

POACHERS AND GAMEKEEPERS

My book *The Jubilee Poacher* (CreateSpace, 2018) contains many stories, taken from the British Newspaper Archive which relate to Ernest Dobson of Thorpe Hesley, who was a notorious poacher, in and around Wentworth, and who often poached on Earl Fitzwilliam's land. There are three conclusions to be drawn, from the record of Dobson's convictions. First, although the penalties imposed on poachers in an earlier period had been savage, the magistrates of the late 19th century had few weapons left in their armoury; and they experienced a sense of powerlessness when faced with the habitual poacher. Second, the poacher often felt that there was not much wrong with what he did, particularly when he was merely poaching 'for the pot'. Third, even when the poaching led to violence between poacher and gamekeeper, the general public often took the view that the gamekeepers were 'up for it', when it came to a scrap, and therefore deserved a kicking. Accordingly, juries sometimes acquitted, rather than see the prisoner hang or be sentenced to hard labour.

1844

The following report appeared in the *Sheffield and Rotherham Independent* for April 13 1844. What is most interesting, is what happened to the poacher's dog:

DEER STEALING.

Wm. Moxon, a notorious poacher, of Thorpe Hesley, was charged on the information of Geo. Marsh Palmer, park-keeper to the Right Hon. Earl Fitzwilliam, with stealing a fallow-deer from Wentworth Park. The case had been heard and adjourned by Mr. Fullerton, on Saturday, when it appeared from the evidence of Mr. Palmer, and Edw. Emmerson, (constable of Wentworth,) that a fallow deer having been missed out of the park, a search-warrant, dated the 4th of April, was obtained, and the prisoner's house and premises were searched, and the carcase and head of a fallow-deer were found concealed in a rabbit-hull adjoining. The case had been adjourned to give the prisoner time to produce evidence to account for its possession

Mr. Joseph Badger appeared in support of the information and Mr. Whitfield for the defence. The offence was not charged as a felony, but under the 27th sec. of the 7th and 8th Geo. IV., c. 21). The penalty on conviction was £20, or a committal to the House of Correction for not less than four nor more than six calendar months, for non-payment

The dog with which the offence was suspected to have been committed was produced. He was a fine animal, and well adapted for the purpose. A witness named Wm. Garnett was called, and owned the dog, but the animal seemed to re-cognise the prisoner as his master, in preference to any other party. Joshua Ibbotson and Wm. Waller were also called for the defence, but they proved nothing that affected the case.

Mr. Whitfield took objection that the Magistrates were not in a situation to inflict the penalty or any portion of it on the defendant, and that an information ought to have been taken out, setting forth the offence of which the defendant had been guilty, and the jurisdiction of the Magistrates to hear and determine upon it. The Magistrates, after hearing the objections, convicted the defendant in the full penalty of £20, and in default of payment he was committed for six calendar months

On the restoration of the dog being applied for, Col. Fullerton asked the claimant how many hares he had caught in one night, belonging to Lord Wharnccliffe? The man, of course, was not cognizant of the fact. The Magistrate said he had caught seventeen hares in one night, belonging to Lord Wharnccliffe; adding, that more was known of the dog than the owner was aware of. The dog was detained.

1857

There were very few prosecutions involving female poachers; but there were some. The *Sheffield Daily Telegraph* for Wednesday 30 September 1857 carried the following story concerning an event which had occurred locally.¹

“Not take a rabbit doing damage in my own garden!”

So gasped out the female poacher at Sheffield.

¹ See also *Sheffield Independent* for Saturday 26 September 1857; the *Manchester Guardian*, and the *London Evening Standard* on Friday 25 September 1857. It should be noted that the event took place before the Ground Game Act 1880 changed the law with regard to rabbits and hares.

'No', says the Yorkshire magistrate.

"What, not if they enter my husband's garden and destroy his vegetables!"

Rabbits have a funny way of nibbling all the green produce within reach of their greedy mouths. It would seem that the Yorkshire justice thought it a hard case, and he let off the woman upon the payment of 10s. 6d. for costs. This misguided woman had ventured beyond her garden, and had placed a trap in an adjacent fence. No doubt she was off her property and out of her reckoning. A rabbit pounded for eating her cabbages would himself eat very nicely and pay dearly for his meal. However, it seems that there was hard by the garden and the fence a preserve, and where there is a preserve there is a keeper, and when a rabbit is caught in a trap you will not hinder it from screaming. Now the keeper heard a scream, which came from the rabbit in the snare, and saw the woman, spider-like, set off after her prey. The meeting was awkward, and unlike the spider, the female could not tangle herself in her web, and escape unnoticed. So the keeper told her she was doing wrong, the answer was that the vegetables were damaged, and the issue we suppose was a summons.

1864

The *Sheffield Daily Telegraph* for Friday 12 August 1864 carried the following report:

THE WEST RIDING ASSIZES. CROWN COURT. Shooting at a Gamekeeper at Wath.

Joseph Moxon, 38, a collier, was indicted for shooting at William Broadhead, at Wath-upon-Dearne, on the 2nd June.—Mr. West and Mr. V. Blackburn were for the prosecution.

Prosecutor is a gamekeeper in the employ of the Earl Fitzwilliam, and on the day in question he was on duty in Low Wood, at Wath, when he saw three men, of whom the prisoner was one, engaged ferreting for rabbits. Prosecutor went up to Moxon, and placed his hand upon his shoulder, upon which the prisoner and second fellow not in custody commenced beating him over the head with a hedge-stake. Prisoner and prosecutor then struggled for the possession of the keeper's gun, which was double-barrelled, and at half cock. The poachers subsequently kicked prosecutor over the hands and

stamped upon them, and at length Moxon got hold of the stock the piece, the barrels being then directed against the prosecutor. The struggle lasted about a quarter of an hour, and prisoner had during the greater part of this time his hand on the triggers, after having pulled up both the hammers. Prosecutor was laid upon his back when Moxon pulled the gun forward a little, and discharged one barrel. The charge of a heavy shot — fortunately for the gamekeeper, however — went into the bank upon which Broadhead was lying, and just missed his side.

Prisoner and the other poacher then got possession of the gun, and Moxon pointed the piece at the prosecutor. Broadhead cried out "For God's sake, don't shoot me," upon which prisoner uttered an oath, declared he would "blow the prosecutor through," and continued to endeavour to fire off the other barrel, which had a defective trigger end upon it, and was therefore rather difficult to discharge.

During this period, the other poacher was striking the prosecutor with a hedge stake, and the third fellow swore he would knock his brains out with another bludgeon. Prosecutor prayed them not to take his life, upon which they asked him whether he intended to follow them up. He replied that he would not, and they then "backed away" into the wood, keeping their faces towards him to intimidate him from pursuing them.

But as Moxon was in the act of crossing the fence, having then one hand upon the back trigger and the other half-way down the barrel, the left-hand barrel (which prosecutor had previously observed to be stuffed with mud, which had accumulated in the struggle the bank) exploded, and the piece then appeared to 'jump out' of the prisoner's hands. The three poachers then concealed themselves in the wood. Prosecutor subsequently ascertained that both the barrels of the piece had burst.

The assistant to Dr. Clarke, of Wentworth, proved that the prisoner went to the surgery on the 4th June, and stated that he had got his right hand hurt, whilst shooting small birds, owing to his gun having burst. Prisoner was subsequently sent to the Sheffield Infirmary. At the Sheffield Infirmary, prisoner was identified the prosecutor as the man who shot at him; and he was also spoken to several witnesses as having been seen on the Wentworth road shortly after the struggle, in company with three other men. The description of Moxon's clothing, furnished by the independent evidence, exactly tallied with the articles found in prisoner's house.

Prisoner, who was undefended, declared that his wound was caused by the bursting his own gun (the piece being produced in court) nine weeks ago, whilst shooting small birds in his own garden. He also set an alibi, but the witnesses he proposed to call in support of this defence, did not answer to their names.

Guilty.—Prisoner was sentenced to four years' penal servitude.

1874

Poaching did not always involve rabbits or game. The *Sheffield Independent* for Tuesday 6 October 1874 reported as follows:

TAKING FISH AT WENTWORTH PARK

Two young men, named Thomas Wingfield and Samuel Swinden, both of Sheffield, were charged with taking fish in a pond at Wentworth Park on the 30th ult. Mr. Taylor appeared for the prosecution, and called a gamekeeper in the employ of Earl Fitzwilliam, who deposed that he saw defendants taking trout in a pond at Wentworth on the day in question. — The men were fined 10s. each and costs.

1875

On 27 February 1875, the *Sheffield Daily Telegraph* reported as follows:

SERIOUS AFFRAY BETWEEN TWO GENTLEMEN AND POACHERS.

Yesterday, at the Barnsley Town Hall, Wm. Howland, moulder, Chapeltown and Thomas Guest, moulder, Sheffield, were charged with assaulting Mr George Ponsonby Talbot and Mr. Gervase Markham, both of whom are connected with the estate office at Wentworth, and also with trespassing in pursuit of game. Mr. Taylor prosecuted, and Mr. Freeman defended.

The first witness called Mr. Talbot, who said that at about 20 mins. past two he was in Tankersley Park accompanied by Mr. Markham. He saw the two prisoners, one being on the ground and himself and Mr. Markham went towards them. Mr. Markham asked Guest what his name was and he said it was Ellis, of Grenoside. Mr. Markham then put his hand on Howland's shoulder and asked him what he doing in the park, as he was trespassing on Earl Fitzwilliam's property. The reply was that he was looking after ducks.

Mr. Markham then ordered Howland to give up his gun, then jumped back when witness received a blow on his head, which knocked him down, and from which he lost a good deal of blood. When got up he saw Mr.

Markham standing against some palings, and Howland in front of him, with a gun barrel in his hand. Guest came towards him with a stick, and he (witness) went towards Howland and struck him with the stick until it broke. There was a struggle.

Cross-examined by Mr. Freeman: he did not try to get the gun from Howland's pocket. He used his stick at the thickest part. A shepherd named Bunting came and caught hold of Mr. Markham, and said "For God's sake don't kill the man." He believed the remark was applied to Howland. Mr. Markham and witness afterwards went to the house of the shepherd Bunting, where they had their wounds dressed and were afterwards attended by Dr. Clarke, of Wentworth.²

Mr. Markham was then examined, and said that on the 19th inst. he was in the park along with Mr. Talbot, when he saw the two prisoners. He went up to Guest and took a ramrod from him. He then noticed that Howland had a gun, and he went up to him and said "Stop. Lay down your gun." Not another word was spoken, when Howland sprang back about three yards and drew a gun barrel from his pocket, with which he struck Mr. Talbot to the ground, then raised his stick. He hit him as hard as he could, and on the top of the head. When he struck Howland the latter struck him with a gun barrel, and the blows were almost simultaneous and a struggle took place. He defended himself as well as he could, his stick being broken, whilst he was drenched with blood. After he was knocked down he saw Guest come up to him on the right whilst Mr. Talbot came upon the other side and intercepted the blow struck at him with the gun barrel. A shepherd, named Bunting, then came up and caught hold of him, and said, "For God's sake, do not kill the man." He thought that remark was addressed to Howland.

Dr. Clarke, of Wentworth, deposed to the injuries inflicted on the complainant.

John Bunting, shepherd, said that on seeing the affray going on he ran and caught hold of Mr. Markham and said, "For God's sake, do not kill the man." He used that remark to Mr. Markham, as Howland was covered with blood.

Mr. Freeman then made an energetic address on behalf of Howland, and condemned the conduct of the complainants taking so much upon themselves because they happened to be connected with Wentworth House.

The magistrates then retired, and on their return into Court, the Chairman stated that Howland had been fined and imprisoned 16 times, and Guest seven times. The magistrates had decided not to entertain the charge of poaching, but would commit Howland two months for each assault and Guest one month for each.

² The village doctor, who evidently led an interesting life: see the reports in this chapter and in chapter 8 in particular.

1884

The *Sheffield Independent* for Tuesday 17 June 1884 carried reports about two different kinds of poaching - of fish and ground game:

ROTHERHAM WEST RIDING POLICE COURT. MONDAY. UNLAWFUL FISHING AT WENTWORTH.

Robert Pepper, William Pepper, and William Francis Bailey, iron-workers, of Hoyland Common, were summoned for unlawfully fishing at Wentworth, on the property of Earl Fitzwilliam, on June 4th; and William Houghton, Richard Clegg, and William Clegg, colliers, of Hoyland Nether, were also summoned for attempting to take fish at the same time.

Mr. F. Parker Rhodes, solicitor, prosecuted, and said the defendants were in a stream which runs from Harley Mill to the Elsecar Reservoir. Earl Fitzwilliam gave permission to the public to fish in Elsecar Reservoir to any extent so long as they were fair anglers. No one was allowed to fish in that portion of the reservoir or stream which ran on the left-hand side of the road from there to Hoyland, or near the bridge at the top end of the reservoir, which ran through a plantation or willow garth and supplied the canal. Notices to this effect were posted up.

On the day in question Police-constable Skelton saw about a dozen men and boys in the stream on the forbidden ground. He watched them, and several of them had lines in various places of the stream pegged into the banks. Others were in the water groping about and beating it with sticks. Two of them had spears, or weapons evidently made on the spur of the moment, but they were certainly quite efficacious for the work intended. They were made with a couple of horseshoe nails fastened into a stick.

Police-constable Skelton saw two of the defendants at work with these spears in the brook, and the others were trampling about in the mud and on the banks. As soon as they caught sight of the constable they ran away. Police-constable Skelton caught two of them and they had upon them a quantity of trout. He took the trout from Wm. F. Bailey, who had his fish in a bag, and there were seven trout, three of which weighed 1½ lbs. and the other four 1lb., and there were also four perch. The other men had a can or tin, and Police-constable Skelton did not take possession of it, but saw that it contained trout. When Police-constable Skelton had seized the implements he examined the stream, and saw a quantity of dead trout and roach floating in the water.

On the following day he went with the keeper, Broadhead, and found a further quantity of dead fish which appeared to have been trampled and speared. In addition, the defendants, in order to get at the fish better, had let

off the whole of the water in the dam and pulled down part of a wall. The working of the mill was prevented for half a day and the wall had since been repaired. Under all these circumstances he asked the magistrates to inflict a substantial penalty.

Police-constable Skelton was then called, and stated that on June 4th, about half-past one o' clock in the afternoon, he went to the Harley Dam, which ran into the Elsecar reservoir. He saw a number of men and boys in the stream and watched them for half an hour. The two Peppers each had three long lines, and a number of shorter ones. William Bailey, who had left his boots and stockings on the bank, was digging a stick into the water as if spearing something. Houghton also had a stick, which he appeared to be using in the same way. Richard Clegg and William Clegg were both present, and the latter had a snort line in his hand. There were a number of notices posted on the spot that persons fishing there would be prosecuted for poaching. In bringing Bailey back he saw the two men Pepper, trying to conceal themselves. Bailey, when caught, had a line, and in a bag which he carried there were seven trout and four perch.

Witness produced a number of rods, lines, etc. The Peppers had with them an ordinary fishing can filled with trout and roach. They said they had permission from the keeper to fish. Witness referred them to the notice, but the defendants said they had permission and they did not care. The stick produced had affixed to it two sharp nails for the purpose of spearing trout. He went to the place next day with the keeper, and found that some damage had been done to the mill dam at Harley. Stones had been pulled out of the dam for the purpose of letting the water out.

Wm. Broadhead proved that the defendants had not permission to fish where they were caught. Wm. Jackson said his father held the mill at Wentworth. There were trout in the dam, and the water was let out on the 4th inst. They found that they were short of water about 9 a.m. Police-constable Skelton, recalled, said the value of the fish would be 6s.

Robert and William Pepper were each fined 20s., including costs, and the others, who were youths, were ordered to pay 6d. each, 6d. damage, and 5s. costs.

GAME TRESPASS

James Ensor, miner, of Rawmarsh, was charged by Wm. M'Kee, keeper to Earl Fitzwilliam, with a game trespass, at Rawmarsh, on the 8th inst. Mr. Rhodes also prosecuted in this case. It was alleged that, between Stubbin pit and the Haugh, the defendant, who was accompanied by another man, shot a hare. He picked it up, and ran away with his companion. They were watched by

Thomas Carnley and Edwin Gale, keepers, to load a gun, in a field belonging to Mr. Lawton. The keepers pursued them, and the defendant dropped the hare and ran into the arms of M'Kee. He was fined 20s., including costs. Thomas Brailsford, labourer, Masbro' Common, was fined 5s. and costs for digging for rabbits in Bassenthorpe Wood, on June 2nd

1885

On Saturday 12 December 1885 the *Sheffield Independent* reported on certain proceedings at the magistrates court:

ATTEMPTED MURDER AND NIGHT POACHING AT GREASBRO'

Charles Bowers, Frederick Ward, and Joseph Heppenstall, labourers, of Maabro', were brought up in custody on a charge of night poaching; and Bowers was also charged with a further offence, under 21 and 25 Victoria, cap. 100, sec. 14, that of attempted murder on November 25th, at Morley Plantation, Greasbro.

Mr. H. H. Hickmott said the facts of the case were that on the morning of the day in question, about five o'clock, M'Kie, the head keeper to Earl Fitzwilliam, and four other keepers were in the Morley plantation. They saw the three prisoners coming into the plantation. Bowers had with him a gun, and Heppenstall also had a gun, and Ward a thick stick. The keepers separated so that they could each take their man. They had with them another keeper named Airey, and they watched Bowers. They got within three yards of Bowers, who was carrying his gun low down. When Bowers saw them he said, "Stand back, stand back, the first that comes here I will shoot him." He pointed his gun at M'Kie, who was shoulder to shoulder with Airey. M'Kie jumped aside, and so did Airey. Bower, fired, and the shot struck the ground about four yards behind M'Kie and Airey. M'Kie closed with Bowers, and Bowers struck him over the arm with his gun, and he also struck Airey in the stomach with the muzzle of the gun. After a lengthy struggle Bower was over-powered.

Prisoners were committed for trial at the assizes on the charge of night poaching. Mr. J. H. Pawson, solicitor, defended, and he applied for bail. The Magistrate agreed to grant bail to Ward and Heppenstall, each in £100, with two sureties of £50. Bowers was farther committed on the more serious charge of attempted murder, and he reserved his defence.

The trial at the Assizes was reported in the *Sheffield Independent* for Saturday 6 February 1886:

THE ROTHERHAM POACHING CASE.

Charles Bowers, John Heppenstall and Frederick Ward, all labourers living in the neighbourhood of Rotherham, were indicted for that they, "being armed with guns, together did enter certain lands, then in the occupation of Earl Fitzwilliam, about the hour of five o'clock in the night, for the purpose of obtaining and destroying game at Rotherham, on the 28th of November, 1885." To this indictment they all pleaded guilty. Charles Bowers was further charged with shooting with a gun at William M'Kie, the head keeper, with intent to murder him, and to this he pleaded not guilty.

Mr. Stuart Wortley³ said that, on behalf of the prosecution, he was instructed to say they were content with the plea of guilty upon this indictment for night poaching against the three prisoners, therefore he did not propose to offer any evidence upon the more serious charge.

His Lordship said that all three had pleaded guilty to night poaching. They did all they could to resist lawful arrest, and Bowers' gun went off. The prosecution in this case had been very lenient in not pressing the charge of unlawfully letting off the gun at the keeper. Bower must go to gaol for 15 months, and Heppenstall and Word for 12 months, with hard labour.

1899

The following report appeared in the *Sheffield Independent* for Tuesday 24 January 1899. It would seem to be a case where the culprit committed the offence a little too close to home, for him to reasonably expect to get away with it. Perhaps the man was not very bright?

GAME TRESPASS AT WENTWORTH.

A labourer named Joseph Beckett, of Low Harley, was charged at the Rotherham West Riding Police Court yesterday with game trespass at

³ A son of James Stuart-Wortley, youngest son of James Stuart-Wortley, 1st Baron Wharnccliffe, educated at Rugby and Balliol College, Oxford and called to the bar at Inner Temple in 1876. In 1880 he was the first Conservative to be elected as a Member of Parliament for Sheffield, and was elected in 1885 as MP for the new Sheffield Hallam constituency. He served under Lord Salisbury as Under-Secretary of State for the Home Department between 1885 and 1886 and again from 1886 to 1892.

Wentworth. Mr Hoey, of Bamsley, defended. Mr Hickmott prosecuted on behalf of Earl Fitzwilliam, and stated that on December 21st, about 3.30 p.m., William Cooper, one of the gardeners in the employment of his Lordship, was engaged in the garden near a gate leading into the road running from Wentworth to Thorpe Hesley. Cooper had occasion to open the garden door, and saw the defendant at the corner of the road about 15 yards away. He saw the defendant put a gun to his shoulder and shoot at a hare in a plantation leading from Wentworth House to Wentworth Church. He killed the hare, and turning round saw Cooper watching him. The defendant then took his gun to pieces, put it in his pocket, and went up the road. Finding he was being followed he started to run. Cooper picked up the hare and took it to Mr. Talbot.

Witnesses were, called for the prosecution. Mr. Hoey, on behalf of his client, pleaded an alibi. The defendant was sworn, and said he was at a public house, Tom Atkinson's, in Wentworth, about 300 yards from the spot at the time of the alleged offence. He was in the Rockingham Arms, and afterwards went home. He had not had a licence, and had not used a gun since July last. The only brown coat was the one he was wearing, and it had no pocket to hold a gun. He was fined 40s. and costs, or one month's imprisonment.

1903

The *Barnsley Chronicle* for Saturday 3 January 1903 reported as follows:

WATH.

NIGHT POACHING AT BRAMPTON BIERLOW

Arthur Mangham and Biram Smith, miners, West Melton, were charged at the Rotherham West Riding Police Court, on Monday, with night poaching, on December 24th, at Brampton. Mr. Gichard prosecuted on behalf of Earl Fitzwilliam, and said the proceedings were taken under the Night Poaching Act (1828), by which the defendants were liable to three months imprisonment and to be bound over for twelve months not to offend again.

On the night of December 23rd, Mr. Proudlock, head gamekeeper in the employment of Earl Fitzwilliam, and eight other men, were watching the game preserves at the Needle's Eye, Wentworth, about five o'clock in the morning. They heard a shot in the direction of Brampton Gorse and went to

the place indicated. The keepers spread out the best they could to surround the place, and two of the party went into the wood.

They caught the defendants. Mangham had two pheasants, the ramrod of a gun, some guncaps, and a bag, in his possession. Smith had a pheasant, a shot-pouch, a tin box containing five charges of powder, and two stones in his possession. It was necessary in order to capture Smith, to follow him some distance, during which time he threw away the stock of the gun. Defendants were handed over to the police at Wath at eight o'clock in the morning.

They pleaded that they were not guilty of night poaching, as it was day when they were taken to the police station. Mangham had been 31 times previously convicted, the last time on July 7th, 1902, when he was sent to gaol for one month for an assault. Smith had twice been guilty of game offences. Mangham was sent to prison for two months' hard labour, and Smith was fined 20s. and costs, or one month's imprisonment.

1923

On Saturday 28 April 1923 the *Sheffield Independent* reported on a far more serious incident:

ACCIDENTALLY SHOT BY POLICEMAN'S GUN. EARL'S GAMEKEEPER KILLED IN WENTWORTH WOOD.

The Wentworth pigeon-shoot tragedy, in which one of the Earl's gamekeepers lost his life through the accidental discharge of a gun carried by one of two policemen who accompanied him, was inquired into, yesterday, by Mr. J. Kenyon Parker, the West Riding Coroner.

The victim of the accident was William Gregory, a married man, of The Barrow, Wentworth.

P.C. Joseph Brown, stationed at Elsecar, said he, in company another policeman, called for Gregory at his home on Wednesday, and they went to shoot pigeons in Coach road plantation, Wentworth.

TRIGGER AT FULL COCK

On entering the wood Gregory told witness to stay at one end, while he and P.C. Woodall went to the other.

Witness shot a pigeon, and a few minutes later he heard two shots at the other end of the wood.

Suddenly he heard Woodall cry out. "Oh Joe, come."

Witness ran up and saw Gregory lying on the ground. Woodall said, "I was changing my cartridge and the gun went off." Witness rushed into the village for a doctor. When he got back Gregory was still alive, but he died before the doctor arrived.

Coroner: Is it a wise thing to have the trigger at full cock?

Witness: No, Sir. From entering the wood to the time of the accident was not more than five minutes.

Dr. Mills, of Wentworth said he saw deceased in the wood. He was dead then. The cause of death was a shot passing through the heart.

CHAFFED ABOUT CARTRIDGES

P.C. Woodall, of Elsecar said Gregory asked him to wait a few minutes for him.

During Gregory's absence witness heard a shot from Brown's rifle. After that some pigeons came over, and Gregory shouted to him, "Have a shot!"

Witness shot one of the birds and went and picked it up. When Gregory came back witness showed him the pigeon, and he said: "What do you think of that. I can shoot with your cartridges; I'll show you."

The Coroner: 'Why did you say that?'

Witness said had been chaffed about his cartridges.

The Coroner, in up, said the jury had to decide whether there had been any negligence through which Woodall should be censured.

The jury returned a verdict of "Accidental death" and said they did not think Woodall should be censured.

1933

Does crime pay? The answer in the following case, reported in the *Yorkshire Post and Leeds Intelligencer* for Tuesday 21 November 1933, would seem to be clear:

PROFIT IN POACHING

22 Pheasants Found in a Sack at Wentworth

Described by the Chairman as "poaching specialists," Leonard Mangham (21), of Albert Street, Swinton, and Thomas Oliver (20), Harlington Road,

Mexborough, two miners, were sentenced at Rotherham yesterday to three months' hard labour for taking game by night at Wentworth.

It was alleged by the prosecution that the prisoners and another man dropped their equipment when they saw the gamekeepers. In a sack were 22 pheasants. The men had got to know that there was to be a "shoot" on the Estate of Earl Fitzwilliam the following day. Poachers in that district were finding that poaching was a money-making game.

1936-7

The *Yorkshire Post and Leeds Intelligencer* for Saturday 31 October 1936 carried a report of a very serious affray, following an encounter between gamekeepers and poachers near Wentworth Park:

AFFAIR IN A WOOD Poacher and Keepers Sent for Trial

John Unsworth (59), an unemployed miner, of Hoyland, near Barnsley, was accused at Rotherham yesterday of attempting to murder Harry Gale (24), gamekeeper, Wentworth, by shooting at him in Simon's Wood, Brampton Bierlow, and was sent for trial.

Unsworth, in cross charges, accused Gale and George Hall, another gamekeeper, of inflicting grievous bodily harm on him. Gale and Hall were also committed for trial. All parties pleaded not guilty.

Gale alleged that Unsworth levelled a gun and fired at him, and tried to re-load. Gale closed with him before could so and overpowered him. Gale denied that his story was a wicked concoction to explain a brutal assault on Unsworth.

Unsworth, in evidence, admitted that went to the wood with the idea of poaching. He said he did not intend to murder Gale, and never shot at him, and repudiated a statement he was alleged to have made to the police.

Dr. Barclay Wiggins, of Hoyland, who examined Unsworth shortly after the incident, said that extreme violence must have been used, either with a stick or sticks, to cause Unsworth's condition.

It was also stated that Unsworth had to have eight stitches inserted in his head, and that he had a rib fractured and a finger dislocated. On summonses for game trespass, Unsworth and Arthur Hague (50), miner, of Hoyland, were each fined 40s., or one month's imprisonment in default.

The next act in this drama took place at Leeds Assizes, as reported in the *Yorkshire Evening Post* for Thursday 26 November 1936:

HOYLAND MINER ON SHOOTING CHARGE ALLEGED INTENT TO MURDER IN WOOD

Defence Claims No Shot was Fired

An alleged scuffle in a wood on Earl Fitzwilliam's estate at Wentworth was described at Leeds Assizes, to-day, when John Unsworth (59), miner, of Elizabeth Street Hoyland, was charged with shooting Harry Gale, gamekeeper of Leigh Cottage, Wentworth, with intent to murder him.

Unsworth pleaded not guilty, and was defended by Mr. H. Hylton-Foster.

Mr. J. Willoughby Jardine, K.C., who conducted the case for the prosecution with Mr. G. H. B. Streatfield, said the affray took place in Simon's Wood on October 19. Acting on information, two gamekeepers, Harry Gale and George Hall, concealed themselves in the wood from 8.30 until 11.15, when they saw Unsworth and a man named Haigh enter the wood.

Unsworth had a single-barrel gun and the keepers saw him shoot two pheasants. He reloaded the gun and when was about 20 yards away, with Haigh following, the keepers approached him. Unsworth, it was alleged, said "Stand back or I'll blow your brains out."

Gale replied: "It's no good, Lank,⁴ I am coming on."

"Fired at 10 Yards"

"The keeper came on" counsel said, "and Unsworth put the gun to his shoulder and fired at 10 yards. The keeper ducked and the poacher tried to reload. They closed, and the poacher used the gun as a bludgeon, while the keeper used his stick. He got in two blows at least on Unsworth's head. Finally, Unsworth dropped the gun, and the other keeper picked it up."

Gale and Unsworth fell to the ground. Mr. Jardine continued, and the scuffle continued. During the struggle it was alleged that Unsworth said. "I will get you next time." He stopped struggling, however, and allowed himself to be searched. The keeper found three live cartridges in a pocket, and a discharged cartridge in the gun. Gale and Ball then took Unsworth to the edge of the wood. Prisoner had been thoroughly knocked about, and his parting words to the keepers were, "I have not finished with you yet." When the wood was searched, spent cartridge and a denture belonging to Unsworth were found.

"Never Meant to Kill Him"

⁴ Sic: see explanation below.

Prisoner was ill for a time, and made complaint to the police about the assault. He told a police officer that he went to the wood with Haigh with the object of killing pheasant.

His statement continued. "I was just waiting for a pheasant put its head up when two gamekeepers stopped me. Both struck me several times until I was knocked to the ground. They took me to the side the wood and searched me. My head was cut and my face was covered with blood. My companion, Haigh, must have run away when he saw the gamekeepers coming."

Unsworth was charged on October 26 and in reply said: "No, it is not as bad as that; I never meant to kill him."

Gale, giving evidence, said Unsworth was known in the district as Trembling Lank. When he tackled Unsworth, he told Hall to stand back, as he (witness) could manage him.

Gale admitted that when went for Unsworth, he lost his head. He agreed that Unsworth received a number of head injuries, but did not know that the prisoner broke a rib.

Gale denied that had made up the story about the shooting to explain the beating gave Unsworth.

Mr. Hylton-Foster told the Jury that, after Unsworth had been tried, charges would made against Hall and Gale of inflicting grievous bodily harm on Unsworth.

Unsworth's Denials

Unsworth, in evidence, admitted that he was a poacher and went in pursuit of game on October 19. He entered Simon's Wood, accompanied by Haigh. He carried the gun folded in his jacket pocket, and went towards the bracken looking for pheasants.

There was a cartridge in the gun but he did not take the weapon out of his pocket. He approached the bracken and was looking for pheasants when the keepers, who had been crouching in the bracken, sprang him. One hit him in the mouth, and knocked out his false teeth.

Unsworth said he never saw the keepers until they sprang on him. They were crouching at his side, and the force of the blow in his mouth knocked him over. At the same time the folded gun fell from his pocket to the ground.

Unsworth alleged that both keepers then attacked him and that Hall struck him with a stick. One of the men asked where the gun was and he (Unsworth) pointed to it lying on the ground. At the same time he was struck on the hand.

Unsworth said that, after the attack, he felt faint and asked the keepers to take him to a pond for a drink, and one of the keepers replied. "Well, we'll chuck you in."

"They let go me go" Unsworth added, "but overtook me and searched my pockets."

Unsworth denied that he ran away. He complained to a police officer about the assault and the officer took him to the doctor.

He added that on October 19 he never fired shot in Simon's Wood, as he was set on by the keepers before could aim at a pheasant.

Never Heard a Shot

Arthur Haigh, miner, of Hoyland, said he went poaching with Unsworth. He waited on a stile while Unsworth went into the wood. He saw Unsworth being struck by two keepers. He never heard a shot.

Peter Watkins, schoolboy, of Church Street, Elsecar, said he went to the wood with two friends, and saw two keepers striking a man on the ground. Witness was about 20 yards way and did not hear a shot fired.

Similar evidence was given by two other schoolboys, Kenneth Hanks and Irving Foster.

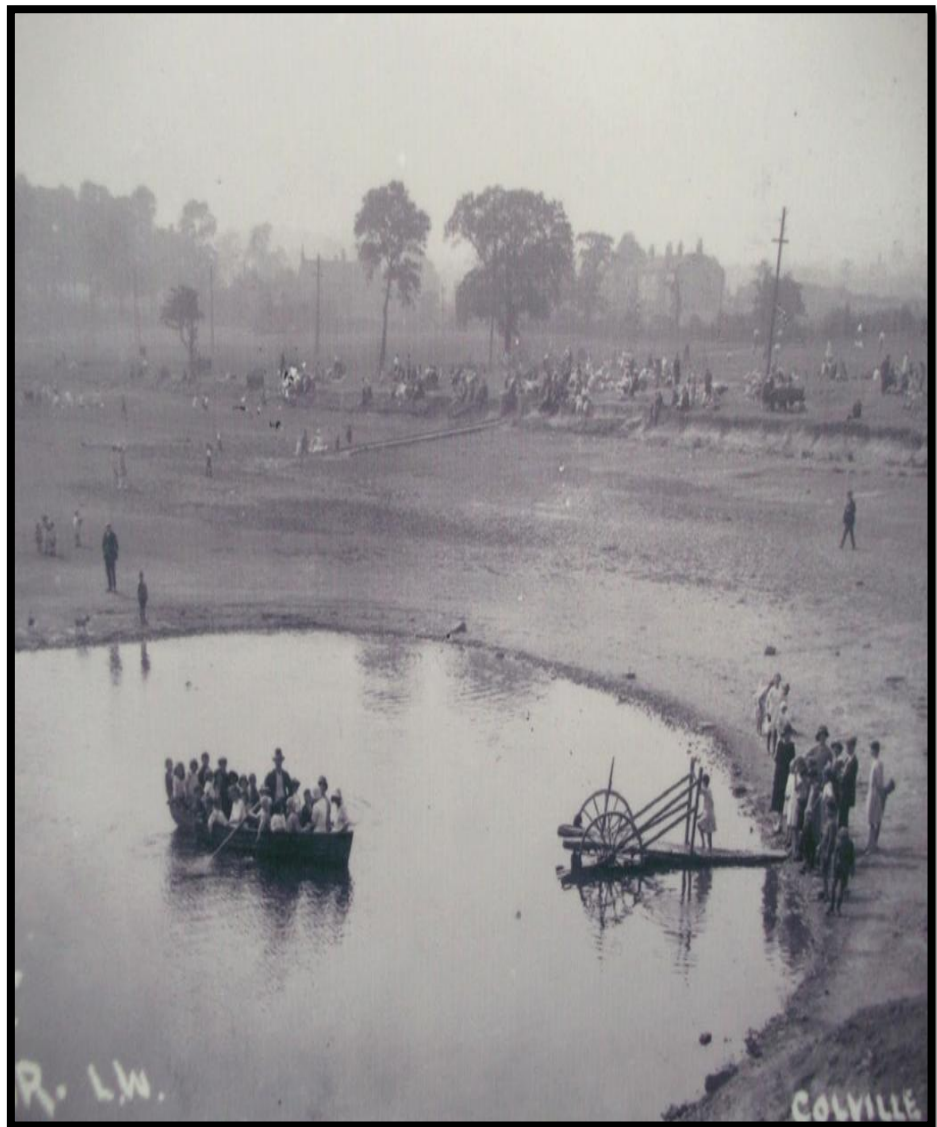
Dr. B. Wiggins, Hoyland, said Unsworth had several head wounds. Unsworth was dazed and suffering from shock. There was blood on his face and the upper part of his clothing, and his mouth, nose and shoulder were bruised and swollen. A finger was dislocated. He found later that Unsworth had a fractured rib.

Severe violence would have to be used to inflict such injuries.

So what was the outcome? Some readers will be surprised by the verdict, which was reported in the *Leeds Mercury* for Tuesday 16 March 1937. (We are accustomed to the idea that justice in the 'old days' was not only swift but harsh:

APPLAUSE AT ASSIZE TRIAL. ACQUITTAL OF HOYLAND MAN.

JOHN UNSWORTH (59), miner, of Elizabeth Street, Hoyland, was found not guilty at Leeds Assizes, yesterday, on a charge of shooting at Harry Gale, a gamekeeper, with intent to murder him, and not guilty on a charge of shooting at him with intent to do him grievous bodily harm, and was discharged. The Jury were absent for nearly two hours, and when the foreman announced the verdict there was some clapping in the public Assizes in Leeds.



Elsecar Reservoir



The Needle's Eye, 2019



Scholes Lodge, on the edge of Scholes Wood



Park-keeper's Lodge, c.1900

CHAPTER 6

POACHERS & GAMEKEEPERS

My book *The Jubilee Poacher* (CreateSpace, 2018) contains many stories, taken from the British Newspaper Archive which relate to Ernest Dobson of Thorpe Hesley, who was a notorious poacher, in and around Wentworth, and who often poached on Earl Fitzwilliam's land. There are three conclusions to be drawn, from the record of Dobson's convictions. First, although the penalties imposed on poachers in an earlier period had been savage, the magistrates of the late 19th century had few weapons left in their armoury; and they experienced a sense of powerlessness when faced with the habitual poacher. Second, the poacher often felt that there was not much wrong with what he did, particularly when he was merely poaching 'for the pot'. Third, even when the poaching led to violence between poacher and gamekeeper, the general public often took the view that the gamekeepers were 'up for it', when it came to a scrap, and therefore deserved a kicking. Accordingly, juries sometimes acquitted, rather than see the prisoner hang or be sentenced to hard labour.

1844

The following report appeared in the *Sheffield and Rotherham Independent* for April 13 1844. What is most interesting, is what happened to the poacher's dog:

DEER STEALING.

Wm. Moxon, a notorious poacher, of Thorpe Hesley, was charged on the information of Geo. Marsh Palmer, park-keeper to the Right Hon. Earl Fitzwilliam, with stealing a fallow-deer from Wentworth Park. The case had been heard and adjourned by Mr. Fullerton, on Saturday, when it appeared from the evidence of Mr. Palmer, and Edw. Emmerson, (constable of Wentworth,) that a fallow deer having been missed out of the park, a search-warrant, dated the 4th of April, was obtained, and the prisoner's house and premises were searched, and the carcase and head of a fallow-deer were found concealed in a rabbit-hull adjoining. The case had been adjourned to give the prisoner time to produce evidence to account for its possession

Mr. Joseph Badger appeared in support of the information and Mr. Whitfield for the defence. The offence was not charged as a felony, but under the 27th sec. of the 7th and 8th Geo. IV., c. 21). The penalty on conviction was £20, or a committal to the House of Correction for not less than four nor more than six calendar months, for non-payment

The dog with which the offence was suspected to have been committed was produced. He was a fine animal, and well adapted for the purpose. A witness named Wm. Garnett was called, and owned the dog, but the animal seemed to re-cognise the prisoner as his master, in preference to any other party. Joshua Ibbotson and Wm. Waller were also called for the defence, but they proved nothing that affected the case.

Mr. Whitfield took objection that the Magistrates were not in a situation to inflict the penalty or any portion of it on the defendant, and that an information ought to have been taken out, setting forth the offence of which the defendant had been guilty, and the jurisdiction of the Magistrates to hear and determine upon it. The Magistrates, after hearing the objections, convicted the defendant in the full penalty of £20, and in default of payment he was committed for six calendar months

On the restoration of the dog being applied for, Col. Fullerton asked the claimant how many hares he had caught in one night, belonging to Lord Wharncliffe? The man, of course, was not cognizant of the fact. The Magistrate said he had caught seventeen hares in one night, belonging to Lord Wharncliffe; adding, that more was known of the dog than the owner was aware of. The dog was detained.

1857

There were very few prosecutions involving female poachers; but there were some. The *Sheffield Daily Telegraph* for Wednesday 30 September 1857 carried the following story concerning an event which had occurred locally.⁵

“Not take a rabbit doing damage in my own garden!”

So gasped out the female poacher at Sheffield.

⁵ See also *Sheffield Independent* for Saturday 26 September 1857; the *Manchester Guardian*, and the *London Evening Standard* on Friday 25 September 1857. It should be noted that the event took place before the Ground Game Act 1880 changed the law with regard to rabbits and hares.

'No', says the Yorkshire magistrate.

"What, not if they enter my husband's garden and destroy his vegetables!"

Rabbits have a funny way of nibbling all the green produce within reach of their greedy mouths. It would seem that the Yorkshire justice thought it a hard case, and he let off the woman upon the payment of 10s. 6d. for costs. This misguided woman had ventured beyond her garden, and had placed a trap in an adjacent fence. No doubt she was off her property and out of her reckoning. A rabbit pounded for eating her cabbages would himself eat very nicely and pay dearly for his meal. However, it seems that there was hard by the garden and the fence a preserve, and where there is a preserve there is a keeper, and when a rabbit is caught in a trap you will not hinder it from screaming. Now the keeper heard a scream, which came from the rabbit in the snare, and saw the woman, spider-like, set off after her prey. The meeting was awkward, and unlike the spider, the female could not tangle herself in her web, and escape unnoticed. So the keeper told her she was doing wrong, the answer was that the vegetables were damaged, and the issue we suppose was a summons.

1864

The *Sheffield Daily Telegraph* for Friday 12 August 1864 carried the following report:

THE WEST RIDING ASSIZES. CROWN COURT.

Shooting at a Gamekeeper at Wath.

Joseph Moxon, 38, a collier, was indicted for shooting at William Broadhead, at Wath-upon-Dearne, on the 2nd June.—Mr. West and Mr. V. Blackburn were for the prosecution.

Prosecutor is a gamekeeper in the employ of the Earl Fitzwilliam, and on the day in question he was on duty in Low Wood, at Wath, when he saw three men, of whom the prisoner was one, engaged ferreting for rabbits. Prosecutor went up to Moxon, and placed his hand upon his shoulder, upon which the prisoner and second fellow not in custody commenced beating him over the head with a hedge-stake. Prisoner and prosecutor then struggled for the possession of the keeper's gun, which was double-barrelled, and at half cock. The poachers subsequently kicked prosecutor over the hands and

stamped upon them, and at length Moxon got hold of the stock the piece, the barrels being then directed against the prosecutor. The struggle lasted about a quarter of an hour, and prisoner had during the greater part of this time his hand on the triggers, after having pulled up both the hammers. Prosecutor was laid upon his back when Moxon pulled the gun forward a little, and discharged one barrel. The charge of a heavy shot — fortunately for the gamekeeper, however — went into the bank upon which Broadhead was lying, and just missed his side.

Prisoner and the other poacher then got possession of the gun, and Moxon pointed the piece at the prosecutor. Broadhead cried out "For God's sake, don't shoot me," upon which prisoner uttered an oath, declared he would "blow the prosecutor through," and continued to endeavour to fire off the other barrel, which had a defective trigger end upon it, and was therefore rather difficult to discharge.

During this period, the other poacher was striking the prosecutor with a hedge stake, and the third fellow swore he would knock his brains out with another bludgeon. Prosecutor prayed them not to take his life, upon which they asked him whether he intended to follow them up. He replied that he would not, and they then "backed away" into the wood, keeping their faces towards him to intimidate him from pursuing them.

But as Moxon was in the act of crossing the fence, having then one hand upon the back trigger and the other half-way down the barrel, the left-hand barrel (which prosecutor had previously observed to be stuffed with mud, which had accumulated in the struggle the bank) exploded, and the piece then appeared to 'jump out' of the prisoner's hands. The three poachers then concealed themselves in the wood. Prosecutor subsequently ascertained that both the barrels of the piece had burst.

The assistant to Dr. Clarke, of Wentworth, proved that the prisoner went to the surgery on the 4th June, and stated that he had got his right hand hurt, whilst shooting small birds, owing to his gun having burst. Prisoner was subsequently sent to the Sheffield Infirmary. At the Sheffield Infirmary, prisoner was identified the prosecutor as the man who shot at him; and he was also spoken to several witnesses as having been seen on the Wentworth road shortly after the struggle, in company with three other men. The description of Moxon's clothing, furnished by the independent evidence, exactly tallied with the articles found in prisoner's house.

Prisoner, who was undefended, declared that his wound was caused by the bursting his own gun (the piece being produced in court) nine weeks ago, whilst shooting small birds in his own garden. He also set an alibi, but the witnesses he proposed to call in support of this defence, did not answer to their names.

Guilty.—Prisoner was sentenced to four years' penal servitude.

1874

Poaching did not always involve rabbits or game. The *Sheffield Independent* for Tuesday 6 October 1874 reported as follows:

TAKING FISH AT WENTWORTH PARK

Two young men, named Thomas Wingfield and Samuel Swinden, both of Sheffield, were charged with taking fish in a pond at Wentworth Park on the 30th ult. Mr. Taylor appeared for the prosecution, and called a gamekeeper in the employ of Earl Fitzwilliam, who deposed that he saw defendants taking trout in a pond at Wentworth on the day in question. — The men were fined 10s. each and costs.

1875

On 27 February 1875, the *Sheffield Daily Telegraph* reported as follows:

SERIOUS AFFRAY BETWEEN TWO GENTLEMEN AND POACHERS.

Yesterday, at the Barnsley Town Hall, Wm. Howland, moulder, Chapeltown and Thomas Guest, moulder, Sheffield, were charged with assaulting Mr George Ponsonby Talbot and Mr. Gervase Markham, both of whom are connected with the estate office at Wentworth, and also with trespassing in pursuit of game. Mr. Taylor prosecuted, and Mr. Freeman defended.

The first witness called Mr. Talbot, who said that at about 20 mins. past two he was in Tankersley Park accompanied by Mr. Markham. He saw the two prisoners, one being on the ground and himself and Mr. Markham went towards them. Mr. Markham asked Guest what his name was and he said it was Ellis, of Grenoside. Mr. Markham then put his hand on Howland's shoulder and asked him what he doing in the park, as he was trespassing on Earl Fitzwilliam's property. The reply was that he was looking after ducks.

Mr. Markham then ordered Howland to give up his gun, then jumped back when witness received a blow on his head, which knocked him down, and from which he lost a good deal of blood. When got up he saw Mr.

Markham standing against some palings, and Howland in front of him, with a gun barrel in his hand. Guest came towards him with a stick, and he (witness) went towards Howland and struck him with the stick until it broke. There was a struggle.

Cross-examined by Mr. Freeman: he did not try to get the gun from Howland's pocket. He used his stick at the thickest part. A shepherd named Bunting came and caught hold of Mr. Markham, and said "For God's sake don't kill the man." He believed the remark was applied to Howland. Mr. Markham and witness afterwards went to the house of the shepherd Bunting, where they had their wounds dressed and were afterwards attended by Dr. Clarke, of Wentworth.⁶

Mr. Markham was then examined, and said that on the 19th inst. he was in the park along with Mr. Talbot, when he saw the two prisoners. He went up to Guest and took a ramrod from him. He then noticed that Howland had a gun, and he went up to him and said "Stop. Lay down your gun." Not another word was spoken, when Howland sprang back about three yards and drew a gun barrel from his pocket, with which he struck Mr. Talbot to the ground, then raised his stick. He hit him as hard as he could, and on the top of the head. When he struck Howland the latter struck him with a gun barrel, and the blows were almost simultaneous and a struggle took place. He defended himself as well as he could, his stick being broken, whilst he was drenched with blood. After he was knocked down he saw Guest come up to him on the right whilst Mr. Talbot came upon the other side and intercepted the blow struck at him with the gun barrel. A shepherd, named Bunting, then came up and caught hold of him, and said, "For God's sake, do not kill the man." He thought that remark was addressed to Howland.

Dr. Clarke, of Wentworth, deposed to the injuries inflicted on the complainant.

John Bunting, shepherd, said that on seeing the affray going on he ran and caught hold of Mr. Markham and said, "For God's sake, do not kill the man." He used that remark to Mr. Markham, as Howland was covered with blood.

Mr. Freeman then made an energetic address on behalf of Howland, and condemned the conduct of the complainants taking so much upon themselves because they happened to be connected with Wentworth House.

The magistrates then retired, and on their return into Court, the Chairman stated that Howland had been fined and imprisoned 16 times, and Guest seven times. The magistrates had decided not to entertain the charge of poaching, but would commit Howland two months for each assault and Guest one month for each.

⁶ The village doctor, who evidently led an interesting life: see the reports in this chapter and in chapter 8 in particular.

1884

The *Sheffield Independent* for Tuesday 17 June 1884 carried reports about two different kinds of poaching - of fish and ground game:

ROTHERHAM WEST RIDING POLICE COURT. MONDAY. UNLAWFUL FISHING AT WENTWORTH.

Robert Pepper, William Pepper, and William Francis Bailey, iron-workers, of Hoyland Common, were summoned for unlawfully fishing at Wentworth, on the property of Earl Fitzwilliam, on June 4th; and William Houghton, Richard Clegg, and William Clegg, colliers, of Hoyland Nether, were also summoned for attempting to take fish at the same time.

Mr. F. Parker Rhodes, solicitor, prosecuted, and said the defendants were in a stream which runs from Harley Mill to the Elsecar Reservoir. Earl Fitzwilliam gave permission to the public to fish in Elsecar Reservoir to any extent so long as they were fair anglers. No one was allowed to fish in that portion of the reservoir or stream which ran on the left-hand side of the road from there to Hoyland, or near the bridge at the top end of the reservoir, which ran through a plantation or willow garth and supplied the canal. Notices to this effect were posted up.

On the day in question Police-constable Skelton saw about a dozen men and boys in the stream on the forbidden ground. He watched them, and several of them had lines in various places of the stream pegged into the banks. Others were in the water groping about and beating it with sticks. Two of them had spears, or weapons evidently made on the spur of the moment, but they were certainly quite efficacious for the work intended. They were made with a couple of horseshoe nails fastened into a stick.

Police-constable Skelton saw two of the defendants at work with these spears in the brook, and the others were trampling about in the mud and on the banks. As soon as they caught sight of the constable they ran away. Police-constable Skelton caught two of them and they had upon them a quantity of trout. He took the trout from Wm. F. Bailey, who had his fish in a bag, and there were seven trout, three of which weighed 1½ lbs. and the other four 1lb., and there were also four perch. The other men had a can or tin, and Police-constable Skelton did not take possession of it, but saw that it contained trout. When Police-constable Skelton had seized the implements he examined the stream, and saw a quantity of dead trout and roach floating in the water.

On the following day he went with the keeper, Broadhead, and found a further quantity of dead fish which appeared to have been trampled and speared. In addition, the defendants, in order to get at the fish better, had let

off the whole of the water in the dam and pulled down part of a wall. The working of the mill was prevented for half a day and the wall had since been repaired. Under all these circumstances he asked the magistrates to inflict a substantial penalty.

Police-constable Skelton was then called, and stated that on June 4th, about half-past one o' clock in the afternoon, he went to the Harley Dam, which ran into the Elsecar reservoir. He saw a number of men and boys in the stream and watched them for half an hour. The two Peppers each had three long lines, and a number of shorter ones. William Bailey, who had left his boots and stockings on the bank, was digging a stick into the water as if spearing something. Houghton also had a stick, which he appeared to be using in the same way. Richard Clegg and William Clegg were both present, and the latter had a snort line in his hand. There were a number of notices posted on the spot that persons fishing there would be prosecuted for poaching. In bringing Bailey back he saw the two men Pepper, trying to conceal themselves. Bailey, when caught, had a line, and in a bag which he carried there were seven trout and four perch.

Witness produced a number of rods, lines, etc. The Peppers had with them an ordinary fishing can filled with trout and roach. They said they had permission from the keeper to fish. Witness referred them to the notice, but the defendants said they had permission and they did not care. The stick produced had affixed to it two sharp nails for the purpose of spearing trout. He went to the place next day with the keeper, and found that some damage had been done to the mill dam at Harley. Stones had been pulled out of the dam for the purpose of letting the water out.

Wm. Broadhead proved that the defendants had not permission to fish where they were caught. Wm. Jackson said his father held the mill at Wentworth. There were trout in the dam, and the water was let out on the 4th inst. They found that they were short of water about 9 a.m. Police-constable Skelton, recalled, said the value of the fish would be 6s.

Robert and William Pepper were each fined 20s., including costs, and the others, who were youths, were ordered to pay 6d. each, 6d. damage, and 5s. costs.

GAME TRESPASS

James Ensor, miner, of Rawmarsh, was charged by Wm. M'Kee, keeper to Earl Fitzwilliam, with a game trespass, at Rawmarsh, on the 8th inst. Mr. Rhodes also prosecuted in this case. It was alleged that, between Stubbin pit and the Haugh, the defendant, who was accompanied by another man, shot a hare. He picked it up, and ran away with his companion. They were watched by

Thomas Carnley and Edwin Gale, keepers, to load a gun, in a field belonging to Mr. Lawton. The keepers pursued them, and the defendant dropped the hare and ran into the arms of M'Kee. He was fined 20s., including costs. Thomas Brailsford, labourer, Masbro' Common, was fined 5s. and costs for digging for rabbits in Bassenthorpe Wood, on June 2nd

1885

On Saturday 12 December 1885 the *Sheffield Independent* reported on certain proceedings at the magistrates court:

ATTEMPTED MURDER AND NIGHT POACHING AT GREASBRO'

Charles Bowers, Frederick Ward, and Joseph Heppenstall, labourers, of Maabro', were brought up in custody on a charge of night poaching; and Bowers was also charged with a further offence, under 21 and 25 Victoria, cap. 100, sec. 14, that of attempted murder on November 25th, at Morley Plantation, Greasbro.

Mr. H. H. Hickmott said the facts of the case were that on the morning of the day in question, about five o'clock, M'Kie, the head keeper to Earl Fitzwilliam, and four other keepers were in the Morley plantation. They saw the three prisoners coming into the plantation. Bowers had with him a gun, and Heppenstall also had a gun, and Ward a thick stick. The keepers separated so that they could each take their man. They had with them another keeper named Airey, and they watched Bowers. They got within three yards of Bowers, who was carrying his gun low down. When Bowers saw them he said, "Stand back, stand back, the first that comes here I will shoot him." He pointed his gun at M'Kie, who was shoulder to shoulder with Airey. M'Kie jumped aside, and so did Airey. Bower, fired, and the shot struck the ground about four yards behind M'Kie and Airey. M'Kie closed with Bowers, and Bowers struck him over the arm with his gun, and he also struck Airey in the stomach with the muzzle of the gun. After a lengthy struggle Bower was over-powered.

Prisoners were committed for trial at the assizes on the charge of night poaching. Mr. J. H. Pawson, solicitor, defended, and he applied for bail. The Magistrate agreed to grant bail to Ward and Heppenstall, each in £100, with two sureties of £50. Bowers was farther committed on the more serious charge of attempted murder, and he reserved his defence.

The trial at the Assizes was reported in the *Sheffield Independent* for Saturday 6 February 1886:

THE ROTHERHAM POACHING CASE.

Charles Bowers, John Heppenstall and Frederick Ward, all labourers living in the neighbourhood of Rotherham, were indicted for that they, "being armed with guns, together did enter certain lands, then in the occupation of Earl Fitzwilliam, about the hour of five o'clock in the night, for the purpose of obtaining and destroying game at Rotherham, on the 28th of November, 1885." To this indictment they all pleaded guilty. Charles Bowers was further charged with shooting with a gun at William M'Kie, the head keeper, with intent to murder him, and to this he pleaded not guilty.

Mr. Stuart Wortley⁷ said that, on behalf of the prosecution, he was instructed to say they were content with the plea of guilty upon this indictment for night poaching against the three prisoners, therefore he did not propose to offer any evidence upon the more serious charge.

His Lordship said that all three had pleaded guilty to night poaching. They did all they could to resist lawful arrest, and Bowers' gun went off. The prosecution in this case had been very lenient in not pressing the charge of unlawfully letting off the gun at the keeper. Bower must go to gaol for 15 months, and Heppenstall and Word for 12 months, with hard labour.

1899

The following report appeared in the *Sheffield Independent* for Tuesday 24 January 1899. It would seem to be a case where the culprit committed the offence a little too close to home, for him to reasonably expect to get away with it. Perhaps the man was not very bright?

GAME TRESPASS AT WENTWORTH.

A labourer named Joseph Beckett, of Low Harley, was charged at the Rotherham West Riding Police Court yesterday with game trespass at

⁷ A son of James Stuart-Wortley, youngest son of James Stuart-Wortley, 1st Baron Wharnccliffe, educated at Rugby and Balliol College, Oxford and called to the bar at Inner Temple in 1876. In 1880 he was the first Conservative to be elected as a Member of Parliament for Sheffield, and was elected in 1885 as MP for the new Sheffield Hallam constituency. He served under Lord Salisbury as Under-Secretary of State for the Home Department between 1885 and 1886 and again from 1886 to 1892.

Wentworth. Mr Hoey, of Bamsley, defended. Mr Hickmott prosecuted on behalf of Earl Fitzwilliam, and stated that on December 21st, about 3.30 p.m., William Cooper, one of the gardeners in the employment of his Lordship, was engaged in the garden near a gate leading into the road running from Wentworth to Thorpe Hesley. Cooper had occasion to open the garden door, and saw the defendant at the corner of the road about 15 yards away. He saw the defendant put a gun to his shoulder and shoot at a hare in a plantation leading from Wentworth House to Wentworth Church. He killed the hare, and turning round saw Cooper watching him. The defendant then took his gun to pieces, put it in his pocket, and went up the road. Finding he was being followed he started to run. Cooper picked up the hare and took it to Mr. Talbot.

Witnesses were, called for the prosecution. Mr. Hoey, on behalf of his client, pleaded an alibi. The defendant was sworn, and said he was at a public house, Tom Atkinson's, in Wentworth, about 300 yards from the spot at the time of the alleged offence. He was in the Rockingham Arms, and afterwards went home. He had not had a licence, and had not used a gun since July last. The only brown coat was the one he was wearing, and it had no pocket to hold a gun. He was fined 40s. and costs, or one month's imprisonment.

1903

The *Barnsley Chronicle* for Saturday 3 January 1903 reported as follows:

WATH.

NIGHT POACHING AT BRAMPTON BIERLOW

Arthur Mangham and Biram Smith, miners, West Melton, were charged at the Rotherham West Riding Police Court, on Monday, with night poaching, on December 24th, at Brampton. Mr. Gichard prosecuted on behalf of Earl Fitzwilliam, and said the proceedings were taken under the Night Poaching Act (1828), by which the defendants were liable to three months imprisonment and to be bound over for twelve months not to offend again.

On the night of December 23rd, Mr. Proudlock, head gamekeeper in the employment of Earl Fitzwilliam, and eight other men, were watching the game preserves at the Needle's Eye, Wentworth, about five o'clock in the morning. They heard a shot in the direction of Brampton Gorse and went to

the place indicated. The keepers spread out the best they could to surround the place, and two of the party went into the wood.

They caught the defendants. Mangham had two pheasants, the ramrod of a gun, some guncaps, and a bag, in his possession. Smith had a pheasant, a shot-pouch, a tin box containing five charges of powder, and two stones in his possession. It was necessary in order to capture Smith, to follow him some distance, during which time he threw away the stock of the gun. Defendants were handed over to the police at Wath at eight o'clock in the morning.

They pleaded that they were not guilty of night poaching, as it was day when they were taken to the police station. Mangham had been 31 times previously convicted, the last time on July 7th, 1902, when he was sent to gaol for one month for an assault. Smith had twice been guilty of game offences. Mangham was sent to prison for two months' hard labour, and Smith was fined 20s. and costs, or one month's imprisonment.

1923

On Saturday 28 April 1923 the *Sheffield Independent* reported on a far more serious incident:

ACCIDENTALLY SHOT BY POLICEMAN'S GUN. EARL'S GAMEKEEPER KILLED IN WENTWORTH WOOD.

The Wentworth pigeon-shoot tragedy, in which one of the Earl's gamekeepers lost his life through the accidental discharge of a gun carried by one of two policemen who accompanied him, was inquired into, yesterday, by Mr. J. Kenyon Parker, the West Riding Coroner.

The victim of the accident was William Gregory, a married man, of The Barrow, Wentworth.

P.C. Joseph Brown, stationed at Elsecar, said he, in company another policeman, called for Gregory at his home on Wednesday, and they went to shoot pigeons in Coach road plantation, Wentworth.

TRIGGER AT FULL COCK

On entering the wood Gregory told witness to stay at one end, while he and P.C. Woodall went to the other.

Witness shot a pigeon, and a few minutes later he heard two shots at the other end of the wood.

Suddenly he heard Woodall cry out. "Oh Joe, come."

Witness ran up and saw Gregory lying on the ground. Woodall said, "I was changing my cartridge and the gun went off." Witness rushed into the village for a doctor. When he got back Gregory was still alive, but he died before the doctor arrived.

Coroner: Is it a wise thing to have the trigger at full cock?

Witness: No, Sir. From entering the wood to the time of the accident was not more than five minutes.

Dr. Mills, of Wentworth said he saw deceased in the wood. He was dead then. The cause of death was a shot passing through the heart.

CHAFFED ABOUT CARTRIDGES

P.C. Woodall, of Elsecar said Gregory asked him to wait a few minutes for him.

During Gregory's absence witness heard a shot from Brown's rifle. After that some pigeons came over, and Gregory shouted to him, "Have a shot!"

Witness shot one of the birds and went and picked it up. When Gregory came back witness showed him the pigeon, and he said: "What do you think of that. I can shoot with your cartridges; I'll show you."

The Coroner: 'Why did you say that?'

Witness said had been chaffed about his cartridges.

The Coroner, in up, said the jury had to decide whether there had been any negligence through which Woodall should be censured.

The jury returned a verdict of "Accidental death" and said they did not think Woodall should be censured.

1933

Does crime pay? The answer in the following case, reported in the *Yorkshire Post and Leeds Intelligencer* for Tuesday 21 November 1933, would seem to be clear:

PROFIT IN POACHING

22 Pheasants Found in a Sack at Wentworth

Described by the Chairman as "poaching specialists," Leonard Mangham (21), of Albert Street, Swinton, and Thomas Oliver (20), Harlington Road,

Mexborough, two miners, were sentenced at Rotherham yesterday to three months' hard labour for taking game by night at Wentworth.

It was alleged by the prosecution that the prisoners and another man dropped their equipment when they saw the gamekeepers. In a sack were 22 pheasants. The men had got to know that there was to be a "shoot" on the Estate of Earl Fitzwilliam the following day. Poachers in that district were finding that poaching was a money-making game.

1936-7

The *Yorkshire Post and Leeds Intelligencer* for Saturday 31 October 1936 carried a report of a very serious affray, following an encounter between gamekeepers and poachers near Wentworth Park:

AFFAIR IN A WOOD Poacher and Keepers Sent for Trial

John Unsworth (59), an unemployed miner, of Hoyland, near Barnsley, was accused at Rotherham yesterday of attempting to murder Harry Gale (24), gamekeeper, Wentworth, by shooting at him in Simon's Wood, Brampton Bierlow, and was sent for trial.

Unsworth, in cross charges, accused Gale and George Hall, another gamekeeper, of inflicting grievous bodily harm on him. Gale and Hall were also committed for trial. All parties pleaded not guilty.

Gale alleged that Unsworth levelled a gun and fired at him, and tried to re-load. Gale closed with him before could so and overpowered him. Gale denied that his story was a wicked concoction to explain a brutal assault on Unsworth.

Unsworth, in evidence, admitted that went to the wood with the idea of poaching. He said he did not intend to murder Gale, and never shot at him, and repudiated a statement he was alleged to have made to the police.

Dr. Barclay Wiggins, of Hoyland, who examined Unsworth shortly after the incident, said that extreme violence must have been used, either with a stick or sticks, to cause Unsworth's condition.

It was also stated that Unsworth had to have eight stitches inserted in his head, and that he had a rib fractured and a finger dislocated. On summonses for game trespass, Unsworth and Arthur Hague (50), miner, of Hoyland, were each fined 40s., or one month's imprisonment in default.

The next act in this drama took place at Leeds Assizes, as reported in the *Yorkshire Evening Post* for Thursday 26 November 1936:

**HOYLAND MINER ON SHOOTING CHARGE
ALLEGED INTENT TO MURDER IN WOOD
Defence Claims No Shot was Fired**

An alleged scuffle in a wood on Earl Fitzwilliam's estate at Wentworth was described at Leeds Assizes, to-day, when John Unsworth (59), miner, of Elizabeth Street Hoyland, was charged with shooting Harry Gale, gamekeeper of Leigh Cottage, Wentworth, with intent to murder him.

Unsworth pleaded not guilty, and was defended by Mr. H. Hylton-Foster.

Mr. J. Willoughby Jardine, K.C., who conducted the case for the prosecution with Mr. G. H. B. Streatfield, said the affray took place in Simon's Wood on October 19. Acting on information, two gamekeepers, Harry Gale and George Hall, concealed themselves in the wood from 8.30 until 11.15, when they saw Unsworth and a man named Haigh enter the wood.

Unsworth had a single-barrel gun and the keepers saw him shoot two pheasants. He reloaded the gun and when was about 20 yards away, with Haigh following, the keepers approached him. Unsworth, it was alleged, said "Stand back or I'll blow your brains out."

Gale replied: "It's no good, Lank,⁸ I am coming on."

"Fired at 10 Yards"

"The keeper came on" counsel said, "and Unsworth put the gun to his shoulder and fired at 10 yards. The keeper ducked and the poacher tried to reload. They closed, and the poacher used the gun as a bludgeon, while the keeper used his stick. He got in two blows at least on Unsworth's head. Finally, Unsworth dropped the gun, and the other keeper picked it up."

Gale and Unsworth fell to the ground. Mr. Jardine continued, and the scuffle continued. During the struggle it was alleged that Unsworth said. "I will get you next time." He stopped struggling, however, and allowed himself to be searched. The keeper found three live cartridges in a pocket, and a discharged cartridge in the gun. Gale and Ball then took Unsworth to the edge of the wood. Prisoner had been thoroughly knocked about, and his parting words to the keepers were, "I have not finished with you yet." When the wood was searched, spent cartridge and a denture belonging to Unsworth were found.

"Never Meant to Kill Him"

⁸ Sic: see explanation below.

Prisoner was ill for a time, and made complaint to the police about the assault. He told a police officer that he went to the wood with Haigh with the object of killing pheasants.

His statement continued. "I was just waiting for a pheasant put its head up when two gamekeepers stopped me. Both struck me several times until I was knocked to the ground. They took me to the side the wood and searched me. My head was cut and my face was covered with blood. My companion, Haigh, must have run away when he saw the gamekeepers coming."

Unsworth was charged on October 26 and in reply said: "No, it is not as bad as that; I never meant to kill him."

Gale, giving evidence, said Unsworth was known in the district as Trembling Lank. When he tackled Unsworth, he told Hall to stand back, as he (witness) could manage him.

Gale admitted that when went for Unsworth, he lost his head. He agreed that Unsworth received a number of head injuries, but did not know that the prisoner broke a rib.

Gale denied that had made up the story about the shooting to explain the beating gave Unsworth.

Mr. Hylton-Foster told the Jury that, after Unsworth had been tried, charges would be made against Hall and Gale of inflicting grievous bodily harm on Unsworth.

Unsworth's Denials

Unsworth, in evidence, admitted that he was a poacher and went in pursuit of game on October 19. He entered Simon's Wood, accompanied by Haigh. He carried the gun folded in his jacket pocket, and went towards the bracken looking for pheasants.

There was a cartridge in the gun but he did not take the weapon out of his pocket. He approached the bracken and was looking for pheasants when the keepers, who had been crouching in the bracken, sprang him. One hit him in the mouth, and knocked out his false teeth.

Unsworth said he never saw the keepers until they sprang on him. They were crouching at his side, and the force of the blow in his mouth knocked him over. At the same time the folded gun fell from his pocket to the ground.

Unsworth alleged that both keepers then attacked him and that Hall struck him with a stick. One of the men asked where the gun was and he (Unsworth) pointed to it lying on the ground. At the same time he was struck on the hand.

Unsworth said that, after the attack, he felt faint and asked the keepers to take him to a pond for a drink, and one of the keepers replied. "Well, we'll chuck you in."

"They let go me go" Unsworth added, "but overtook me and searched my pockets."

Unsworth denied that he ran away. He complained to a police officer about the assault and the officer took him to the doctor.

He added that on October 19 he never fired shot in Simon's Wood, as he was set on by the keepers before could aim at a pheasant.

Never Heard a Shot

Arthur Haigh, miner, of Hoyland, said he went poaching with Unsworth. He waited on a stile while Unsworth went into the wood. He saw Unsworth being struck by two keepers. He never heard a shot.

Peter Watkins, schoolboy, of Church Street, Elsecar, said he went to the wood with two friends, and saw two keepers striking a man on the ground. Witness was about 20 yards way and did not hear a shot fired.

Similar evidence was given by two other schoolboys, Kenneth Hanks and Irving Foster.

Dr. B. Wiggins, Hoyland, said Unsworth had several head wounds. Unsworth was dazed and suffering from shock. There was blood on his face and the upper part of his clothing, and his mouth, nose and shoulder were bruised and swollen. A finger was dislocated. He found later that Unsworth had a fractured rib.

Severe violence would have to be used to inflict such injuries.

So what was the outcome? Some readers will be surprised by the verdict, which was reported in the *Leeds Mercury* for Tuesday 16 March 1937. (We are accustomed to the idea that justice in the 'old days' was not only swift but harsh:

APPLAUSE AT ASSIZE TRIAL. ACQUITTAL OF HOYLAND MAN.

JOHN UNSWORTH (59), miner, of Elizabeth Street, Hoyland, was found not guilty at Leeds Assizes, yesterday, on a charge of shooting at Harry Gale, a gamekeeper, with intent to murder him, and not guilty on a charge of shooting at him with intent to do him grievous bodily harm, and was discharged. The Jury were absent for nearly two hours, and when the foreman announced the verdict there was some clapping in the public Assizes in Leeds.