destroyed, which brought the following response:

we hoped that the population of the High Peak were superior to such dastardly revenge, if such were the feeling which dictated the perpetration of the act, and we consider it the duty of every person to assist Mr. Mycock in his efforts to discover the culprit.⁵⁸

The above mentioned cases were examples of one-off attacks, however this was not always the case, in some instances the attacks were more orchestrated.

⁵³ Archer, *By a Flash and a Scare*, p.201.

⁵⁴ *Derbyshire Courier*, 12 December 1829.

⁵⁵ *Derbyshire Courier*, 2 September 1848.

⁵⁶ *Derbyshire Courier*, 11 June 1836.

⁵⁷ *Derbyshire Courier*, 7 July 1838.

⁵⁸ *Derby and Chesterfield Reporter*, 24 September 1847.

As a result of a hate campaign against G. H. Barrow of Staveley, his animals, and animals owned by some of his employees, suffered from vicious attacks and in some instances were killed. The Barrow family owned the Staveley Chemical works situated on the outskirts of Chesterfield and the first recorded attack took place in fields next to Ringwood Hall, the Barrow family home. At 2 a.m. one morning a noise woke a neighbour who went outside to investigate. The noise of the neighbour's door opening alerted one of the offenders, who fired a warning shot to his accomplices allowing the whole group to make their escape unhindered. An investigation of the fields where the offenders had been revealed three sheep with their throats cut. The reporter firmly believed if the culprits had not been interrupted the remaining twenty-three sheep in the pen would have been killed.

This was not the first time Barrow or his employees' animals had suffered at the hands of animal maimers. A report explained how 'this is the fourth felonious act, which has disgraced the parish of Staveley within the last seven days, and in which the property of Mr. Barrow or his workmen and assistants, has been attacked'. The favourite suspects for these attacks were discharged workers from one of Barrow's factories.⁵⁹ Thwarted the raiders may have been in this attack, but deterred they were not and the vendetta continued. The following week's edition contained an account of an attack on a horse belonging to James Hanbury, an employee of Barrow. Again the raid took place at night and again a knife or similar sharp instrument was used, only this time they targeted a horse. Now 'the wound was in the lesk, and was so large as to admit of a man's arm being laid in it, the poor animal could not have survived many minutes after receiving the injury'.⁶⁰ Interestingly enough, early the following year the

⁵⁹ *Derbyshire Courier*, 2 July 1836.

⁶⁰ *Derbyshire Courier*, 9 July 1836.

Barrow family received a mention for their benevolence, when Mrs Barrow gave coals to the 'indigent' of Brimington.⁶¹ This was the first signs of evidence found where any of Barrow's family donated gifts to those in need.

Donating gifts may have been an approach to appease those carrying out the vendetta. The evidence suggests there were many who could have held a grudge against the family. Like Stephenson at Clay Cross, the Barrow family sought to dominate people's lives in Staveley. After retiring in 1840 George Barrow handed over control to his younger brother Richard, who brought with him his form of social control. In character 'his determination was at times ruthless; when he was challenged by the miners' union in the summer of 1844 he flooded the pit rather than meet them on their terms'. Due to such actions 'he was known to the local people as "King of Staveley" and his mineral estate likened to a small principality; he ruled with the same benevolent despotism as many a petty feudal prince'.⁶² There were some benefits in working for Barrow, he paid his miners 18s per week in cash—not in truck—for a 54 hour week, which was a vast improvement on 10-12s per week paid to local agricultural labourers and framework knitters.⁶³ Like Stephenson, Barrow initiated a housing programme for his workers, building or leasing blocks of cottages over a twenty-five year period. During the 1860s he instigated the building his own model village on the outskirts of Staveley, named Barrow Hill. Barrow's 'ruthless' behaviour obviously went too far and caused one offence too many, and as a result suffered the consequences.

Vendettas against a specific person, although not prolific, were not uncommon. At Abbey Barns 'some evil disposed person' poisoned a pig, which happened to be the owner's second pig poisoned in less than two years.⁶⁴

⁶¹ *Derbyshire Courier*, 7 January 1837.

⁶² Stanley D. Chapman, *Stanton and Staveley: A Business History* (Cambridge: Woodhead-Faulkener, 1981), p.42.

⁶³ Chapman, *Stanton and Staveley*, p.48.

⁶⁴ *Derbyshire Courier*, 29 June 1839.

The following table offers an insight into how attackers utilised various methods to inflict suffering on a variety of animals.

Fig. 5: 1 A breakdown of animals attacked and methods used.

Year	Type of animal	Method of attack	Location	Source
1830	—	—	—	—
1831	Dog	Acid	Heage	DQSR Q/SO1/31
1832	Pig	Back and jaw bone broken	Chesterfield	D. R. 7 June
1833	—	—	—	—
1834	Fowls	Poisoned	Wilstrope	D. R. 28 August
1835	Cattle and Ass	Cattle maimed and Ass's tail cut off	Hope	D. R. 19 November
1836	Mare Sheep Horse Sheep	Stabbed Throats cut Stabbed Slaughtered	Little Brampton Staveley Chesterfield Somercotes	D. R. 11 June D. C. 2 July D. C. 9 July D. C. 3 December
1837	Geese	Decapitated	North Wingfield	D. C. 24 June
1838	—	—	—	—
1839	Pig Cow	Poisoned 'Diabolical and inhuman act'	Abbey Barns Stanton-by-Dale	D. C. 29 June D. C. 29 June
1840	Bull	'did wound'	Repton	PRO ASS1 11/9
1841	—	—	—	—
1842	Gelding	Tongue cut out	South Wingfield	D. R. 17 March
1843	Cat	Claws pulled out	Brampton	D. C. 19 August
1844	Dog Mare	Hole bored into leg 'one of a disgusting and brutal character is unfit for publication'	Belper Melbourne	D. C. 11 May D. R. 13 December
1845	Cow	Stomach full of sharp objects	Eckington	D. C. 14 June
1846	Pigs	Poisoned	Alvaston	D. R. 6 March
1847	Pigs Pig Cow Cow and Pig	Poisoned Blow to the head Hamstrung Beaten with a stick	Derby Chesterfield Stone Bench Boythorpe	D. R. 16 April D. R. 9 July D. R. 24 September D. C. 20 November

1848	Pigs Horses	Poisoned Manes removed	Derby Calow	D. R. 11 February D. C. 2 September
1849	Fowls	Poisoned	Derby	D. C. 11 February
1850	Dog Mule Horse and Mule	Poisoned Stabbed Stabbed	Ockbrook Ockbrook Ockbrook	D. R. 18 October D. R. 18 October D. R. 18 October

Sources: D. R. *Derbyshire and Chesterfield Courier*, D. C. *Derbyshire Courier*
PRO ASSI Public Record Office Assize Records

Taking Archer's findings of animals attacked we can use these and plot against them those animal attacks in Derbyshire.#

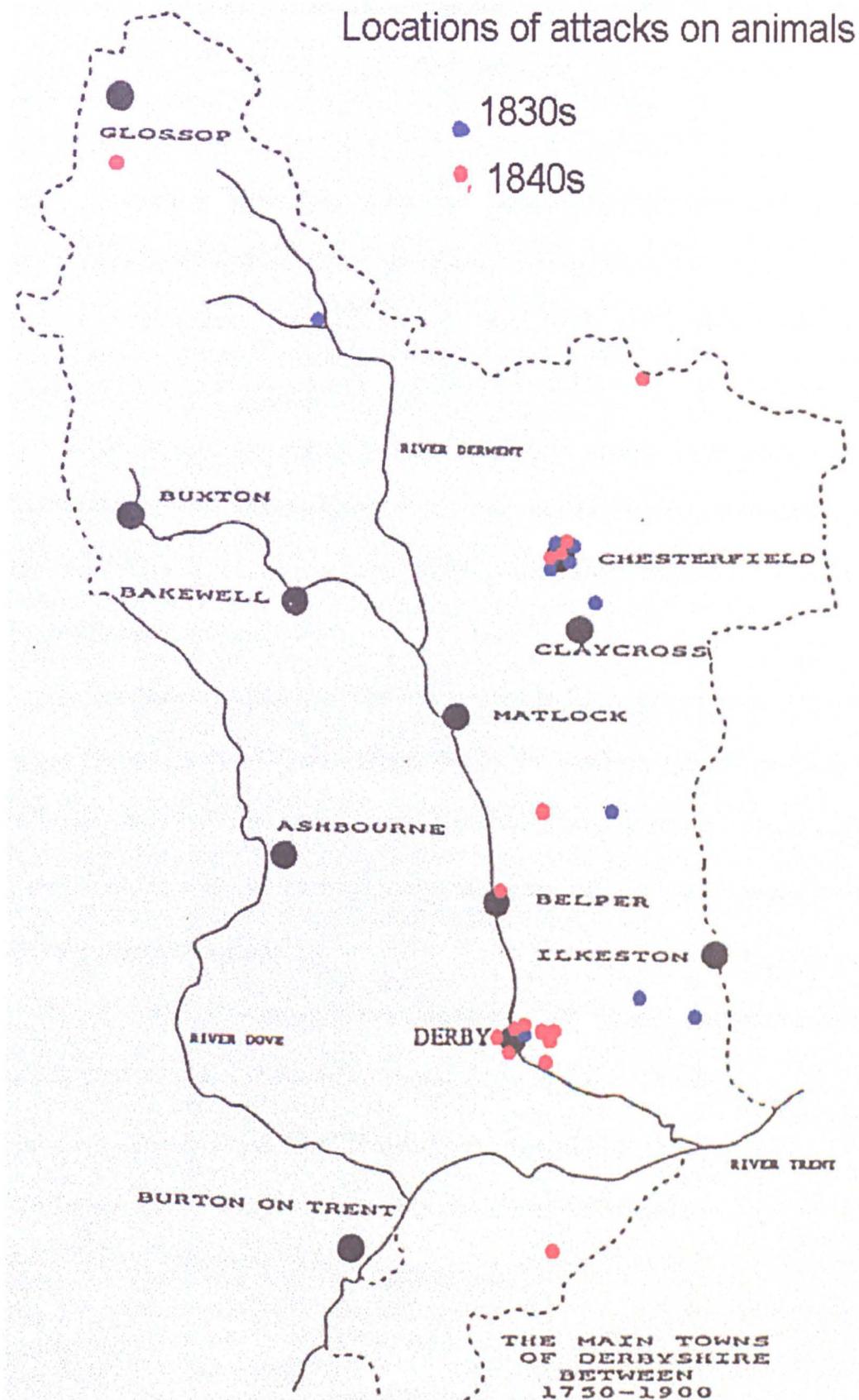
Fig. 5: 2 A comparison of animal attacks in Derbyshire against those in East Anglia.

<u>Year</u>	<u>Norfolk</u>	<u>Suffolk</u>	<u>Cambridge</u> <u>shire</u>	<u>Derbyshire</u>
1830	4	2	1	0
1831	0	3	0	1
1832	1	1	0	1
1833	2	3	0	0
1834	5	5	1	1
1835	1	2	1	1
1836	3	6	0	4
1837	1	3	1	1
1838	1	1	0	0
1839	7	1	3	2
1840	2	3	0	1
1841	3	1	0	0
1842	4	2	0	1
1843	0	2	0	1
1844	3	5	1	2
1845	2	1	0	1
1846	2	1	0	1
1847	3	2	0	4
1848	3	1	2	2
1849	8	2	0	1
1850	4	2	1	3
Total	<u>59</u>	<u>49</u>	<u>11</u>	<u>28</u>

Source: Archer, "A Fiendish Outrage?", p148.

When the attacks in Derbyshire are placed upon a map they show the following:

Fig. 5: 3 Locations of animal attacks in Derbyshire



In Archer's opinion animal maiming was a 'speciality' of East Anglia.⁶⁵ However the figures for Derbyshire suggest otherwise. In four separate years reported attacks in Derbyshire were greater than those in Norfolk, the years of 1831, 1836, 1843 and 1847, and equal in attacks in three years, 1832, 1835 and 1837. In comparison with Suffolk, attacks in Derbyshire were also greater in four years, this time 1839, 1847, 1848 and 1850 and equal in three years 1832, 1845 and 1846. Making a comparison against attacks in Cambridgeshire we see there twelve years where the number of attacks are greater in Derbyshire, 1831, 1832, 1836, 1840, 1842, 1843, 1844, 1845, 1846, 1847, 1849 and 1850. In seven years 1833, 1834, 1835, 1837, 1838, 1841 and 1848 the degree of attacks were the same, leaving only two years, 1830 and 1839, where Cambridgeshire witnessed a greater number of attacks. Overall Derbyshire suffered far less from these violations than either Norfolk or Suffolk, but suffered a greater number of attacks than Cambridgeshire.

The number of attacks in Derbyshire peaked in two separate years, 1836 and 1847, while the attacks in 1836 are exaggerated by the vendetta against the Barrow family. Whereas, the attacks in 1847 were spread over a greater period of time and all over Derbyshire. However, these attacks also coincided with a period of social hardship and also the peak in arson attacks.

As part of the introduction to this chapter it was maintained animal maimers targeted a variety of animals. Set out below is a catalogue of those animals.

Fig. 5: 4 The number of occasions an animal figured in an attack

Animal	Number of attacks
Ass	1
Bull	1
Cat	1
Cattle	5
Dogs	3

⁶⁵ Archer, *By a Flash and a Scare*, p.202.

Fowls	2
Goose	1
Horse	6
Mule	2
Pigs	7
Sheep	2

What immediately stands out from these figures is three animals were the most frequently attacked.

The most common target proved to be the pig, which in the majority of cases died from poisoning. This method of killing has much to do with the status of the animal. Mingay provides information about the subject when he explains for a labourer 'the possession of a pig was a luxury'. Labourers would go to great lengths to keep these animals and relied on them as an extra source of income which in times of economic hardship could be sold or eaten.⁶⁶ A pig's role in rural life was not simply that of an animal bred as a source of food; this animal played an important part in village social life. The benefits of rearing such an animal stemmed from its eating habits. Pigs were versatile eaters and relatively cheap to feed—'it would fatten on matter that other beasts shunned'.⁶⁷ Scraps, used to feed the animal would be collected from the neighbouring houses; a pooling of resources. As a result:

pig-keeping was not just a matter of making a living, for the labourer's pig was also a part of his network of social relations. The pig was a topic of conversation, a recreational outlet, an interest and responsibility for the whole family, a possession to display to visitors, a matter of personal satisfaction.⁶⁸

Much more importantly to the owner as well as a topic of conversation, at a time when meat was a luxury, a pig would be an important and welcome source of food. This offers a hint why the main method of killing pigs should be poison rather than any other

⁶⁶ Mingay, *Rural Life in Victorian England*, p.83.

⁶⁷ Robert Malcomson and Stephanos Mastoris, *The English Pig: A History* (London: Hambledon, 2001, first published 1998), p.35.

⁶⁸ Malcomson and Mastoris, *The Pig*, p.51.

type. To qualify this the following points can be offered. Taking the method of killing first, poison is a silent method, unlike other methods used. Anyone could add poison to the swill without raising any alarms; this crime does not require darkness or stealth. Collecting swill from various sources makes it extremely easy for anyone to add poison and for the culprit to remain undetected.

If we now look at the motives and reasoning behind killing a pig, we find a simple act causing considerable disruption. Depending upon the poison the animal may not only suffer a horrible and lingering death, but the meat is left inedible, unless someone is extremely desperate and willing to risk poisoning himself. This rules out any question of attempting to kill and take the animal as a source of food, which must therefore point to a crime of protest. In carrying out such an act the perpetrator inflicts terror, destroys a source of food, causes economic hardship and social disruption. Animals, unlike many buildings, were not insured, therefore a loss of an animal could involve a heavy financial loss to the owner. There are two final points to add regarding these attacks on pigs. First and extremely important, if there are any illusions of protests being only inflicted on the rich by the poor, then this totally shatters the view. The owners of these animals, unlike the next category, the horse, could be rich or poor. Acts of protest not only cut across class barriers, but also took place within classes. Finally, on this subject, there is one specific case of the killing of a pig at Chesterfield in 1847. In the previous chapter acts of protest against workhouses and their officials were discussed. Considering these findings it can be concluded that there were fewer cases of covert protest carried out against the workhouse system than there were cases of overt protest. In one of the few cases of covert protest a pig belonging to the Chesterfield workhouse suffered a fateful blow to the head.

Another animal which attracted a great deal of unwanted attention was the horse. In contrast to the pig, the horse was the most valuable animal on a farm, in most instances

beyond the financial resources of many labourers. A horse could be used as a work animal or in sport; rarely in this country as a source of food. For this reason, and again as part of the hypothesis, there is no proof that anyone intentionally administered poison to a horse. Later in the chapter there is a discussion of a case where someone added poison to a horse's feed, but this is arguably for another purpose. The brutal assaults on horses took on a more gruesome tone, and because they were not a source of food there appeared no reason to poison them. Probably the reason for this has more to do with inflicting a greater degree of psychological terror on the owner than would be the case if the animal were poisoned. Witnessing the results of these attacks would be a stomach churning experience and bring about a deep psychological terror. The owner of a horse would more likely be an authoritative figure than a pig owner, and because of this authority all the more likely to be in a position to offend someone. In which case, attacks were more of a public statement, and not just to the owner. It highlights just how vulnerable someone in authority could be, they were not untouchable, even if their status suggested so. The types of attacks inflicted upon horses illustrate the depths of desperation some people reached. To kill or mutilate an animal in this way, unlike the stealthier approach used on pigs, opened the criminal to a far greater chance of capture. It is impossible to gauge the noise a horse would make during one of these attacks in its terror and pain, and by doing so increasing the likelihood of drawing some unwanted attention.

As for attacks on other animals they were just as malicious and nasty. Assaults on sheep have been covered in great detail and do not require any further coverage.

Fowl like pigs were subject to poisoning leaving the birds unfit to eat.⁶⁹ There is sufficient evidence at hand to prove these attacks were deliberate acts of protest. The

⁶⁹ *Derbyshire Courier*, 10 February 1849.

Quarter Session records contain regular episodes of stolen live poultry,⁷⁰ as do various newspaper reports. In one district stealing fowl became so common that 'the farmers in that district find it difficult to preserve their poultry from being stolen, as locks and bolts are scarcely security'.⁷¹ Eleven years later and the crime still persisted to such an extent that the following question was asked:

how many 'unclaimed rewards' stand on record in this district, for such and similar thefts? We should think something like the unclaimed dividend list of the Bank of England. What a fortune a really good sharp thief catcher might make in and around Chesterfield!!⁷²

With so much stealing of live birds occurring, to poison a source of food and leave it for dead, strongly indicates a motive which was purely one of protest or personal revenge.

The next category is an animal which most definitely could be used as a source of food, the cow, only no cases of cattle poisoning, unlike fowls and pigs, were found. Again hypothesizing, it may be suggested that this was entirely due to the way cattle feed. Feeding in open fields does not make them ideal candidates for poisoning; it would be extremely difficult to know exactly where in a field to place the would-be poison. Wandering around in open fields would leave the poisoner open to suspicion. Because of this cattle suffered far more brutal attacks, like the other large animal, the horse. These exercises could not have been entered into without a lot of thought; they were premeditated. To subdue a cow and fill its stomach with debris, as in the case at Eckington, was almost certainly not the work of one person. The poor animal would need restraining while the assorted rubbish was forced down its throat. This exercise would also be time-consuming and noisy; because of this a knowledge of the owner's whereabouts would be required. In some of the cases there is clear evidence of well-orchestrated attacks, such as those against Barrow.

⁷⁰ For example see DQSR, Q/SO1/37.

⁷¹ *Derbyshire Courier*, 8 September 1838.

⁷² *Derbyshire Courier*, 17 November 1849.

Mules and asses are specifically work animals and a motive behind these attacks must surely have been to reduce the owners' capacity to work. In the case of dogs, these would not have been pets in the sense we know them today. They would either be guard dogs or hunting dogs, which offers a strong possibility it may have been an attempt to put a halt someone's poaching activities or, as in the case at Belper, to remove a guard dog while the owner's property was vandalised.

Next, the cat, whose only value around the home rested in its ability to control small vermin, mice and other small rodents. However this animal shared a characteristic with the dog, 'in the vicinity of dwellings, there is no more dangerous enemy to pheasants than the common cat'. So unassuming is this animal:

people not aware of her predatory habits would never suppose that the household favourite that appears to be dozing so innocently by the fire is most probably under the influence of fatigue caused by a hard night's hunting in the plantations.⁷³

Cats, as a target, would be simple and easy to attack, easier than any other animal, while still lodging a sign of petulance and it would explain why it had its claws pulled out. Without a set of claws it would be ineffective as a predatory animal.

The last category consists of a group of animals mentioned in a previous chapter and my interest lies simply because they did not receive any attention from the animal maimer and they are animals classed under the category of game. No accounts of killing game stocks could be found, other than poaching offences. Although there was one incident, which indirectly, may have threatened game stock, an arsonist set fire to the preserves on Lanthorn Pike. In all the cases investigated, where there is any association with game the dead animals were always removed from the scene, unless of course the poacher happened to be caught in the act.

⁷³ W. B. Tegetmeier, *Pheasants and Pheasant Rearing* (London: The Field Press, 1911), p.76.

The next exercise seeks to pinpoint any seasonal trends which may have occurred within the twenty year period. Set out below are the figures taken from Table 5: 1 and put into monthly figures.

Table 5: 5 Month by month breakdown of animal maiming incidents

Month	Number of attacks
January	Nil
February	2
March	2
April	1
May	1
June	6
July	3
August	2
September	2
October	3
November	3
December	2
Total	<u>27#</u>

One figure is missing from this total, as no date for the crime is entered in the Quarter Session records.

A second figure is missing from this total, as no date for the crime is entered in the PRO Assize records.

The one month standing out above all the rest is, surprisingly, June. There are no clear-cut reasons why June produced the highest figures. Nor was there any consistency in the species of animals attacked. All of these attacks happened on a random basis, a specific animal for a specific case. The only conclusion is, these attacks depended upon the type of animal the owner possessed or which was the easiest to attack without raising the alarm. Throughout the remainder of the year the figures remain reasonably constant. This again is surprising, as the expectation would be that the winter months, if at any time, to be times of greater unrest. With unemployment at its highest, there is always the likelihood of greater resentment shown towards those in authority. Breaking the year down into quarters reveals that the first quarter of the year is the quietest period, with the remaining three quarters remaining constant. These are remarkable

figures considering the summer months offer fewer hours of darkness in which to commit the crime. To maim or kill, the assailant had a choice from a numerous amount of weapons; all of them cheap, easily obtainable, easily disguised and very effective. Three of the more popular weapons are worth discussing in greater detail. In cases of the larger animals, generally a knife or similar sharp instrument was used, an article which would not look out of place on a labourer. The same applies to clubs, a walking stick was a common accompaniment among rural folk; and would not look out of place. Poisons, especially in powder form are light and easy to conceal; the only drawback with this method is if the criminals are not careful there is always a chance of poisoning themselves. How and why people selected one weapon in preference to another will remain a mystery, but judging by the results their choice proved correct, as in the majority of cases the culprit escaped undetected.

It cannot be denied that the volume of attacks in Derbyshire was less than some other counties; likewise panic caused by animal maiming never escalated to the degree it reached in other counties. In East Anglia, an area notorious for animal maiming, one method used to combat animal maimers, was the formation of associations. These consisted of local farmers grouping together with an intent of encouraging "mutual assurance".⁷⁴ However it could be argued that, based upon the figures for Derbyshire, animal maiming was not just a 'speciality' of East Anglia. There is sufficient evidence to prove that animal maiming was indeed a significant means of registering protest, anger and discontent in Derbyshire. These attacks not only succeeded in inflicting fear in the person who owned the animal, but also caused widespread concern. Frequently Derbyshire newspapers contained articles registering local alarm caused by these attacks. Most of these articles contained the same descriptions. In uncompromising

⁷⁴ Archer, *By a Flash and a Scare*, pp.205-6.

terms these attacks were given descriptions such as ‘Wanton Outrage’,⁷⁵ and ‘Malicious Action’.⁷⁶ Smaller in number the attacks may be, but large enough not to be ignored by local authorities.

5.5 ANIMALS ACCIDENTALLY MAIMED

The third category of animal maiming falls under the title of accidental injury. Specifically where an animal, usually a horse, was in the care of a handler who, through misguided treatment, injured the animal. In attempting to keep their horses up to the highest standards and better maintained than their rivals, handlers resorted to their secret potions. Archer during his research on this subject found that ‘these men may have been members of secret societies which kept from the uninitiated the secrets of “horse-magic” and recipes to make the horses’ coats shine’. Unfortunately, it was not uncommon for many of these potions to contain lethal chemicals, such as ‘arsenic and brake root’, which at times led to the death of the animal.⁷⁷ During this investigation only one report was found citing the poisoning of a horse’s food. In this instance a man was sentenced to hard labour for one month after adding mercury to the bran of his master’s horse.⁷⁸ Frustratingly this report lacked details and was not specific and did not elaborate on whether this incident had been caused by accident or intent. Neither does it reveal any further details on whether the horse died or not. However, as death was not reported, and with a horse such a valuable animal, it perhaps can be assumed the horse did not die.

5.6 ANIMALS MAIMED BY THOSE REQUIRING PYSCHIARITIC HELP

Under the fourth category are included cases where the mental health of those involved must be brought into question. Again taking Archer’s findings, he makes a

⁷⁵ *Derby and Chesterfield Reporter*, 6 March 1846.

⁷⁶ *Derby and Chesterfield Reporter*, 9 July 1847.

⁷⁷ Archer, “A Fiendish Outrage”?, p.153. Also see George Ewart Evans and David Thomson, *The Leaping Hare* (London: Faber & Faber, 1972), p.174.

⁷⁸ *Derbyshire Courier*, 26 August 1848.

point: 'the anatomical region of horses and cattle which held a strange fascination for maimers, who in these instances may have been in need of psychiatric attention, were the genital organs'.⁷⁹ In this category one particular case in Derbyshire was unique due to the far-reaching implications for Derbyshire's legal system. This involves a crime which many people felt to be immoral and the unacceptable. In the case of bestiality people regarded this "unnatural" act as an offence both against God as well as man.⁸⁰

A twenty-year-old man named John Leedham from Ashbourne was charged in 1833 with the crime of bestiality. For his crime he was tried and sentenced to be hung at Derby. In response to this harsh sentence a petition was immediately signed by two hundred people and sent to the trial judge, Sir Bernard Bosanquet (see Appendix 8). What makes this petition especially interesting is the social make-up of those who signed it. As Gatrell points out, by the 1820s many of those who petitioned were looking for fair play in justice, and 'the petitions gave notice of changing times'. Moreover 'if great men of the locality let them pass, minor felons would hang'.⁸¹ All those who signed this petition were not local artisans, labourers and farmers, but those of a higher social rank and local gentry. This list was a list of who's who in the local society. It contained a local MP, Edward Strutt, four Aldermen, several surgeons and solicitors. Along with this petition Lord Vernon wrote to both the Home Secretary, Melbourne, and the trial judge explaining his concern over the case. Vernon's concern over the sentence was based upon minimising any advertising of the very nature of the crime. Vernon, explaining what prompted him, had this to say:

I yesterday was at Derby, and found that the respectable and thinking part of the inhabitants are decidedly of opinion that in a moral point of view, the execution of this man is very objectionable upon the ground of making known a crime which otherwise would scarcely so enter into the thoughts of anyone.⁸²

⁷⁹ Archer, "A Fiendish Outrage?", p.152.

⁸⁰ P. Taylor, *May the Lord Have Mercy On Your Soul* (Derby: Hall, 1989), p.42.

⁸¹ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), p.418.

⁸² John Leedham's Petition, HO 17/114.

The press, like everyone else raised the question of the moral issue of this crime, but they also believed the sentence was disproportionate. Reviewing proceedings one newspaper's view was:

a very general feeling of repugnance pervades the public mind, against visiting the crime of the guilty youth with the extreme penalty of the law; and we believe if he were transported for life instead of being executed, such an act of mercy would be viewed with universal satisfaction!⁸³

The reason why this case raised so much sympathy lay in the youth's mental capabilities, or more specifically his lack of them. In the words of the *Derby and Chesterfield Reporter* he was 'almost wholly destitute of the advantage of education, to be of extremely feeble intellect, scarcely above the condition of an idiot'.⁸⁴

Following on from the failure of the first petition a second quickly followed, this time containing the grand total of 4000 signatures. In a further bid for clemency this petition went directly to the Secretary of State for the Home Department.⁸⁵ It has been written of Melbourne 'that the traditional bugbear of Home Secretaries, the death penalty, did not trouble him deeply though he was always conscientious in considering the case for a reprieve; sometimes spending four or five hours discussing every detail with the Chief Justice'. In Leedham's case 'Greville described his embarrassment when called upon to defend the execution of a half-wit peasant charged with bestiality'.⁸⁶ Melbourne's 'embarrassment' did not prove to be great enough as the attempts to commute the sentence failed and scrawled on the petition in tiny, spider like hand writing is 'the Law must take its course'.⁸⁷ Unfortunately for Leedham, his petition again failed to gain a favourable response from the Secretary of State, and he was hanged on 12 April 1833. Reports claimed that over six thousand people were present at

⁸³ *Derby and Chesterfield Reporter*, 11 April 1833.

⁸⁴ *Derby and Chesterfield Reporter*, 11 April 1833.

⁸⁵ *Derby and Chesterfield Reporter*, 11 April 1833.

⁸⁶ Ziegler, *Melbourne*, p. 163.

⁸⁷ John Leedham's Petition, HO 17/114.

the hanging.

Leedham's death did not see the end of the matter; repercussions over the verdict of this trial continued for several years. The hanging brought the following caustic response from a local newspaper:

dislike to what is considered an unnecessary waste of human life, has been greatly increased in this instance from a knowledge of the fact, that at the late Assizes at Northampton, the Chief Justice, Sir Thomas Denman, transported for life a young man, capitally convicted, on satisfactory evidence, of an offence of the same disgusting nature, as that for which Mr. Justice Bosanquet has thought proper, on the same circuit, at Derby, to execute a sentence of death pronounced by him, on John Leedham!!!⁸⁸

One clue why such a severe sentence was passed appears in the Quarter Session Records. In the meeting following Leedham's hanging, the judge made the following comment:

this unfortunate young man possessed very little intellect; he was grossly ignorant, and without any idea of religious or moral duties. Tho' as he confessed he had been in the habit of committing offences of the disgusting nature of that for which he suffered from the age of fifteen and in various places in which he had lived in service.⁸⁹

In Leedham's case 'the habit' could certainly be a reason, but not the only reason. Inflicting such a severe punishment appears attributable to a combination of facts. As I will show, after the outcry surrounding this case crimes of bestiality in Derbyshire would never again receive such draconian sentences.

Thirty years earlier and Leedham's supporters would have had no trouble in reprieving him; however the introduction of the Criminal Lunatics Act of 1800 ushered in a special verdict of insanity. This Act, 'removed from the juries the alternative, commonly taken in the eighteenth century, of simply acquitting an offender whom the jury was satisfied was insane at the time of the trial'. From now on:

⁸⁸ *Derby and Chesterfield Reporter*, 18 April 1833.

⁸⁹ DQSR, Q/SO1/31.

the only permissible verdict in such cases was one making it clear that the acquittal was on the ground of insanity, and in such verdicts the court was required to order the accused 'to be kept in strict custody, in such place and in such manner as to the court shall seem fit, until His Majesty's pleasure be known'.⁹⁰

Neither Bosanquet nor the Home Office accepted the appeal on the grounds of insanity. Views on criminals were rapidly changing with moral issues coming more to the fore, there was an expectation that self-discipline should be encouraged, and personal excesses discouraged. Now 'the law increasingly aimed at fostering public character building, not only indirectly—by the spread of legal uniformity and certainty—but also more indirectly through specific expressions of this implicit moral agenda'.⁹¹ Trial judges became scornful of sentimentality and distinguished law from morality. The latter unfortunately proved to be the case for Leedham.

Although this petition failed in its immediate goal, there is evidence showing how this case had a strong bearing on later cases of a similar kind. The memory of the Leedham case lingered hard and long. Although Bosanquet, the Home Office and the jury adopted the high moral ground on this case, other judges and juries were not so moralistic and adopted a more enlightened view. In 1840 two agricultural workers witnessed Thos. Williams of Sponden committing a similar offence. During his trial the judge heavily questioned the two witnesses regarding their testimony, both men were certain on what they had witnessed. It is highly unlikely that the witnesses' testimony was influenced by any knowledge of Williams. Indeed 'the prisoner was to them a perfect stranger, and indeed a stranger in this part of the country'. After direction of a verdict by the judge, the jury deliberated its verdict, which resulted in:

the jury, after considerable delay, gave a verdict of Not Guilty—(The evidence in this case, appeared to us conclusive; and tends to show the great reluctance of

⁹⁰ Martin J. Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), p.84.

⁹¹ Wiener, *Reconstructing the Criminal*, p.67.

juries to convict, when their verdict would take away the life of a fellow creature).⁹²

Arguably after the experience of the Leedham case a jury had a 'distaste for hanging'.⁹³

This time rather than relying upon the whims of a judge or the Home Office to show clemency the jury was quite willing to take justice into its own hands.

On the next recorded case of bestiality the Judge himself acquitted the prisoner of the capital charge. Instead he tried him for the attempt, for which the prisoner John Hardon received a sentence of twelve months' hard labour, with one week in every alternative month confined to solitary.⁹⁴ Sentencing for this particular crime seemed to decrease with each further case. When the next case came in front of a judge, George Taylor received a twelve months sentence with hard labour.⁹⁵ Nationally this particular offence proved to be emotive and views at trials varied enormously. At Cheltenham two years before the Leedham case, a twenty-two year old man Thomas Wood received a two year gaol sentence.⁹⁶ However four years later and two years after Leedham's fate was sealed William Booth at Chester received the death sentence.⁹⁷

The final irony of this case came when it turned out Leedham would be the last person hung in Derbyshire for an offence other than murder. For other perpetrators convicted of bestiality the death sentence remained on the statute book until 1861, when capital charges were reduced to four crimes. These four crimes were murder, treason, arson in royal dockyards and piracy with violence, the crime of bestiality would now come under the Offences against the Person Act 1861 (24 & 25 Vict. c.100) s.61. Under this Act the sentence for those 'whosoever shall be convicted of the abominable crime

⁹² *Derby and Chesterfield Reporter*, 26 March 1840.

⁹³ Gatrell, *The Hanging Tree*, p.420.

⁹⁴ *Derby and Chesterfield Reporter*, 8 July 1841.

⁹⁵ *Derby and Chesterfield Reporter*, 23 March 1844.

⁹⁶ V. A. C. Gatrell and Tom B. Hadden, 'Criminal Statistics and their Interpretation', in E. A. Wrigley (ed.), *Nineteenth-Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (Cambridge: Cambridge University Press, 1972), 336-396 (p.379).

⁹⁷ *The Times*, Palmer's Full Text Online, 22 August 1835, <http://historyonline.chadwyck.co.uk/pfto>.

of buggery, committed either with mankind or with any animal, shall be liable [...] to be kept in penal servitude for life'.⁹⁸

One very striking feature of the Leedham case is that a protest was launched and *not* just by rural labourers, on this occasion there were members of the middle classes. This a case where times were indeed changing, as Gatrell suggests:

but more and more people of middle means were participating in this appellat procedure, as well as in the prosecutory part of the legal process, and they became the majority voice in the petition archive. Doctors, agents, businessmen, tradesmen, clergymen, farmers, and attorneys petitioned with growing confidence and familiarity with the process in which they were engaged. They altered the terms of mercy appeals significantly. The plea for mercy fused into a quest, overtly, for *justice*.⁹⁹

Facing a changing a legal code biased towards a more moralistic approach, and an appeal system that proved ineffective, people were willing to ignore facts and base their judgments on sympathy.

5.7 SENTIMENTALITY—TRUTH OR MYTH?

The sentimentality thought to be held by rural dwellers for their animals was, by and large, an urban myth of rural life. To the majority of rural dwellers their animals were part of their livelihood, and not necessarily viewed with any affection. A case in question involved a farmer who for whatever reason did not have a horse at his disposal to pull his cart, so instead he used a young bull. When this animal became restive, the farmer in turn became angry and 'he beat, kicked and otherwise abused the poor beast to that excess, that it died upon the spot'.¹⁰⁰ A further episode of cruelty took place at Derby Station. Passengers' attentions were attracted by loud and painful noises, and on investigation witnessed several animals treated with extreme cruelty. One observer saw:

⁹⁸ HCINFO @ parliament.uk.

⁹⁹ Gatrell, *The Hanging Tree*, p.419.

¹⁰⁰ *Derby and Chesterfield Reporter*, 13 May 1830.

'the defendants beating two cows in a most brutal manner with large sticks and heavy knobs at the end; one stick had a nail in it'. For this ill-treatment the defendants were fined 13s plus costs.¹⁰¹ These are not isolated cases; many similar cases littered court records and newspapers of the day. By and large sentimentality towards animals was not observed; however a change in attitude slowly began to take root, unfortunately more slowly in Derbyshire than in many other parts of the country.

By 1846 there were enough people recognizing that ill-treatment towards animals could no longer be tolerated and measures were put into place in order to combat such ill-treatment. Repeating a report from the *Correspondent* a local newspaper recorded, 'we wish to call the attention of our readers to a society formed for the prevention of cruelty to animals. The cruelty, long practised on the dumb creation, demand the interference of the humane'.¹⁰² Since the eighteenth century attempts had been made to curb such practices as bull-baiting. All of which failed. In 1824 the Society for the Prevention of Cruelty to Animals was formed. However it was not until 1835 that an Act was successfully passed to control such pastimes. Now the 'Cruelty to Animals Act unequivocally established the illegality of all blood sports which involved the baiting of animals'.¹⁰³ Although some areas of the country would see a decline in blood sports, certain areas clung to with determination, as to what they saw as popular recreations. This determination, 'was a representative expression of the sort of ardent conservatism which was evident on a smaller scale in many instances when blood sports were directly threatened'.¹⁰⁴ One such area was Derbyshire, where the baiting of animals was long established. Well into the nineteenth century bull-baiting 'persisted in many of Derbyshire towns (for instance, Chesterfield, Wirksworth, Chapel en le Frith, Bakewell,

¹⁰¹ *Derby and Chesterfield Reporter*, 19 April 1844.

¹⁰² *Derby and Chesterfield Reporter*, 5 June 1846.

¹⁰³ Robert Malcolmson, *Popular Recreations in English Society, 1700-1856: The Politics of Reform* (London: Leicester University Press, 1999), p.124.

¹⁰⁴ Malcolmson, p.134.

Ashbourne)'.¹⁰⁵ According to Malcolmson, the anti-cruelty organisations had only limited success, better success came from elsewhere. It is his view that:

on the whole it would seem that they played only a secondary role in the decline of blood sports (and especially bull-baiting, for by the time they were actively established only the remnants of these diversions still existed, and though pressure and publicity from London may have hastened their final demise, in the places where they did survive local hostility and intervention was probably of equal, if not greater, importance.¹⁰⁶

Unfortunately for the animals in Derbyshire, this was one area where many people still clung to their long practiced forms of 'entertainment'.

¹⁰⁵ Malcolmson, p.123.

¹⁰⁶ Malcolmson, p.173.

CHAPTER 6 CONCLUSIONS

This thesis has sought to examine and analyse various aspects of rural discontent in Derbyshire. The period covered was an age when all elements of life in the county witnessed dramatic changes. It was a time of passing; agriculture began to lose ground to industry as did the landed gentry to the industrialist. Coinciding with these proceedings industry witnessed its own reconstruction. Traditional industries such as nail making went into rapid decline, to be replaced with rapidly growing ones, including coal mining. Poverty proved to be endemic for the whole of the period leaving large numbers of people in want and need. Such strife and turmoil cannot take place without repercussions of some degree or severity, which is precisely what happened.

Crime took place in all areas and frequently carried elements of violence and cruelty. Violence, while not contained in every poaching affray, placed poaching in a class of violent crime, removing any thoughts of the romantic image of the poacher. Arson attacks by their very nature destroyed property and at times threatened human life, while animal maiming was a barbaric crime, inflicting gruesome and severe pain on the animal. In frequency the reported cases of poaching were by far and away the more prolific of the three crimes, with arson coming second and animal maiming third. The lesser number of arson and animal maiming attacks in no way detracts from the potency of these crimes, just the opposite. The impact on society of these attacks was in greater proportion than their number.

In times of need and desperation people were willing to vent their feelings, albeit in different ways and each with different success rates; overt and covert actions continued to take place, each had its own niche and own purpose. Open action in the form of strikes had limited success. More often than not strikes failed in the face of a resilient force in the shape of owners and authority, very often the same person. Shows of dissent in the workhouse, although not always effective, persisted and here the authorities were

unsuccessful at quashing this type of action. In the instances of covert protest, in particular arson, the authorities had very limited success with a small number of arsonists caught. Although arson was 'primarily a rural offence',¹ there were signs of a growing adoption of this tactic in industrial agitation. In the rural landscape covert protest proved to be the favoured method of registering discontent. Whether or not covert protest had actually replaced overt protest is still open to some debate. At no time during the period covered were there any signs of strike action taken by agricultural labourers, which only adds more fuel to the debate between Wells and Charlesworth on whether covert action replaced overt action as the agricultural workers' favoured tactic.²

During industrial turmoil overt protest, in the form of strikes, had been the more common method used, but now there were signs of a growing tendency to use arson, specifically in the mines. What does clearly come across is there were no conclusive signs of strike action and arson used in conjunction with one another to express any cause of complaint. Anti-poor law resentment did utilize both overt and covert approaches to register dissent; however, in the main the reliance was on an overt approach. Although mass-organised resentment was shown at times, these episodes were uncommon, the usual format consisting of individuals or small groups lodging their complaints. Covert action in Derbyshire in the form of arson attacks was minimal with only two registered attacks against workhouse personnel, and it is debatable whether either of these attacks was attributable to poor law reform. However, in rural areas the arsonist held mastery, often gaining the advantage in the face of the rural gentry whose only wish was to discard the old established principles of paternalism. What the poor often failed to recognise was just this fact, the old paternalism was

¹ Emsley, 'Crime and Society in England, 1750-1900', p.95.

² Wells and Charlesworth, *Class Conflict and Protest*.

rapidly fading away only to be replaced by new and more restrictive form of paternalism. The industrialist set more stringent rules and regulations and was more demanding than the previous gentry, benefits would be provided but at a cost. The costs were often financial, as with Stephenson's insurance premiums; non-financial costs included giving up the old sports and pastimes and leading a more sober life. Failure to meet any of these terms and demands resulted in loss of home and job. Employees working for men like Barrow and Stephenson were somewhat protected against dire need, with their insurance schemes. However it was only when this system broke down, with men on strike or after losing their jobs, did the workers feel vulnerable and then they took the law into their own hands. Rural people living in estate villages, such as those belonging to Chatsworth, received aid during times of economic dearth. Unfortunately for a large number of people this transitional period proved to be a stressful time with little or no aid. Not living in an estate village and not working for an industrialist left them in times of destitution with three choices. They could commit a criminal act by stealing or poaching, or resort to the much-hated workhouse, or in some cases migrate abroad.

Revenge as a motive springs to mind when discussing many animal maiming attacks; they never occurred with the same motives in mind as did arson attacks, they were carried out in fits of personal revenge rather than as a means of improving conditions.

As a crime poaching was not an act of protest, more often than not it was an act of necessity, people poached or starved. There were exceptions, some poached for pleasure and some for financial gain; whichever, the majority of these were occasional poachers.

Law and order processes lagged far behind the role required in this changing environment. Although there were some well-intentioned people who attempted to improve the old law-enforcing systems, the overriding factor of cost always negated any

chance of reform. The weakness in law and order was simply structural, the members of the governing bodies may have been in transition from the agriculturist to the industrialist, but this body had not been transformed. The times were changing, but the establishment's methods and ideas were firmly entrenched in the past. This inflexibility frustrated even the government, which refused to offer any assistance in the building of a new army barracks. The situation proved to be no better in the law courts or at the Quarter Sessions; sentencing was haphazard, there were no standards to the sentences set, and pleas for clemency received haphazard responses from the authorities.

It is impossible to look at rural crime without including some impingement from urban areas, although the major outbreaks of industrial strife did not lead to direct forms of protest in rural areas. Town and city dwellers influenced the rural crime statistics often during times of strife; necessity and want compelled people into the countryside to poach.

In general, rural areas were not happy places to live, even with an opportunity to earn slightly higher wages than in southern counties; a Derbyshire labourer always faced economic uncertainty. There was always the prospect of destitution brought on by one or a combination of factors: inclement weather, rising food prices, or unemployment. The labourers' rage must have been great, to witness animals better fed and cared for than themselves and their families, and protected by the savage and oppressive game laws. The poor must have resented a system protected by an authority who cared little for the labourer's welfare and who would quickly turn out the armed forces in order to suppress any signs of reprisals.

This thesis has only begun to scratch at the surface of areas under-researched in Derbyshire's history, in a county often ignored by historians. Areas of future research worth considering include those regions of the county crossed by later railway development than that of the NMR. The villages of Staveley and Eckington offer rich

sources for the historian. In the case of the latter, the villagers' reputations as poachers and criminals in general is most certainly worth pursuing. More work is required in the field of protest movements. Research into arson and animal maiming attacks will offer an opportunity to determine if this twenty-year period was typical of earlier periods. Such work would help to determine whether arson replaced other forms of strike action and thus became part of 'the countryman's main weapons'.³ A more in-depth approach is necessary to investigate anti-poor law activity, especially as 'the focus upon women's involvement and role in protest has been shamefully neglected'.⁴

Poaching as a crime took up a sizable proportion of the JPs' time at the Quarter Sessions, but, a much larger section of criminal activity in these records remains an untapped source of information for the historian. For example, it is arguable 'that while the theft of wood and crops was almost wholly the crime of the rural poor, it may have been committed within a wider realm of social protest'.⁵

However, within the limitations of this thesis, not all national and local events can be explored. It is nevertheless hoped that the work has thrown some light on aspects of social protest in Derbyshire during the often disturbed decades between 1830 and 1850.

³ Wells, 'The Development of the English Rural Proletariat and Social Protest, 1700-1850', *Class, Conflict and Protest*, 29-53 (p.30).

⁴ Archer, *Social Unrest and Protest in England, 1780-1840*, p.95.

⁵ Shakesheff, 'Wood and Crop Theft in Rural Herefordshire', p.1.

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Appendix 1

Agricultural Costs for a Farmer in Derbyshire

	1761			1830		
	£	s	d	£	s	d
Annual Rent	65	0	0	200	0	0
Tithe	3	10	0	20	0	0
Poor Rates (two per annum at 11s 3d each)	1	2	6			
Ditto (eight per annum at £3 6s 8d each)				26	13	0
Church Assessment		7	0	3	6	8

Source: *Derbyshire Courier*, 17 March 1832

Appendix 2 Cost of Living 1843

Name	Age	Weekly Earnings			Expenditure	
		s	d		s	d
Robert Crick	42	9	0	Bread	9	0
Wife	40		9	Potatoes	1	0
Boy	12	2	0	Rent	1	2
Boy	11	1	0	Tea		2
Boy	8	1	0	Sugar		3½
Girl	6			Soap		3
Boy	4			Blue		½
				Thread etc		2
				Candles		3
				Salt		½
				Coal and Wood		9
				Butter		4½
				Cheese		3
	Total	13	9		13	9

Source: Adapted from Eric Hopkins, *A Social History of the English Working Classes, 1815-1945* (Sevenoaks: Hodder & Stoughton, 1979), p.25.

		Methods used by poachers to take game as noted in the Quarter Sessions 1830-50																				
Type of weapon		1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850
Air gun				1																		
Dog		6	4	6	12	17	10	10	10	5	9	5	1	1	4	4	2	3	3	4	2	7
Dog and gun		1	1		1	3		1		1	2	2	1	2		1				1		
Dog and snares							2					1				1						
Ferret						1																
Gun		20	4	10	17	24	15	23	14	14	10	7	2	12	2	4	2	1	4		5	3
Gun and bludgeon															1							
Nets		9	2	1	8	7	4	6	6	2		2	6	3	6	4		4	2	3	5	4
Net and dog			2		3	1	1		2		1	1	1		4		2		2	1		2
Net, dog and ferret																				1		
Snare		19	14	18	20	24	15	10	12	11	8	7	9	7	19	10	11	7	4	7	2	3
Snares and nets						1	1			1	1			3	1							
Steel trap								1		1	1						1				1	
Trap			1											1								1
Trapwire			1																			

Occupations given by poachers at Derbyshire Quarter Sessions																						
Occupations	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	
Auctioneer																			1			
Baker							1											1	1	1		
Baker and shopkeeper																					1	
Basket maker									1													
Beer seller							1															
Blacksmith	1								2	1		1		1	1						1	
Boatman			1	1	1		1		1	1		1	3	1								
Bracemaker					1																	
Bricklayer				1		1	2	3	1		4											
Brickmaker										1												
Brush manufacturer				1																		
Butcher	3		1	1	2	4	5	4	1	1	1					2	1	2	2			
Cabinet maker											1											
Carpenter			1											1								
Carter														1								
Cattle Dealer				1																		
Chain maker				1																		
Chimney sweep				1			1															
Coal merchant										1												
Collier	1			1	4	3	4	7		2	2	4	2	1	5	1		3	4	9	2	
Cooper										1												
Cordwainer	1				2	2	1		2	2	2	1	2	1	1	2		1	2	2	2	
Cotton manufacturer			1		1																	
Cotton twister				1																		
Cutler									1			2	1									
Draper									1	1												
Dyer								1		1												
Earthenware Manufacturer														1								
Engineer																					1	
Engine setter	2																					
Excise officer			1			1																
Farmer		2	3	4	2	2	3		5	2	1	2	2	2	2	1		1		5	2	

Filesmith																						1
Framemaker								1														
Framework knitter		2	5	9	5	5	6	13	11	7	5	5	5	12	1	2	1		4	2	2	1
Gardener																			1			
Gentlemen			2		5	4	1		7	2		1					4	1		3		4
Glazier									1													
Grinder									1	1				1			2					
Grocer				1																		
Hatter				1		1		1			1	1										
Hawker														1								
Higler										1						1						
Horse dealers														1								
Huntsman									1			1										
Innkeeper					2	1																
Ironstone gritter																	1					
Jeweller				1																		
Joiner		1			1			1	1				1					1	1			
Knife blade grinder																				1		2
Knife cutter																						1
Labourers		33	23	54	75	57	78	85	63	78	77	64	79	101	94	69	40	30	45	66	56	46
Lacehand									1													
Lamplighter					1																	
Land drawer																						1
Maltster												2										
Manufacturer								1														
Manufacturing chemist																						1
Mason												2					1		1			
Mechanic																						1
Millstone gritter												1										
Miner			1	3		1	3	5				1	5	2		3	3	1	1	2	1	4
Moulder																						2
Nailer		1			1	3	1	5	5	1	2	2	3	3		2	4			3		5
Nailmaker												1							1			
Needlemaker							1															
Painter																						1

Paper maker				1	1															
Pipe maker											1									
Plasterer				1					1											
Platelayer													1							
Plumber								1												
Plumber and glazier							1													
Potter				1	1	2	4	2	1	2	1			1				1		3
Private soldier																				1
Printer													2							
Publican								3	2	1				1						
Puddler																				1
Railway contractor										1										
Rat catcher				1																
Retailer of ale				2		1				1										
Reverend				1																
Rope maker				2																
Saddler									1									1		1
Sawyer						2	1	1	1		2	1					2			
Screw forger						3	2													
Screw maker							1													
Scythesmith									1											
Servant		1	1	1		1	2		1		1	2				1				1
Shoemaker			1	1		1		1	1	1	2	1						1		1
Shovelmaker		1															1			
Sickle grinder												1					1			
Sicklemakers														1						
Sicklesmith										3		1			1					2
Slater																				1
Soda water manufacturer								3												
Stockinger			1			1														
Stocking maker				1		1	1	3			1									
Stone cutter																1			1	
Stone getter																			1	2
Stone mason							2	1	1	2								1		
Surgeon																				1

Tailor						2				1		2		1	1			1				1		
Toll gate keeper				1																				
Turner and chain maker						1																		
Twist hand																								
Victualler						1				1	1	1												
Weaver			1			2				1		1												
Whitesmith																								
Wine drawer																								
Woodman			2																					
Woolcomber																								
Yeoman						2	1			1	5													

List of names of those fined for poaching at the Derbyshire Quarter Sessions 1830-50																						
Name	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	
Abbott, John													1									
Abbott, Joseph											1											
Abbott, William										1												
Adam, George			1																			
Adam, William, Henry (Yorks.)														1								
Adams, James									1													
Adams, John (fish)																				1		
Adams, William (Leics.)	1																					
Adcock, George (Leics.)														1								
Adkin, Robert																		1				
Adshead, John									1													
Agle, John (Notts.)																		1				
Aitkin, Joseph (Staffs.)										1												
Albuster, John (fish)												1										
Alcock, Samuel									1													
Alcomans, John (Notts.)			1																			
Allcock, Samuel									1	1												
Aldman, William (Yorks.)																					1	
Aldred, Edward (Leics., fish)																					1	
Aldread, Samuel									1													
Aldridge, Abraham (Leics.)																					1	
Aldridge James (Leics.)																					1	
Aldridge, John (Leics.)																					1	
Aldridge, Joshua (Leics.)																					1	
Aldridge, Thomas (Leics.)																					1	
Allan, John																					1	
Allen, Isaac			1																			
Allen, James (Kilburn)	1																					
Allen, James (North Wingfield)					1																	

Distances travelled in poaching raids.																						
Site	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	
Adney													h		2m							
Adney															10m							
Alderwasley				3m	5m	5m	5m		3m	4m	5m		10m						4m	h	h	
Alderwasley				5m		4m	17m		2h	5m	5m											
Alderwasley						5m			4m	h	5m											
Alderwasley (fish)								4m		4m												
Alfreton	h			3h		2h		2h	h	3h		h	h							3m	7m	
Alfreton	4m												2m	h						2h	h	
Alfreton (fish)																					h	
Aldwark																	h					
Alkmonton				2m																		
Allestree (fish)									2m													
Allestree (fish)									2m													
Allestree				3m	h			3m														
Allestree				2m				3m														
Allestree								3m														
Alport					h																	
Appleby				h								h				h				h		
Appleby (Leics.)				3m																		
Alvaston				h				h														
Alvaston (fish)									4m													
Ashbourne								h														
Ashford					3h					h	2h	h			3m		3m					
Ashford (fish)																		h		h		
Ashley Hay	3m																					
Ashley Hay (fish)										h												
Ashover	3m		h	h		h		h	h	6m	2m	h	h	h	6m		5m			h		
Ashover	2h								4m		h	2m					3m					
Ashover (fish)															h					4m		
Aston-on-Trent				3m				6m			h	h	h	2m	h							
Aston-on-Trent								h			2m	6m			3m							

Appendix 7

An Analysis of the Belper Electoral Guardians' Occupations

Name	Area	Occupation
Benjamin White	Alderwasley	Farmer
John Holmes	Alfreton	Gentleman
George Bonsall	Alfreton	Gentleman
John Wharton	Alfreton	Farmer
William Haslam	Swanwick	Coal Master
John Tomlinson	Allestree	Farmer
William Spencer	Ashley Hay	Farmer
Samuel Harrison	Belper	Farmer
William Webster	Belper	Miller
Thomas Walker	Belper	Gentleman
Samuel Buges	Belper	Farmer
Thomas Ingle	Belper	Attorney
John Harrison	Belper	Gentleman
George Hill	Crich	Farmer
Robert Hay	Crich Chase	Farmer
George Spendlove	Crich	Farmer
Isaac Spendlove	Crich	Farmer
James Wightman	Fritchley	Farmer
Thomas Bowmer	Fritchley	Farmer
Francis Haynes	Derby	Farmer
Christopher Houndal	Derby	Farmer
John Goodwin	Dettrich	Farmer
Thomas Ward	Duffield	Gentleman
William Tempest	Duffield	Farmer
George Elay	Hazlewood	Farmer
John Rowbotham	Heage	Farmer
William Argile	Heage	Farmer
William Chambers	Holbrook	Farmer
Joseph Boden	Horsley	Farmer
Joseph Potter	Horsley Woodhouse	Farmer
Robert Cresswell	Idridge Hay	Land Agent
James Homes Beadley	Ireton Wood	Farmer
Samuel Clark	Kedleston	Farmer
Robert Hogg	Kilbourne	Farmer
Cornelius Brough	Langley	Farmer
Thomas Smith	Mackworth	Farmer
Thomas Green	Mapperley	Farmer
Joseph Bennett	Markheaton	Farmer
Josiah Shephard	Morley	Farmer
John Wood	Mugginton	Farmer
William Booth	Pentrich	Farmer
William Cockayne	Quarndon	Farmer
Thomas Ford	Ravensdale Park	Farmer
John Staley	Ripley	Farmer
Thomas Wildsmith	Ripley	Farmer
John Slater	Smalley	Farmer
Richard Carrington	Smalley	Farmer

Appendix 8

Petition Against the Hanging of John Leedham

We the undersigned must earnestly recommend to your Lordship's merciful consideration the case of John Leedham aged 20, who was convicted at the late Assizes for this county of the unnatural offence of Bestiality. We are most anxious to be understood as not attempting in the slightest degree to palliate the enormity of the offence, but we believe the present unhappy convict to be almost wholly destitute of the advantages of education, to be of extremely feeble intellect, scarcely above the condition of an idiot and altogether insensible either of the extremity of the crime or the legal consequences which are usually understood to follow conviction.

We therefore earnestly hope that your Lordship will adopt the conviction we firmly entertain that the unhappy culprit is barely of sufficient capacity to render him a responsible agent and that your Lordship will consider the purposes of public justice to be most satisfactorily attained by sparing his life.

Source: PRO HO 17/114 WR 14