

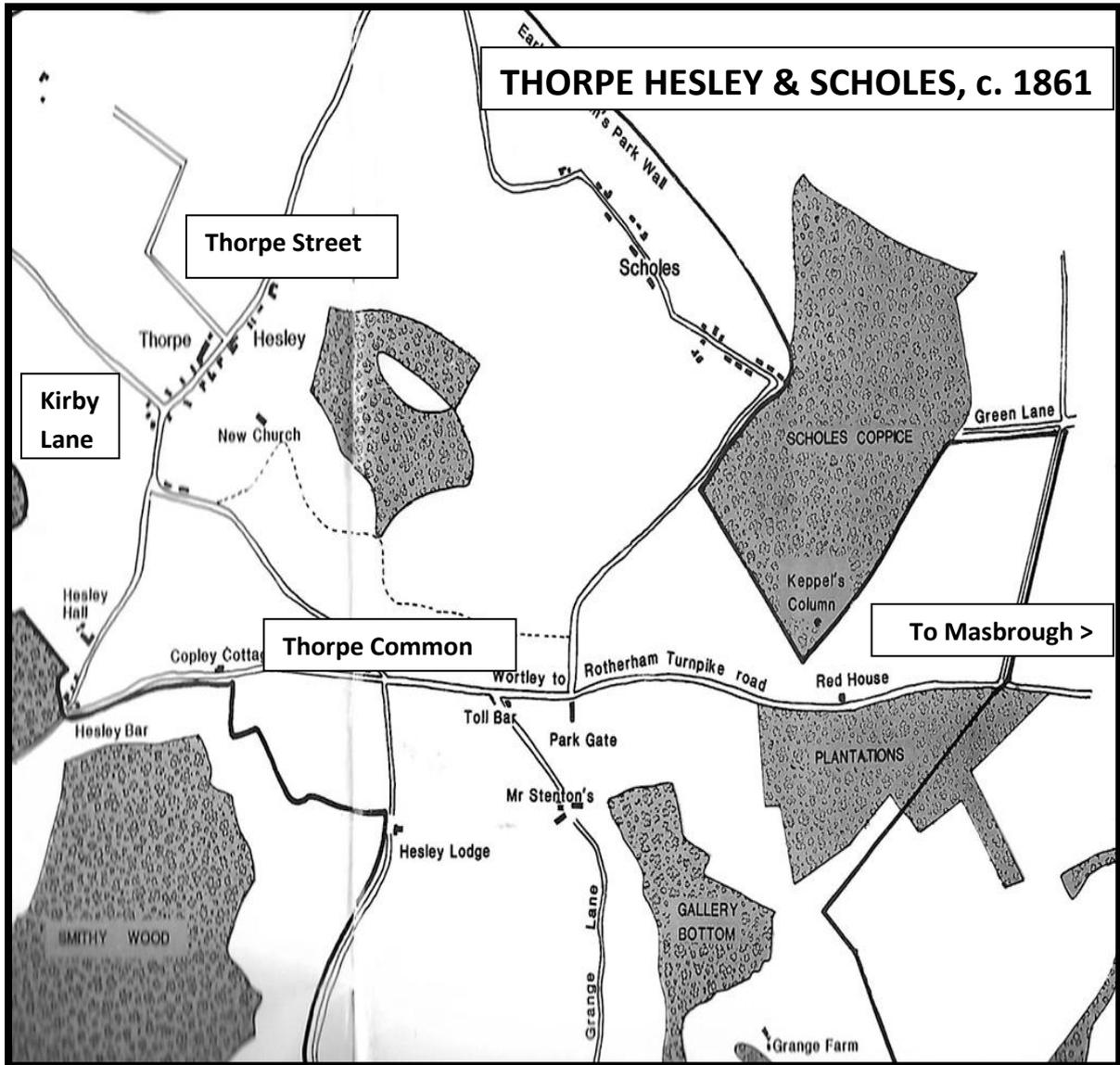
THE BOMBINGS IN THORPE HESLEY

in 1861

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INTRODUCTION: 1861

1861 was the year in which first steam-powered merry-go-round amused the children, in Bolton. About 350 convicts took over the prison at Chatham Dockyard. Storms damaged the Crystal Palace in London and caused the steeple of Chichester Cathedral to collapse. The census taken that year revealed that the population of Great Britain was now 28.9 million. The American Civil War broke out. Thomas Cook ran the first package holiday from London to Paris. The Malicious Damage Act codified the law on criminal damage, while the Offences against the Person Act did the same for crimes of violence and created the offence of "causing bodily harm by wanton or furious driving". The Post Office Savings Bank opened; and HMS *Warrior*, the world's first ocean-going (all) iron-hulled battleship was commissioned.

On the night of Saturday 21 December 1861 two nail-shops belonging to John Hattersley and Charles Butcher in the village of Thorpe Hesley in South Yorkshire were blown apart, by crude bombs made from tin cans and gunpowder.¹ No-one was hurt, but there was considerable damage to property. The result was that three men from Derbyshire, all members of the Nail Makers' Union based in Belper, were sentenced to 14 years' penal servitude at the Assizes in York. The curious thing is that there are still considerable doubts as to whether these three men actually committed the crime, despite the fact that the relevant evidence was examined on no less than three occasions, by three separate bodies.

¹ I first wrote about these events in *Aspects of Rotherham* (Wharncliffe Publishing Ltd, 1995).

I

THE BOMBINGS

According to *Drake's Directory of Rotherham*, compiled in 1862, there were ten nailmakers in the village of Thorpe Hesley in 1862.

Burgin, John
Copley, Thomas
Favell, William
Goddard, George
Greaves, Joseph
Hattersley, Joseph
Waller John
Waller, Matthew
Watson, William
White, Thos. (and bolt and screw
maker)

Neither of the men whose shops were bombed in December 1861 appears in this list, though each of them had been listed as nailers on 7 April 1861, when the Census was taken;² but, when we read the full account of the bombings, the reason for this is obvious. Both men had been put out of business by the blast (though *Drake's Directory* does list Butcher as a shopkeeper).

Nailmaking was an old industry in the village of Thorpe Hesley, or 'Thorpe', as the locals still call it. The iron which provided the raw material could be easily obtained from Wortley and other local forges and the iron could be worked up into nails at home, in combination with farming. When Joseph Hunter, the historian of Hallamshire, described the village in 1831 he wrote "Here is a populous village inhabited for the most part by nailers and agriculturists". According to Melvyn Jones:

The Census of 1841 showed that the population of Thorpe Hesley was 1,239 and [the nearby village of] Scholes had a population of 315. Of the 446 males

² Information derived from www.ancestry.co.uk, when Hattersley was living in Thorpe Street (Kimberworth Township), and Butcher was living in Kirby Lane (Wentworth Township).

living in Thorpe Hesley for whom occupations were given, 82 (18 per cent) were engaged in farming, 130 (29 per cent) in nailmaking and 202 (45 per cent) in mining. Of the 78 males living in Scholes for whom occupations were given in 1841, 17 (22 per cent) were in farming, 11 (14 per cent) were nailmakers and 31 (40 per cent) were miners. In some Thorpe families there were both ironstone and coal miners.³

However, nailers everywhere were already starting to feel the impact of competition from factory made nails and, by the 1860s, this was intense. One result was that some of the men concerned took steps to protect their position.

Trade Unionism had a long history in Thorpe. There were 'Thorpers' amongst those who signed a Nailers' Agreement at Ecclesfield in 1733, fixing the terms on which apprentices could be taken; and Thorpers also played a leading part in the formation of a Horse-Nail Makers' Union in 1822. Rules drawn up for this society referred to the 'inevitable ruin' which was facing the trade, in consequence of 'the immoderate number of apprentices being brought up to the trade'; and the historian of Ecclesfield, David Hey, has also referred to the effects of: the 'flooding of the market with machine made nails'; the population increase; and fluctuating trade cycles.

Rule 1 referred to the necessity of uniting 'in bonds of indissoluble friendship and mutual respect for each other's welfare', in order to 'restore trade to a position which will enable us to maintain our prices by legal means', and 'to restore mutual interest between us and our employers'. By Rule 2 the Union was to have three districts, and three 'corresponding' Societies, at Thorpe (for Yorkshire), Belper (for Derbyshire) and Netherton (for Staffordshire and Worcestershire). Under Rule 4, Belper was to be the HQ. Rule 25 referred to the members' determination to protect their livelihoods 'by all possible legal means'; but Rule 28 contains more than a hint of what might follow, if legal means did not prove sufficient. This recommended members to 'a strict adherence to its laws, [but] at the same time to discountenance such who, from motives far from laudable, stand aloof, and will not join [the] cause.'⁴

There were many workers who were prepared to use violence (or the threat of it) to bring their fellow workers into line. This was especially common in the metal trades in the Sheffield area; and it is well known that there was a series of events there in the 1850s known as 'the Sheffield Outrages'. These included 'rattening' (the removal of a workman's tools until he complied), damage to property, the maiming of horses, and even murder. It is less well known that there was an incident involving the nailers of Thorpe Hesley in December 1861. This did not involve rattening, since the tools of the trade were simple and easily replaced. It meant the

³ M. Jones, *The People of Thorpe Hesley & Scholes*, in *Church, Chapel & Community* (by Jones, Stephen Cooper & Robert Chesman 1990).

⁴ David Hey, *The Village of Ecclesfield*, The Advertiser Press (Huddersfield, 1968), 119.

planting of crude explosives, consisting of tin cans packed with gunpowder and lit by means of a fuse.

In Thorpe Hesley there were nailmakers employed by a Mr Favell (or Flavell) of Westgate in Rotherham, who paid wages which were less than those recommended by the Nailmakers' Union. The Union men called a strike, which produced a hostile atmosphere in the village. On 19 October 1861 Thomas Jenkinson was asked by a Union man whether he intended to begin making nails for Favell. Jenkinson had confirmed that he did, once he had 'worked up his common iron'. Despite being told that he had 'better be on strike and have 8s from the box per week', Jenkinson had insisted that he intended to take the chance of work while he had it, to which the reply had been: 'If you do, it will be the worse for you'.

Thereafter, men from Belper visited Thorpe on more than one occasion, to persuade the 'knobsticks' (or blacklegs)" to join the strike. The Unionists held meetings in local pubs, in particular on 28 October 1861, but the 'knobsticks' refused to attend. Men from Belper and Chesterfield who were present at this meeting were heard to vow that they would 'blow the b-----s up'. Later that night, someone placed a can of gunpowder in the chimney of Charles Butcher's workshop, so that it would explode next day when the fire was lit. On this occasion the 'infernal machine' was discovered in time and no damage was done. Butcher still refused to take industrial action (as did John Hattersley); but the bombers struck again on the Saturday before Christmas, this time successfully.

Before turning to the trial which ensued, the reader may well ask what sort of place was Thorpe Hesley? When I moved there in 1979, I was warned by someone who lived in High Green (only a couple of miles distant) that Thorpe was a 'nice place', but its people were inclined to be 'cliquish' (which she pronounced 'clickish'). She meant, I suppose, that they stuck together, against the outside world; and there is some evidence that this was so in the mid 19th century. The *Sheffield Daily Telegraph* for Tuesday 22 September 1857 reported the following incident under the heading 'Hot Work for the Police':

Rotherham Court House. Emma Parkin, Ellen Duke, and Ann Brook, all of Thorpe Hesley, were charged with assaulting and obstructing John Smalley and Christopher Stockdale, two police-officers, in the execution of their duty. Mr. Clark Branson, of Sheffield, defended Mrs. Parkin. On Tuesday last Smalley went to the house of Caroline Bamforth, at Thorpe Hesley, to execute a warrant of ejection. He first went at half-past eleven, and then allowed her until half past one o'clock to get her effects ready for removal. At that time he again found there were no preparations for removal, and another half-hour was then allowed; but still no signs of commencement.

The three defendants were then in the house, and when the officer began to remove the furniture himself, obstructed him, and ultimately a regular row took place, and Stockdale was called in to assist. During the scuffle Smalley, by some mischance, got his fingers entangled in Mrs. Parkin's teeth, the effects of which

constituted the principal ingredient in the assault. He likewise lost some of his hair. As the disturbance increased, different people were asked to come in and assist the officers, but instead of doing this they impeded them all they could.

One might add that Thorpe Hesley was not an 'estate village', like nearby Wentworth, or Wortley. Earl Fitzwilliam, whose seat at Wentworth Woodhouse was only a mile or so distant, may have owned much of the land in Thorpe, but he was not lord of the manor. This had bred a certain dissenting tradition, in more senses than one. One result was that Thorpe had become a place where Methodism flourished, decades before the parish church was built in 1837.⁵ Whereas *White's Directory* had listed only one chapel in the village that year, the same publication noted in 1862 that "the Wesleyan, Primitive and Reform Methodists have each chapels here" What is less well known is that an Orange Lodge was opened at the *Victoria Inn* in 1862, when 30 candidates were initiated, and it was recorded that:

At the conclusion of the proceedings, the brethren partook of an excellent dinner, served in the good old Yorkshire style, after which the usual loyal and Protestant toasts were gone through, and the brethren separated highly satisfied with the day's proceedings. This is the third lodge that has been opened within eighteen months, within a mile or two of each other.⁶

The Victorians thought that a religious upbringing improved morality; and that the foundation of other institutions would work towards the same end. Many of them also believed that strong drink was the curse of the working classes. In May 1888, Lady Alice Fitzwilliam was to lay the foundation stone of the Mechanics' Institute in Thorpe, while a local MP expressed the hope that this would prove to be:

A centre of harmony where working men [could] meet together and derive instruction and amusement without being brought in contact with beer.⁷

But the drive to temperance was always uphill. There were three pubs and four beerhouses in Scholes in 1862,⁸ and 10 pubs and beerhouses in Thorpe Hesley in 1891, including *The Gate*, *The Red Lion*, *The Mason's Arms*, *The Horse and Tiger*, *The Golden Ball*, *The Travellers* and the *Sportsman's Inn*, of which we shall hear more.

In some ways, Thorpe Hesley was a microcosm of Belper.⁹ The Rolls of the Duchy of Lancaster for 1314-15 record that 'two forges are working making iron bars for the chapel windows, nails and spikes' there; and Belper nails were being

⁵ *Sheffield and Rotherham Independent*, cited in *Church Chapel & Community*..

⁶ *Barnsley Chronicle*, Saturday 15 March 1862.

⁷ *Manchester Courier and Lancashire General Advertiser*, Saturday 26 May 1888; *Sheffield Evening Telegraph* - Monday 1 October 1888; *Sheffield Independent*, Monday 01 October 1888.

⁸ The pubs were the *Effingham Arms*, the *Old Gate*, and the *Bay Horse*.

⁹ See www.bbc.co.uk/legacies/work/england/derby/article_1.

exported to America as early as 1700. In 1843, 400 men were employed there in making common nails and another 250 in making horse nails. Two million nails were produced weekly. In 1850 the poet Thomas Crofts wrote, of Belper:

It has nailshops past my counting, where men and women toil, making Roundheads, Forties, Clinkers, for the tillers of the soil.¹⁰

The Belper nailers were notoriously unruly, well known for gaming, fighting, and other disorderly conduct. In his *History of Derbyshire*, Reverend D. P. Davies said that, before the arrival of the cotton industry, Belper was the “insignificant residence of uncivilised nailers”. Court records and newspaper reports show them being fined and imprisoned on a regular basis, for everything from poaching to assault, from breach of contract (then a matter for the criminal, rather than the civil, law) to theft and murder. Arguments often became brawls and even pitched battles, where the nailers armed themselves with hammers and “resorted to blows to assert their rights”. Interestingly, there are newspaper reports of a prolonged strike in 1861 (the same year as the strike in Thorpe) when the nailers became notorious for a watchword, which was ‘Never to be beaten.’ In this light, the activities of the three men who bombed Thorpe Hesley that year could almost appear as the work of a Derbyshire flying column. The *Birmingham Journal* for Saturday 2 February 1861 carried the following story:

THE NAILMAKERS' STRIKE AT BELPER, DERBYSHIRE, AND
NETHERTON, STAFFORDSHIRE.

[From the Derbyshire Advertiser]
[Communicated]

This has existed for several weeks, and at present there seems little prospect of its settlement or termination. The men allege that one of the masters infringed their rules, and that they gave him a fortnight's notice of their determination. As there are about 2,000 men, or nearly so, arrayed in combination, against the masters, on account of this infringement, it would not be amiss if the public were little enlightened as to what the men really demand, and how far the masters are at fault.

In January, 1860, the nailmakers of Belper and Netherton agreed a code of laws which should govern their trade. This document, which is a singular production, and which even the masters are almost ignorant of, we are able lay before our readers. Every horse-nail maker in these districts is bound to follow its dictation under heavy fines, which are rigorously enforced.

¹⁰ *Belper, Looking into the Past*, Audrey Barrass (Belper Historical Society, 1994).

- I A man being a nailmaker, his children are entitled to learn the trade.
- II A man claiming to belong to the trade, his father not being a nailmaker, shall prove by his Indentures, or good witness that he has worked at the trade for the term of seven years.
- III A man being a nailmaker, married to woman that has had children, they shall not be entitled to learn the trade.
- IV. A man, a nailmaker, having a daughter that has had a chance-child, if she is not married, he will be entitled to learn the trade.
- V. A man being a nailmaker, but through lameness or is accident is unable to follow his trade, his children shall entitled to learn the trade.
- VI. No man shall be allowed to learn or take as apprentice anyone but those who have one of the above claims.
- VII That no man after twenty years of age be allowed to begin to work at nailmaking to claim the trade for his children.
- VIII. That no man be allowed to find his own stock; anyone doing so will fined the sum of 5s. for the first offence and 10s. for the second to be paid before commencing work.

These are the laws of the trade and are printed on a card, the other side of which contains a list of prices which the master shall pay every man for his labour; the prices, of course, varying according to the size of the nails.

The newspaper then expressed an opinion:

As a class the horse-nail makers are very improvident, intemperate, and uneducated; and there are localities where they reside exclusively that really need the services of a regular paid home missionary, such is their lamentable degraded condition. A residence of a great number of years in their very midst enables me to speak of their general habits. I admit that there are among them some of the most exemplary, sober, and steady men, that would do honour to any calling, but they are only like one bright star in the dark cloud, and their wise counsels are immediately cried down, thrown overboard, and hooted. Their meetings are of the most noisy and virulent description and nothing has chance of success if it does not promote some kind of tyranny towards the masters, no matter how unjust their proceedings— "not to be beaten" is their great watchword.

The public sympathy cannot be extended very largely to these men when the public know all their habits, their doings, and their proceedings. They say they cannot live, that they cannot pay all their domestic liabilities, and they would have us to believe the object of the strike was to rescue them starvation and slavery.

The real fact is that a large manufacturer at Netherton who has also a warehouse at Belper which gives employment to a great number of men, had in his employ at Staffordshire a thorough, steady, sober, good workman, who suited him well, and because that man was unable to trace his blood and pedigree as a born and bred horse-nail maker, Mr. Walker received a notice from these men to discharge him, or if not, then notice a rise of 3d. per thousand for making his nails. The Belper men joined the Staffordshire men in their unjust demand, and the result was the present "strike." Mr Walker paid his men full price, and what is more with "the coin of the realm"; there are no groceries, no bread, no tea, but money; he has no shop where his men are expected to deal, and they go about their business. But it pleases them so to contract the trade that they issue rules and laws which are base, tyrannical, despotic and such as no Englishman - much less capitalist, ought to submit to.

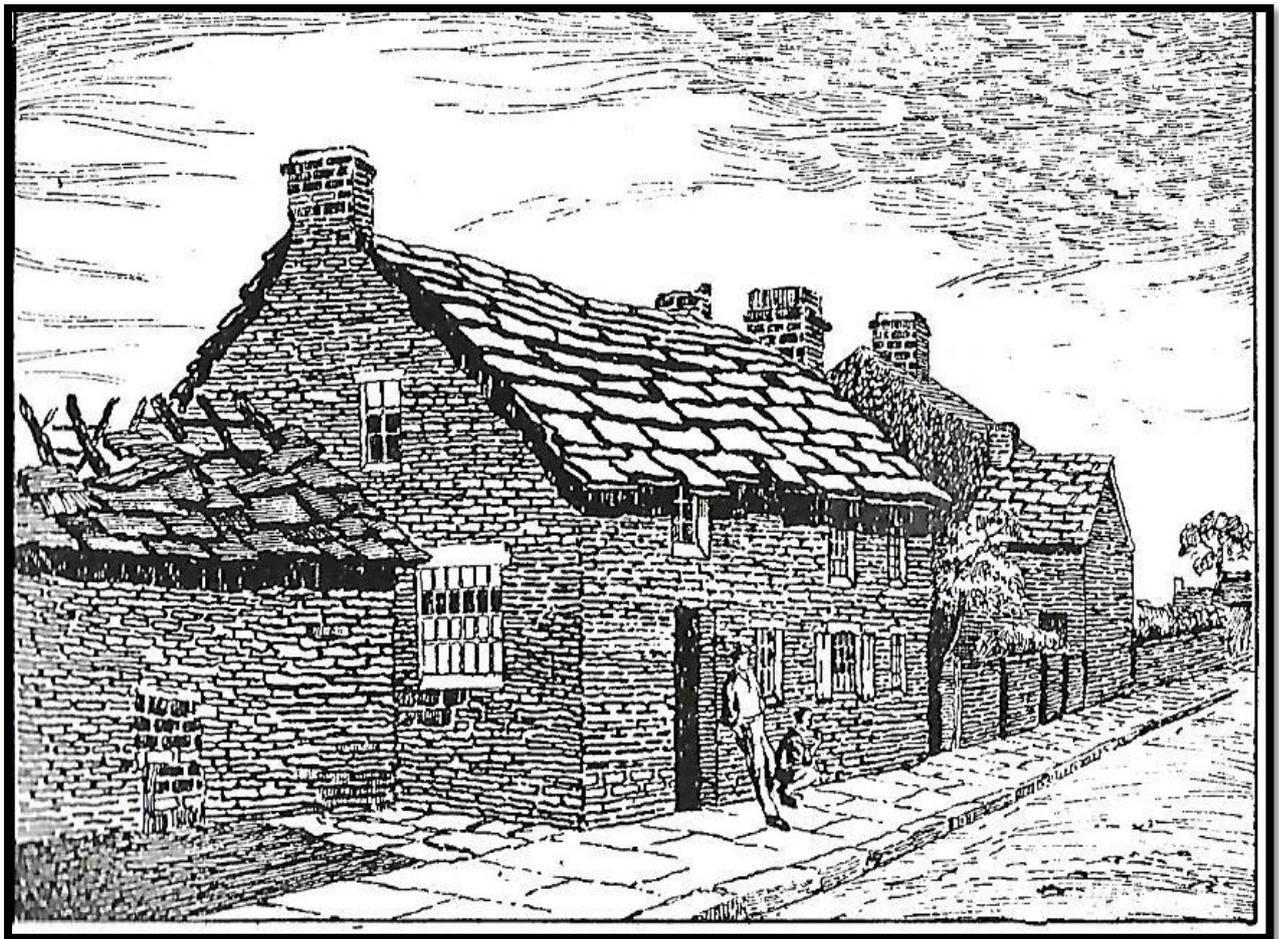
ONE WHO KNOWS THE TRADE.

Further evidence of the militancy of the Belper nailmakers is provided by the *Derby Mercury* for Wednesday 13 February and the *Derbyshire Times and Chesterfield Herald* for Saturday 16 February 1861:

Nailmakers' Strike. During the past week one or two persons have met the men their club-house, to reason with them on the "strike," The men received them well, and listened to what they had to say; but we fear little good can be expected from that, on account of the parties hardly possessing the necessary influence of position which would ensure any good results. We believe the men have decided to call all men out on tramp, as they have last discovered that the strike might continue in perpetuity far as Belper was concerned, from the fact of so many of their number removing to various parts of the country and making for some of smaller masters in trade. The principal masters have held another meeting, which was decided to continue their unity in resisting the demand of the men. There are large numbers of more steady men quite willing to commence work at the old price, but the pressure from Staffordshire, and the obstinacy of some of the Belper leaders effectually prevent their counsels from prevailing at their meetings. Thus the weak must give way before the strong.

But, like it or not, and however hard the unions tried to resist it, traditional nailmaking was facing an existential challenge. In the late 18th century, one of the

pioneers of the industrial revolution, Jedediah Strutt (1726 – 1797) had established cotton factories in Belper which were organised on new principles and employed the latest technology. While most local nailers resisted mechanisation, and continued to work in small workshops, and while only one nail factory (employing 500 people) was created in Belper, they could not stop industrialists from establishing factories in the Birmingham area in England, let alone in the U.S.A.



Nailshop in Old Thorpe Hesley

II

THE TRIAL

The outrages in Thorpe in 1861 were on a wholly different scale from those which occurred in Sheffield in the 1850s and '60s. They were a product of trade unionism within a single industry, whereas those in Sheffield involved a whole range of industries. In addition, they had a different outcome. In Sheffield, the violence could not be dealt with by the normal machinery of justice, because a code of silence was observed by the Sheffield sawmakers, and no-one would testify. This was not true in Thorpe Hesley, where there were witnesses who were willing to come forward, most notably a courting couple who had been out walking in Kirby Lane, when the first bomb went off. Because of this, the 'stirrings' in Thorpe became the subject of court proceedings which were reported in the *Rotherham Advertiser* and other local newspapers. The reports are especially full because the crimes with which the culprits were charged were felonies. This meant that the evidence had to be presented both to local magistrates and then to the Assize court in York.

Sarah Ann Butcher lived with her father in Thorpe (though she had not been at home on the night the Census was taken in April). She said that on the Saturday before Christmas 1861, at about 11 pm, she was in Kirby Lane with her sweetheart William Frost, who was a miner from Barley Hole (a.k.a. 'Hall'), very close to Thorpe Hesley, but in the township of Wentworth). It seems that at this date, the young couple were not married, though we learn elsewhere that she was almost certainly pregnant. At any rate, Sarah always maintained that she saw three men running away from John Hattersley's nailshop, which exploded shortly afterwards. She told the magistrates that she recognized all three, in particular because 'they were not Thorpers' (i.e. not from Thorpe Hesley) and clarified this by saying that 'she did not like their looks, because they were not belonging to Thorpe'.

The police arrested two brothers, Emmanuel Isaac Watson (aged 30) and James Watson (28), and a third man, Joseph Tomlinson (32). They were all three said to be nailmakers, living in Chesterfield or Belper; and in fact the Census of 1861 has details of a Joseph Tomlinson (aged 33) who had been born in Belper but now lived at 96 Commercial Yard, Chesterfield. He is described there as a 'journeyman nailmaker' who lived there with his wife Deborah (25), who was from Cork in Ireland, their son George (8), and a brother in law Patrick Corbett, aged 14. He was a boiler-maker's apprentice from Marylebone in Middlesex. Lastly, there was Michael Corbett, aged 5, who was a 'scholar' (i.e., at school).

The two Watsons and Tomlinson were brought before Rotherham magistrates early in January 1862, charged with an offence under the new Malicious Damage Act of 1861, section ten of which made it an offence to attempt to destroy buildings with gunpowder. The accused were represented by a solicitor from Belper. Several people from Thorpe gave evidence for the prosecution, including the Butchers and the Hattersleys, Joseph Allott (a beerhouse keeper), Thomas Jenkinson the nailer, and Police Constable Strange, who had been on duty on the night of the crime. He said that he had met the Watsons on the road near Thorpe Common before the explosions had taken place, and asked them who they were. James Watson had replied that he was from Wales and had begun to talk in a language which Strange took to be Welsh, though he could not understand a word of it.

A certain amount of forensic evidence was given. P.C. Strange testified that when the ruins of Butcher's shop in Thorpe Street were searched, Matthew Waller found a piece of tin, which Superintendent Gillett was able to match with fragments of metal found in the accused's premises in Chesterfield. Strange explained to the court that Gillett 'put the two pieces of tin on an iron mould and flattened the surface with a hammer', before comparing them. He was cross-examined about this dubious procedure as follows:

Defence Solicitor: 'And if they did not fit he hammered them again?'

PC Strange: 'Yes' [Laughter in court].

Solicitor: 'He hammered it until it did fit?'

Strange: 'Yes' [More laughter].

This line of questioning seems reasonable enough, but it was greatly resented by Superintendent Gillett. When the defence solicitor criticized these procedures in his final speech to the court, Gillett called out:

'It only shows his ignorance of the criminal law'

To which the solicitor replied: 'I shall take the insult and pocket it; but it will not prevent me from doing my duty to my clients.'

The Rotherham magistrates were not impressed by the defence, nor by the alibi evidence which was produced for the accused. At one point the chairman displayed a prejudice which was entirely typical at the time, when he asked the defence solicitor, rhetorically:

'Do you take us all for Irishmen?'

All three defendants were committed to stand trial at the York Assizes. This did not mean that the magistrates had found the three prisoners guilty of any crime, simply that there was a case to answer. Guilt or innocence would be established at the Assizes, where the trial would be presided over by a Judge and the decision as to guilt or innocence would be a matter for the jury. The following account is taken in the main from the reports of the proceedings in the *Rotherham Advertiser*.

The accused first appeared in the dock at York on Monday 10 March 1862. They were charged with 'feloniously throwing gunpowder into building occupied by John Hattersley, with intent to destroy the same, at Thorpe Hesley, on the 21st of December last'. Counsel for the prosecution were Mr. Maule and Mr. Vernon Blackburn, while Mr. Price Q.C., and Mr. Campbell Foster were for the defence. Mr. Maule briefly stated the case, and Charles Batchter and John Hattersley gave evidence that their shops had been destroyed; but the case was almost immediately adjourned for a week, because the prosecution's star witness, Sarah Butcher, now Frost, had gone into labour that morning. Her new name would seem to indicate a shotgun wedding at some date between Christmas 1861 and March 1862. In any event, she duly gave birth and the trial resumed a week later, when she was allowed to remain seated when she gave her evidence.

Her evidence in chief was as follows:

I am the daughter of Charles Butcher, and live at Thorpe Hesley. I was in Kirby Lane on Saturday, the 21st of December, with a person of the name of Wm. Frost. We were about twenty yards from John Hattersley's shop at ten minutes to eleven. I saw Joseph Tomlinson and James Watson there. They were the first persons I saw. I did not meet any person before I saw these two men. There was another man with them, and they were going up the lane towards Hattersley's shop. I did not see any other person until they came back again, which was within five minutes. They ran when they came back again, and passed within a yard of me and Frost. The first of the three was Joseph Tomlinson, who called out 'Come on, come on' to the other two. Jas. Watson was the last of the three. I had known him ever since I was a child. I had known Joseph Tomlinson about twelve months ago, and he had lived next door. I have had many a conversation with Tomlinson before that night. After they had gone past, I heard a crash, and saw much smoke and light arising from John Hattersley's shop. Frost was with me during the whole of this time. I went to the shop, and afterwards went home, and mentioned some names to my father. Frost was present when the names were mentioned. I knew Tomlinson by his voice when he cried 'Come on, come on'.

When cross-examined by Mr Price Q.C. for the defence Sarah said:

The Watsons are often at Thorpe to see their father. It was a long time before that night that I had seen the prisoner Isaac Watson. I never told anyone who the men were, except my father on the night the explosion occurred. I have never said that I heard three men run down the lane but did not know who the men were. I never told this to Charles Moxon and Jonathan Burgin. I did say to some people that I had seen three men, but I did not tell at that time the names of the men.

When re-examined by Mr. Maule, for the prosecution she said:

After the men had passed me in Kirby Lane I immediately went to where the explosion took place. I there saw Edward Short, and I told him that I had seen three men running from the shop who had blown it up. In about a minute a number of people came up, and to them I also told it. I told my father about two hours after the explosion had happened. I told him when he came home.

William Frost testified as follows:

I am a miner, and live at Barley Hole, near Wentworth. I remember the night that Hattersley's shop was blown up. I was about forty yards beyond the shop when I met the men. They were the prisoners. That would be about ten minutes to eleven. They were then going towards the shop. Afterwards, they came running back, in about five minutes. They ran within a yard of me and Sarah Ann Butcher. They were then coming back from the shop. I did not know the men by name, but knew them by their dress. Directly after they had passed I heard the explosion. The first man who passed was Joseph Tomlinson, and he was about ten yards in advance of the other two. He shouted 'Come on, come on.' I can swear to James Watson and Tomlinson as being two of the three men who came running down the lane. I and Sarah Ann Butcher then went to Hattersley's shop, and afterwards to her home. Her father directly afterwards came home, and she mentioned the names of two men. When the men passed James Watson was the nearest to me, and he struck at me, but he missed me. The thing which he had in his hand was like a sword, and it struck against the wall. I avoided the blow.

When cross-examined by Mr. Price, Frost said:

I had never seen these men before that I am aware of. I did not see Tomlinson again until he was in custody at Rotherham. Sarah Ann Butcher did not tell me their names before she had told her father. She did not tell me then. I heard her telling her father the names of the three men... I was comparatively a stranger there, and had only known Sarah Ann Butcher about two months. I did not say before the magistrates, in cross-examination, that Sarah Ann

Butcher had said that she thought the three men looked like Watson and Tomlinson. She did say, and I repeated it before the magistrates, that Watson and Tomlinson were two of the three men in Kirby Lane.

John Strange, who was a Police Constable in Thorpe Hesley, gave evidence as follows:

I was on duty on Saturday, the 21st of December, about nine o' clock in the evening, on Thorpe Common. I there met two men. They were the two Watsons, the prisoners at the bar. I met them about three quarters of a mile from Hattersley's shop. I talked to them about five minutes. They began talking to me first in some language which I could not understand but which they called Welsh. They then asked which was the road to Barnsley, and I directed them. Afterwards I saw them go into Senior's public-house.¹¹ I subsequently heard the explosion, and went to Hattersley's shop. I searched the premises that night, and found two pieces of tin, some fuse, and pieces of paper. I received other pieces from Charles Butcher. I found a quantity of fuse in Butcher's shop. I received two pieces of tin from John Hattersley. The 29th of Dec. I was in the ruins of Butcher's shop, and a piece of tin was given to Sergeant Chennall. It was a very light night when I saw the two Watsons. On the night when he saw the men, there was a great light shining from the coke ovens near the place. There was a glow of light from the coke ovens about a quarter of a mile off. I saw them again at the Rotherham lock-up on the 29th of Dec. I picked them out of half dozen other prisoners.

When cross-examined, P.C. Strange explained that the coke ovens were alight that night, and that there was a great light from them; that he was quite certain that he had seen the two prisoner go into Senior's public-house; and that they told him they had come from Nottingham that day. When re-examined, he conceded that there were other coke ovens in the area other than those at the Newhall pits, which were the ones he had meant to refer to; but said that the others were further away, half a mile nearer to Rotherham.

Thomas Jenkinson, who was another nailmaker in Thorpe Hesley, testified as follows:

In October last I saw James Watson. I was then in Mr. Favell's employ. About the 19th of October I was asked to go on the box and have 8s. per week in place of going to make horse-nails for Mr. Favell. I refused, and was threatened.

Mr. Price asked Jenkinson if he had ever been in Wakefield gaol.

¹¹ The *Sportsman's Inn*, at the top of Scholes Lane: see *Drake's Directory of Rotherham*, 1862.

Witness : Am I obliged to answer that ?

His Lordship: You are not obliged to answer any question which may incriminate or discredit you.

Witness : Well, then, I decline to answer that question.

It being six o'clock, the court now adjourned; and the jury were locked up for the night. Next morning, the defence mounted a direct attack on police methods, when Sergeant Chennall (or Chinhall) came to give evidence. According to the newspaper reports:

Chinhall said he took Tomlinson and Isaac Watson into custody at Chesterfield on the 26th of December. He arrested them at work and took them to the Chesterfield Police Station and charged them. Tomlinson said he had not been at Thorpe for eight or nine weeks; but Watson made no reply. He then searched Tomlinson's house and the shop where he found the two prisoners. He found two small tin boxes in the shop, with a small quantity of blasting powder in them. After that he went on to Belper with Police Constable Crabtree, and got there between five and six.

Crabtree took the prisoner James Watson into custody, and when he [Chinhall] saw the prisoner he charged him with being concerned with the other prisoners in blowing the shops at Thorpe. He said he knew nothing about it. On the following Sunday the witness went to Butcher's shop at Thorpe Hesley and saw Waller find a piece of tin there, which is now produced. On the 2nd of January, he went to the prisoner's shop at Chesterfield, and found it locked up. Mr. Radford, the Chesterfield superintendent of police, gave him the key, and he went to the shop and searched it. He found two pieces of tin, which he produced, under the chippings from the anvil. He found several other pieces of tin in the shop garret. He saw the circular piece of tin, which was picked up by Waller, flattened by Mr. Gillett. It was compared with the edges of a piece of tin which he brought from Chesterfield, and it corresponded exactly. . .

Under cross-examination he said that the piece which he said fitted the other was not now in the same state as when it was found. The superintendent had flattened the edges, and they fitted afterwards. The other piece was also flattened by Mr. Gillett. The edges of the pieces of tin were turned up when they were found

Mr. Price: And they fitted, when they had been manipulated?

Chinhall: There were three work-blocks in the shop, but I could not say whether the whole three had been used. There were droppings of tin all over

the shop. He had heard that there was a third man working in the shop, and that the third man had absconded immediately after this occurrence. He heard the prisoners Isaac Watson and Tomlinson say that a third man worked in the shop, but they did not say his name was Proctor.

John Gillett, superintendent of police at Rotherham testified:

On Thursday, the 2nd of January, I received two pieces of tin from Sergeant Chennall. The tin was bent, and I straightened it upon an iron mould. On the 4th of January I straightened two more pieces which I had received from Sergeant Chennall. I did not do more than straighten them. I compared the edges of the pieces, and found the two pieces fitted. The one that fits entirely fits with a kind of tooth in the jagged places.

Mr. Price then cross examined Gillett about his altercation with the defence solicitor in Rotherham in January. He asked him:

Are you the person who said before the magistrates, at the hearing of the case at Rotherham, that the gentleman here, who then defended them, showed his ignorance of the law?

The Judge : What has that to do with this case ? We are not trying the conduct of the case before the Magistrates!

Mr. Price : It goes to the credit of the witness.

His Lordship: Was that evidence to be in favour of, or against, the prisoners? (Laughter.)

Mr. Price: Well, my lord, it was a most unbecoming thing to say on the part of any police officer.

His lordship scarcely thought it necessary to put such a question.

Lister Crabtree, police constable, now testified that he went with Sergeant Chinchall to the nail shop at Chesterfield, and apprehended the two prisoners who worked there. He also apprehended the other prisoner at Belper. Tomlinson gave him the key of the shop at Chesterfield. The next morning, the witness found the large can, now produced, in the shop garret. The upper edges of the can are "gimped," and there is a hole drilled in the bottom, which the prosecution says was intended for the reception of a fuse.

Matthew Waller, who was a nailmaker in Thorpe Hesley in the employ of Mr. Favell, proved that he found the circular piece of tin which had been spoken of in Butcher's shop.

Next came Adam Toplis, who was an innkeeper in Chesterfield. He said

I know the prisoner, Isaac Watson, he lodged at our house. All the three prisoners were at house on Saturday night, the 21st of December, and they left somewhere about six o'clock. James Watson said he was going to Leicester. Isaac Watson was not at house any more that night, but he came home on the following morning, Sunday, and went to bed between two and three o'clock in the afternoon. ,

Under cross-examination, Toplis admitted that Isaac Watson was 'not very regular', and was in the habit of stopping out at nights.

Samuel Tyers gave evidence that he was a parcel porter at the Masbrough station, the nearest to Thorpe Hesley. He said that on Saturday 21st of December, a train arrived from Chesterfield at four or five minutes past seven (having left Chesterfield about eleven minutes past six. Under cross-examination he said Thorpe was about four miles from Masbrough.

Mary Ann Hattersley testified:

I am wife of John Hattersley, manager to Mr. Favell, at Thorpe. In the month of October there was a union meeting at Thorpe. At the meeting I saw Tomlinson there. He wanted my brother-in-law and some others to come away from a public-house and go to the union meeting, and because they wouldn't, he said every b-----r would be blown up.

The Judge then asked her, a little sarcastically: And have you come all this way from Thorpe to say that?

Joseph Allott, who was a beerhouse-keeper in Thorpe Hesley,¹² confirmed that there had been a meeting of Mr. Favell's men at his house in October 1861; that a number of the union men had come to his house, and he saw Tomlinson and James Watson amongst them; and that he had heard Tomlinson say that he "would blow every one of them up." When cross-examined he admitted that he had been charged with a felony at Rotherham some months earlier, but it was found to be a mistake. Also, on one occasion he had jumped bail when he had been summoned to appear in

¹² Forty years later the licensee at *The Gate Inn* in Thorpe Hesley was one Aaron Allott, the father of another Aaron Allott who kept a notebook which is the subject of my *Flower Shows, Fraudsters & Horrible Murders*, published on www.chivalryandwar.co.uk)

York for obtaining goods by false pretences. He had gone to America for a time, in order to avoid a trial. Since then he had been before the court for another offence, but the charge had been dismissed.

This closed the case for the prosecution; and the case was again adjourned for the day. It was announced that about twenty witnesses were yet to be called for the defence; but when the proceedings recommenced the following morning, defence counsel did not immediately call any of them. Instead he addressed the jury, pouring scorn on the prosecution's case:

Mr. Price commented on the insubstantial nature of the testimony that had been adduced by the prosecution. The principal witness was Sarah Ann Batcher, and she said that on the very evening of the explosion she mentioned the names of the two men she had seen to the police. Then why did not the police apprehend those men the very next morning? They had failed to do so, and now they brought the evidence of Chinhall to bolster up their miserably weak case. Counsel made some strong observations on the fact that the tins found in the shop were not laid before the Jury in the same state as they were in when they were found. The tins ought to have been brought into Court in the same state as when they were found, without having undergone any manipulation by the police. The police had manipulated and flattened the tins, and they might even have cut the edges for aught he knew. Was the evidence of those policemen evidence on which they could find these prisoners guilty? Counsel concluded by saying that he should present such a case for the defence as would convince the Jury that the case for the prosecution, instead of being one for a conviction, was one which ought never to have been sent for trial by the Magistrates. Evidence was then called for the defence.

John Evans, of Thorpe, said he knew Senior's public-house, and was in it on the evening of the 21st Dec, at eight o'clock. He knew all the persons present in the house, and was able to say that the two Watsons were not amongst them. About nine o'clock, two strangers came into the house, and were begging amongst the company. One of them spoke Welsh. The witness knew it was Welsh, because he had had a Welshman lodging with him several years. They remained in the house more than an hour. He was certain the two Watsons were nothing like the men who came in. He also said that he worked at the Newhall coke-ovens, near the public house. On that night the ovens were burning, but the hearths in front of them were out. There was light from the ovens, but not one-third so much as there would have been if the hearths had been alight. Senior's public-house was a quarter of a mile from the ovens. Under cross-examination from the prosecution, he admitted that he could not repeat anything that the men had said in Welsh.

W. Wood, who was a collier, living at Scholes, said that he went to Senior's public-house on the night of the explosion. He saw two strangers come in at about nine o'clock, and the police-man came in some time after. All the other persons in the room were neighbours of the witness. One of the strangers showed a trick with pipes, and got some beer as a reward. The two Watsons were not the men who came in. The men stayed in the house about an hour, and he heard one of them talking in Welsh. The men asked for some coppers for a night's lodgings, and some were given to them. The police had asked him if he knew the strangers who had entered the house that night. He replied that he could "own" one of them if he saw him, but he was never taken to the police-station to see the men. When cross-examined he said he was quite positive that he never saw the two Watson that night. He also said that he had not been called to give evidence before the Rotherham Magistrates court.

Alibi evidence was now presented for Tomlinson.

William Kirkland said that he was a police-officer in Chesterfield. He was on duty on the night in question. He knew Tomlinson, and saw him at the bottom of Newbould lane at ten minutes past ten. He was with a woman, and was drunk. He spoke to him, and told him he had had enough to drink and had better go home. He had known him about 18 months, and was quite sure he was the man. The woman who was with the prisoner may have been his wife.

Thos. Vincent, Inspector in the Chesterfield police force, also remembered being on duty the night of the Saturday before Christmas. He had known the prisoner Tomlinson about 12 months, and had very often seen him. He saw him on that night at ten minutes to eleven, at Holywell Cross in Chesterfield. The prisoner was drunk, and was stumbling on the causeway. He spoke to him, and had no doubt that he was the man.

David Newton, another of the Chesterfield police, said he was on duty the same night. He had known the prisoner Tomlinson two years, and had frequently seen him. He saw him on the night of the 21st December, in Parker's row, about 100 yards from the prisoner's house. It was ten minutes past eleven o'clock. The prisoner appeared to be drunk.

Deborah Corbett, a widow, residing at Chesterfield, said she remembered seeing Tomlinson on the Saturday, the 21st December. She was in his company at the *Pig and Whistle* public-house. Isaac Watson was at the public-house. She left Tomlinson at eleven o'clock, when he was very drunk. The last time she saw Isaac Watson was at twenty minutes to ten, when he was going

to his home, which is in a different direction to Tomlinson's. She had seen the two prisoners and a man named Proctor working in their workshop that afternoon. She was quite certain that Proctor was working there that day. Her son works in a pit, and the prisoner Tomlinson had made him a candle-box similar to the tin-box with a hole drilled in it that was found in the shop.

The Judge here asked the prosecuting counsel, Mr. Maule, if he thought he could go on any further with the case against the prisoner Tomlinson in view of this evidence that the latter had an alibi; but Mr Maule said that he would be contending that the prosecution witnesses had 'the best opportunity of being accurate'. The Judge pressed home his objection, while recognising that the question was ultimately one for the jury. He said:

A very strong impression was left on my mind by the evidence of two of those policemen, who gave their testimony very intelligently. Because if there is one person more strongly spoken of by Sarah Ann Butcher than another it is Tomlinson. She speaks to him by his face and by his voice. Then there is the evidence tending to show that it was not the Watsons who went into Senior's public-house. Still, at the same time, these are very grave offences, and must not be lightly disposed of. These offences disclose a most lamentable state of things, and the case must not stop so long as the Jury think there is any reason for investigation. It is not for me to stop the case; and if the Jury think time will be profitably occupied in a further inquiry, the case must go on, by all means.

The Jury was then consulted (something which would not happen nowadays) but the Foreman announced their unanimous opinion that the case must go on. The Judge remarked: "No time can be wasted by investigating cases of this importance. A dreadful state of things has been disclosed, and the inquiry must go on until you are satisfied the case is in such a condition that you cannot act upon it." The defence proceeded to present its witnesses.

John White, who was a porter at the Chesterfield Railway Station, said he kept the time of the departure of the trains from that station north. He produced his time-book and, referring to the night of the 21st December, he stated the departure times of various trains, and their expected arrival times in Masbrough.

Ann Bestall, wife of Charles Bestall, framework knitter at Belper, was the first of several witnesses who now provided James Watson with an alibi.

The prisoner James Watson was her next door neighbour. He was arrested on the evening of the 26th December last. On the Saturday before that, he came to her house about one o'clock, and asked her if she had seen his wife. The

witness pointed out Mrs. Watson in the garden. The prisoner was dressed in his working clothes. She saw him again at half-past ten o'clock at night. He was without a coat at that time. She went to bed a few minutes after eleven o'clock, when her husband came home. She remembered seeing him the second time, because her boy had put some potatoes in the oven in the prisoner's house, and the prisoner had eaten one. Mrs. Watson came and told the witness, and the prisoner followed her and told the witness that, if his wife had not told him the potatoes were not his he should have eaten them all.

James Spencer, who was a butcher at Belper, said he was in the habit of standing at a stall in the market. He was there on the evening of the 21st December. He knew James Watson very well, and recollected seeing him that night. He came to the witness's stall a short time before ten. The prisoner asked for some meat which he had ordered the Saturday before, and was told that Mrs. Watson had paid for it. He had heard on the Friday after Christmas that the prisoner had been apprehended for blowing up the shops at Thorpe on the previous Saturday night. He then said to Edward Spencer, a neighbour, that he had seen Watson on the Saturday night in the market. The prisoner had been always in the habit of taking his meat home himself from the witness's stall. He had gone to Rotherham to give evidence, and told the Magistrates the same story he had told now. The prisoner had ordered the meat on the previous Saturday, in order that it might be ready for Christmas dinner. He asked the witness for a Christmas box, and the latter told him he thought it was a little too soon.

Benjamin Mason, who was a pork butcher at Belper, said he knew the prisoner James Watson, and saw him in the market at ten o'clock on the evening of the Saturday before Christmas-day. The prisoner was standing looking at two fat pigs in the market. The witness spoke to him about the pigs. He had not seen the prisoner for several months previously. He had made a statement that he had seen the prisoner at his stall on the Saturday night, as soon as he heard he was apprehended.

John Jackson, who was a market gardener in Belper, said he knew the prisoner James Watson perfectly well. He was in the market soon after nine o'clock, and paid the witness for some vegetables that had been supplied to him. He saw the prisoner going to church next morning at ten o'clock, "dressed up tidy and clean." He heard on the 27th that the prisoner was apprehended, and said at once that Watson was with him at nine o'clock on the Saturday evening. He went down to the lock-up to see the prisoner, but he had been removed to the railway station. He told the servant at the lock-up

that the prisoner was innocent. He had given this evidence before the Rotherham Bench.

Edwin Watson, brother of the prisoners Isaac and James Watson, said he was a master nailer at Belper. On Saturday, the 21st, at one o'clock, James Watson was weighing metal at the witness's warehouse. He went down with his brother to the railway station, and asked him if he could give him the names of the persons with whom he had done business on the Saturday evening. The prisoner gave the names of the three previous witnesses.

At this point, we might think that the alibi evidence was suspect because all the relevant witnesses came from Derbyshire rather than Yorkshire; but there now followed five witnesses who were all from Thorpe Hesley, and who all testified on behalf of the accused. The trial was not simply *Thorpe v Belper*.

Mary Ann Senior, who was the wife of George Senior, the publican on Thorpe Common, recollected the evening of Saturday 21st of December, because the explosion had taken place that night. Between eight and nine o'clock, two strangers came to her house, and remained about an hour. One of them asked her for five pipes. She told him she would have no gambling, because the policeman would come. The stranger said he had left the policeman (Strange) at the door. She noticed the strangers, and heard them sing a song about Napoleon. One was tall and looked very respectable, and the other was "low." She was quite sure the Watsons were not the two strangers. She described the dress and appearance of the two men to the police.

Jonathan Burgoyne, who was a miner in Thorpe, said he remembered the night of the explosion, and was at Hattersley's shop soon after it was blown up. He saw Copley, Parkin, and Frost, and Sarah Ann Butcher there. He heard the girl say that she and Frost had seen three men running down the lane, but she did not know them. She spoke loud enough for all the crowd to hear. The night was very dark, and two persons in the crowd had candles lighted. When cross-examined, he swore positively that the girl said she did not know the men. Thomas Parkin and Ann Parkin were standing near the girl when she spoke, and might have heard what she said as well as he did.

Benjamin Burgoyne, ironstone miner, said he lived about 150 yards from Hattersley's shop. He had passed the shop as he went down the lane to his home, about ten minutes before the explosion. As he passed, he saw three men standing there, two of them standing close against the wall, ten yards from the shop, and the other a short distance off. He passed between the men, and looked at them as he passed, stooping his body to endeavour to discern their features. The night was so dark that he could not recognise their

features. He attended school with the Watsons, and was perfectly familiar with them. He could not recognise the men under the wall at all.

John Fieldsend, of Thorpe, said he had known Isaac Watson a long time. He was at the shop in Kirby lane about a quarter of an hour after the explosion. It was a very dark night. He saw the girl, Sarah Ann Butcher at the shop, and heard her say she had met three men running hard down the lane, but she did not know who they were. He was quite certain that she said that.

Charles Moxon, miner, of Thorpe, said he was amongst the crowd soon after the explosion. He saw Sarah Ann Batcher there, and heard her say she had met three men running down the lane, but she did not know them.

Lastly, the court heard evidence from Mr. Robert Spencer, reporter of the *Sheffield Independent*, who said that he had attended Rotherham Court House on the two successive Mondays when the prisoners were examined. He took notes of the whole of the evidence, and proved from his notes that Frost said twice that the girl said she "Thought two of the men who ran past looked like Tomlinson and Jas. Watson." The witness Frost said the girl did not speak positively to them being the prisoners at once, but afterwards said she thought they looked like the two prisoners. Frost also said that the girl did not mention the names of the men until after she had seen the policeman. Frost, in re-examination by Mr. Whitfield, had repeated that the girl said she only thought the two prisoners were the men. That was in contradiction of the witness Frost, who had denied yesterday that the girl had ever said that she only thought she knew the men.

This was the case for the defence.

Mr. Maule then had the opportunity of summing up the case on behalf of the prosecution. He contended that the evidence of the Chesterfield policemen was not sufficient to outweigh the evidence of Butcher and Frost as to the identity of Tomlinson, because the policemen might have seen the prisoner on any other night in the week, which they might mistake for the night of Saturday. In defending the conduct of the police, he said Mr. Gillett had been abused because he had been zealous in the performance of his duty. Supposing the girl Butcher was perjured, what a marvellous coincidence that in the shop where the prisoners worked there should be found the fragments of the pieces of tin from which the infernal machine had been manufactured! That coincidence was so extraordinary that the defence were obliged to insinuate that it was false; but he indignantly rejected the supposition that the evidence of this coincidence had been manufactured by Mr. Gillett. It showed the importance the defence attached to this evidence when they adopted such a suggestion to get rid of it. The coincidence pointed to the conclusion that

Sarah Ann Butcher exercised her powers of observation carefully, and that she did see Tomlinson and Watson on that night at Thorpe. The proof that the prisoners were at Chesterfield on the Saturday afternoon, and could have got to Masbro' in time to get to Thorpe, was another corroboration of her statement. Another important corroboration was the fact that Isaac Watson was away from his lodgings all that Saturday night, and did not return until late on the morning of Sunday. The learned Counsel concluded by asserting that he had made out a case upon which the jury could convict.

His Lordship then summed up. He said a great deal of time had been wasted in discussing whether the police did or did not do certain things, and the manner in which they had got up the case. It had not been shown that the police had kept back anything material to the case, and they were, therefore, not to blame. Further it was impossible to disguise from one's self the fact that in dealing with these sort of cases the police had an especially onerous and difficult duty to perform. He rather disliked to hear counsel go out of their way to make attacks upon the policemen, as if, because a man was a policeman, he was not to be trusted upon his oath. Attacks were sometimes made upon policemen which would be much better avoided.

The counsel for the prosecution had observed that the very number of witnesses for the defence showed how seriously the evidence against the prisoners was estimated; and that observation would have been justified if the case for the defence had been shown to be a trumped-up case. But a man would be very unwise and imprudent if he did not bring all the witnesses he could to assist in his defence. A great deal had been made of the fact that the police superintendent had flattened the edges of the tins, but he (the Judge) thought the police had acted very properly in that matter. They would not have done their duty if they had not flattened the edges, so as to be able more readily to compare them.

It was a very cautious coincidence that exactly where the prosecution was strongest, the evidence for the prisoners was also the strongest. Tomlinson and James Watson were the most strongly spoken to, and yet in their cases the alibi was the strongest.

The alibi for Tomlinson was the most curious that had ever been proved in a court of justice. Sarah Ann Butcher was positive the prisoner was at Thorpe; the policemen were equally positive that he was at Chesterfield. It was a very remarkable fact that the policemen had made three separate observations of the prisoner; and the Jury must judge whether the policemen at Chesterfield — who knew him well, and who had the advantage of gaslight — would be more liable to be mistaken than Sarah Ann Butcher, who said she saw him in a lane where there was no gas light.

The alibi for James Watson was very strong; and if the Jury believed that the witnesses from Belper really were speaking of the events of the

Saturday before Christmas, they must acquit the prisoner, because it would be proved that he was not where the witness Butcher said he was.

In conclusion, his Lordship remarked that nothing could be more dangerous and obnoxious to society than such crimes as had been charged against the prisoners in this case; and if such crimes were ever brought home to any persons by the satisfactory verdict of a Jury, such punishments as the law permitted would be meted out to the offenders, in order that such outrages might be put a stop to. But the Jury must not hastily jump to conclusions in order to put down such an obnoxious and atrocious system. He was glad that the Jury had had the determination to hear the whole of the case. He was confident their verdict would be founded upon just grounds, and that they would come to a right conclusion. The case presented questions of fact which were entirely for the determination of the Jury. They must do their duty manfully, without reference to any influences under which persons had been seen to be subject in these cases. Only on the previous day, a gentleman was so alarmed that he actually refused to give evidence, and ran the risk of a severe imprisonment, which he (the Judge) would have sentenced him to if he had persisted in his refusal.

Finally, contrasting the two sets of evidence, his Lordship said there was no reason to impute perjury to Sarah Ann Butcher. If the Jury believed she was mistaken, it was an honest mistake. The evidence for the defence was that of persons who had every opportunity of seeing the prisoners and conversing with them ; and the Jury must either wholly accept or wholly reject their testimony. If the Jury did not believe them, either those witnesses were perjured, or they had mistaken the events of some other day for that of which they had spoken.

The Jury then retired to consider their verdict, taking with them the pieces of tin found in the shops at Thorpe and the prisoners' shop in Chesterfield. The Court was crowded with people, and the majority of those who had the best opportunity of watching the case, seemed to be in favour of an acquittal. After an absence of about forty minutes, the Jury returned into Court. The Foreman, in answer to the Clerk of Arraignment, announced that the Jury found all the prisoners guilty.

His Lordship then proceeded to pass sentence. He said: Prisoners at the bar, you have been convicted of this crime — of this most dangerous crime — with which you are charged. The Jury, after a patient investigation—after a most careful investigation, have come to the conclusion that you are guilty. It is my duty, under such circumstances, to give full effect to that verdict, and I should fail in the discharge of my duty if I did not, under the circumstances of the case, pass upon you a sentence of a most serious description. The sentence of the Court for this your offence is that you and each of you be kept in penal servitude for the term of fourteen years.

The prisoners, who were confident of an acquittal, seemed to be completely overwhelmed by the result of the trial and the sentence.

Such was the version of the story carried by the local newspapers. All that one can add is that the verdict must have split opinion in the village, because we have learned from the evidence given in court that Thorpe Hesley was home, not only to the Hattersleys and the Butchers, but originally to the Watsons as well.



York Assize Court

III

THE PARDON

Such was the end of the tale, when I first looked into it in 1995. I had the feeling that there had been a miscarriage of justice; but I had made the mistake of ending my research too soon. I had, at that stage, only looked at the newspaper reports in the *Rotherham Advertiser*, and I had looked at them on microfilm, assisted by a hand-indexed file of newspaper cuttings. The result was that I had overlooked a crucial piece of evidence. By 2017, I had retired and had more time. More importantly, I had discovered the riches stored in the digitized British Newspaper Archive (B.N.A., created in 2011), which comes with the benefit of a wonderfully efficient search engine.

Had justice been done in 1862? Almost as soon as I conducted a proper search in the B.N.A., I found that the answer was ‘no’. It turned out that my doubts about the conviction of the two Watsons and Tomlinson had been widely shared, at least by their comrades in the Nail Makers’ Union. However, at the time there was no right of appeal against a conviction at the Assizes. All one could do was argue that there had been an error of law, in the Court for Crown Cases Reserved, or petition the Home Secretary for a royal pardon; but the Union had some supporters in high places and the matter was raised in the House of Lords. The *Cheshire Observer* for Saturday 29 March 1862 reported:

HOUSE OF LORDS. Tuesday. The Lord Chancellor took his seat on the woolsack at five o'clock. The Thorpe Hesley Outrages. Viscount Dunganon gave notice that on Friday he should call attention to the cases of [three] men convicted at York assizes, of feloniously placing gunpowder in a house near Rotherham, and ask if the Government had received any report of the affair?

The case also attracted public attention nearer home. The Sheffield Town Council debated whether to write to the Home Secretary to pardon the men; but decided not to. However, a meeting had also been held at the Temperance Hall in Townhead Street the previous Tuesday night,

for the purpose of memorialising the Secretary of State to investigate the case tried at the last York assizes, when three men were convicted and sentenced to fourteen years’ penal servitude for blowing up two workshops at Thorpe Hesley, near Rotherham. Mr. Skelton (Attercliffe) proposed the following resolution, upon the principle of humanity — That in the opinion of this

meeting the verdict of the jury against Joseph Tomlinson, Isaac Emmanuel Watson, and James Watson, is at variance with the reports which have appeared in the newspapers.¹³

This time, the motion was carried, although opinion at the meeting was again divided. The *Derbyshire Advertiser and Journal* for Friday 9 May 1862 reported a widespread feeling that a great wrong had been done and that there should be a pardon:

Memorials were also sent from Belper, Chesterfield, and Thorpe Hesley, the scene of the outrage. The memorials were numerous and most respectably signed, and declarations from several influential inhabitants in were also sent with them. Mr. Walker waited upon our worthy member [of Parliament], T.W. Evans, Esq., and that gentleman kindly promised to look them through, and lay them before the Home Secretary.

The outcome of the petition exceeded all expectations. The news of what happened next was carried by the newspapers across the length and breadth of England, and indeed Britain. The *Sheffield Independent* for Saturday 10 May 1862 set out the full story:

LIBERATION OF THE MEN CONVICTED OF THE THORPE HESLEY OUTRAGE. Considerable sensation was created at Masbro' station on Sunday afternoon on the arrival of the 4 pm train from the north, by' the appearance of two men at a carriage window who stated that they were Joseph Tomlinson and James Watson, two of the men convicted of the Thorpe outrage, who had been liberated that morning on receipt of the Queen's pardon. Emmanuel Isaac Watson, who was also convicted along with the men, had been liberated, but had gone to York, it was said, "on his own business." This statement naturally attracted the attention of the persons at the station, and the men requested Mr. Poulton, landlord of the *Wellington Inn*, Westgate, to make known the news to their friends in Rotherham. They stated to him that a pardon had come down from London late on Saturday night or on Sunday morning, and they were liberated on Sunday morning, furnished with a ticket to Belper, and presented with 5s. each. On Monday morning the parents of the Watsons, who reside at Thorpe Hesley, received a letter announcing the liberation of their sons.

The final decision has been taken upon the report of the Judge who tried the case. The opinion of his Lordship was clearly manifested in the course of the first day of the trial, that this was not a case in which a

¹³ *Sheffield Daily Telegraph*, Saturday 3 May 1862.

conviction could hoped for and his address to the Jury was in favour of an acquittal. We have received the following note from the attorney to the prisoners, which confirms what we have previously published :—

To the editor of the *Sheffield Independent*

Belper, May 6, 1862 REGINA V. WATSON, TOMLINSON, AND ANOTHER.

“Sir, I am very pleased to inform you that all these prisoners have got off; her Most Gracious Majesty, through the Secretary of State having granted them a free pardon. The prisoners were released on Sunday morning last. ”

Yours faithfully, J. Bland Walker, Prisoners' Attorney.

Finally, towards the end of May the *Sheffield Independent* contained this message, addressed to the people of Sheffield:

Belper, May 19, 1863. To Mr. Samuel Jackson. — The three men convicted at the late York Assizes for the Thorpe Hesley outrage wish to return thanks to the inhabitants of Sheffield for the interest they took in their case, and especially to Councillors Booth and Mosley, Messrs. Henry Bach, Samuel Jackson, Henry Titterton, Skelton, A. Jackson, Broadhead, &c , &c. They all wish to deny a report which had circulated in many newspapers to the effect that they were working at Thorpe Hesley up to October last, and then left on strike. Instead of that being the case, not one of the three ever did work for the master, whose men were then on partial strike. For the interest you have already taken, please accept our warmest thanks. Joseph Tomlinson. Emmanuel Isaac Watson. James Watson.

Having read these reports, I felt safe in concluding and writing: “In view of the doubts surrounding the case, it is pleasing to report that the prisoners were released, and within months”.¹⁴ Little did I know that I had still overlooked yet another piece of the jigsaw.

Before considering this further evidence I had better explain that in the mid 19th century, trade union activity was still essentially unlawful, and often criminal. The crackdown on ‘combinations’ of working men had begun in response to the excesses of the French Revolution, and to its proselytising activities; but the Combinations Acts of 1799-1800 had the effect of outlawing trade associations of all kinds. The unions were briefly legalized by the Combination of Workmen Act of 1824, but this led to a wave of strikes and a new Act of 1825 re-imposed criminal sanctions. This made it difficult for the unions even to collect subscriptions, and

¹⁴ In *The Jubilee Poacher* (CreateSpace, 2018).

there is no doubt that some resorted to violence (and the threat of it) in order to maintain membership and strengthen their bargaining position with employers. Hence there were well-publicised 'outrages' in Sheffield.

In 1867 the Prime Minister decided to set up a Royal Commission on Trade Unions. No trade unionists were appointed but Robert Applegarth was chosen as a union observer of the proceedings and provided information to the two pro-union members of the Commission, Frederic Harrison and Thomas Hughes. He also appeared as a witness. The majority report was hostile to the unions; but the minority issued their own report, recommending that trade unions should be brought within the law. Applegarth then led a successful campaign to have the Minority Report accepted by Gladstone's new Liberal government, which came to power in 1868. Accordingly the Trade Union Act of 1871 provided that (1) people who formed a union would not be guilty of conspiracy unless their actions would be criminal if committed by a single person; (2) the common law doctrine of restraint of trade should no longer apply to trade associations; and (3) trade unions funds and other property should receive the protection of the law.

So much for the outcome; but the Trades Union Commission of 1867 was a remarkable creature of statute in itself, for three reasons. Firstly, the Trade Unions actively co-operated with it, because they (or the moderates amongst them) were anxious to explain their position, and had asked for a formal inquiry. Secondly, the Commissioners decided to supplement the evidence before them by setting up a local enquiry into the Sheffield Outrages in particular. Thirdly, those who gave evidence to the enquiry were given immunity from prosecution.

The Commission duly appointed three Examiners, all of whom were barristers, William Overend Q.C., Thomas Irwin Barstow and George Chance, to investigate:

Any acts of Intimidation, Outrage, or Wrong, alleged to have been promoted, encouraged, or connived at by the Trade Unions or Associations, whether of Workmen or Employers in the Town of Sheffield or its immediate Neighbourhood, and as to the causes of such acts and the complicity therein of such Trades Unions or Associations [provided that the Inquiry be limited to Sheffield and its immediate Neighbourhood and to the Ten Years before the passing of the Act of 1867].

The promise of immunity enabled the Examiners in Sheffield (inter alia) to receive some extraordinary evidence, and to make some dramatic findings. Perhaps the most famous was the finding that an unfortunate saw grinder called James Linley had been the subject of no less than three attacks, because he kept a number of apprentices in defiance of Union rules, and that the thugs who perpetrated these crimes had been hired by William Broadhead, the Secretary of the Saw Grinders' Union. On the first occasion, they shot at Linley with an airgun, and wounded him. On the second occasion, they threw a can of gunpowder into the house where he

was lodging; and on the third occasion, in August 1859, they murdered him, the lethal weapon again being an airgun.

There were no murders in Thorpe Hesley; but the bombings at Christmas 1861 were shocking enough; and the evidence given to the Sheffield Examiners merits attention, not least because it contains the testimony of the victims, John Hattersley and Charles Butcher, but also that of Isaac Emmanuel Watson and Charles Webster, the secretary of the Nail Makers' Union in 1861. These witnesses were examined, and vigorously and expertly cross-examined, during the course of a whole day – 6 July 1867 – and their testimony was scrupulously recorded, line by painstaking line, by a fourth barrister, John Edward Barker, who was one of the Secretaries to the Trade Union Commissioners.



William Overend

IV

THE EXAMINERS

In 2018, while working on something else entirely, I came across the report of the Examiners to the Trades Union Commissioners, which heard evidence in the Sheffield Council Hall between 3 June and 8 July 1867 and reported on 2 August that year. The Minutes of Evidence occupy 451 large pages, of which only five are devoted to the Thorpe Hesley bombings. Nevertheless, the evidence which had been produced to the Rotherham magistrates and the York Assizes was now rehearsed for a third time; and the conclusions reached by the three Examiners were entirely new.

The Examiners were very interested in the part played by the Nail Makers' Union in instigating the crime. The first witness was Frederick Jackson, who was evasive from the start. When asked if he was the secretary of the Union at Belper, he replied "Yes, if it deserves the name of Union." He then tried to explain the very unsatisfactory condition of the Union's books of account by saying that he had only become Secretary some time after the events under examination. It was George Worthy who had been secretary in 1861. Jackson produced all the books he had, but it was clear that the record was incomplete. He was asked if there were any other books that had been destroyed; and he replied:

I know there is one book, at least part of a book; when it was filled I took it to my house, and there were some of the leaves not filled up, and the children wanted some writing paper, and of course I took out some of them and they wrote on them, and it is destroyed.

The Chief Examiner held up the remains of one of the books which appeared to be dated May 1859 and asked if that was another which had been destroyed. The witness replied that he couldn't say. In fact he was uncertain when he had become secretary, but he knew it was some time after what he called the 'Thorpe Hesley blow-up' of 1861. He swore that he was ignorant as to who had cut the leaves out of the book, and that he was not aware of its existence at all till the day before the hearing. He produced a book of payments from April, 1865, till the present time.

"Where is the book of disbursements previous to 1865?" asked the Chief Commissioner. The witness replied that he took it home and the children wrote in it. At this point the Commissioner became somewhat exasperated and asked

What business had you, as the Secretary of the Union, having the charge and custody of the books, to allow them to be written in by your children?

Jackson replied that in his view books of this kind had no further use, once they were full. He was asked if the missing book might have contained entries of payments made in 1862. The witness replied that very likely it would. He did not know positively that it contained the entries of payments for the year 1862, but he could not say that it did not. He had not destroyed the book himself. Asked if he had not checked the books to see if there were any improper entries, he said he had been on the look-out for one thing only:

Those nailmakers were reckoned rather drunken kind of folks, and I looked over it to see what the expenses were with reference to ale and things of that kind, not with any improper motive.

He was asked specifically whether he had checked the books to see if there had been any payment made to Union men for doing 'this wicked act' – the blowing up of the nailshops in Thorpe Hesley. He said no, "I did not expect anything of this sort in the book". Likewise he denied having checked to see if there was any payment made for defending the men who were tried at York for that offence. He was aware that collections had been made for those men, and that the Union had been involved in paying the costs of their defence; but he did not think that any relevant entries would have been made in the books in his charge. When pressed, he admitted that any such payments should have been recorded; but the events were all before his time as Secretary. He also claimed that the Union's books had never been audited. One Examiner found this difficult to believe:

Do you mean to tell me that there is a union in England in which money is paid into officer's hands, and that that officer's accounts are not audited by respectable men?

Jackson said the books were only audited every five or six years; and they had never been audited in his time as secretary. He further explained that he didn't know how many men belonged to the Union. There was no real system for collecting regular contributions, though there was a levy from time to time. In fact, there was 'no regular Union' only an ad hoc association which came together for certain purposes at certain times.

To judge by the number of questions which were put to him, the examination of Frederick Jackson must have taken some hours. What became increasingly clear was that the business of the Union was in a chaotic condition. Whether this was truly the case, or whether the alleged chaos was a front, concealing a good deal of unlawful and even illegal, activity, it is difficult to say.

The next witness was John Hattersley, one of the two principal victims of the bombing. It is clear from his evidence that the events which took place at Christmas 1861 were the culmination of a longstanding dispute:

22,778. (*Chairman.*) You are a nailmaker, I believe? Yes.

22,779. Living at Thorpe Hesley, near Sheffield? Yes.

22,780. Are you a master nailmaker? No, I work for a master.

22,781. Whom do you work for? Mr. Favel [sic] of Rotherham.¹⁵

22,782. In the year 1859, had there been any dispute between you and the union as to your mode of working for Mr. Favel? Yes.

22,783. What was the dispute? It was Mr. Favel's foreman, and he lives at Rotherham. I did not think fit to join with the union or to have anything to do with them; they desired that I should.

22,784. Who did? The union men. There was going to be a meeting, and they did not desire me to work if there was a strike, but to go along with them. Then I went and attended the meeting, and what I heard was going on I made known to my master; and then the week following there was another, and I attended it; then Mr. Favel made known to them that he knew what was going on at the meeting. They suspected it was me that had given information to him, and they desired then that I should not attend any meetings. They would not admit me. Ever since then I have not had anything to do with them. I have always worked, and never paid or had any correspondence with the men whatever. They thought I should make it known to the employers, and it would be against them.

22,785. After you had made known this at the union, were you subjected to any annoyance by the union men? Yes, I was.

22,786. What was the annoyance to which you were subjected? They never insulted me personally.

22,787. What did they do? Sometimes there was a large stone came through my chamber window in the night when I was in bed; several times that occurred; it broke the window, and we were in danger of being hit by the stone in bed.

22,788. That has been done several times? Yes, but who did it we did not know. Then after that I had my shop blown up.

22,789. When was that? I believe it was somewhere about the 21st of December 1861.

22,790. Where was your shop? At Thorpe Hesley? Yes.

22,791. Was it a nailmaker's shop? Yes.

22,792. How was it blown up? By gunpowder.

22,793. How was it blown up? The roof was blown off.

¹⁵ William Favell [sic] of 51 Westgate, Rotherham, is listed as a nail manufacturer in *Drake's Directory* of 1862, which also lists him as a 'nail maker' in Thorpe Hesley.

22,794. Did you discover how the blowing-up had been effected? They put a can of gunpowder in the shop, I believe. We did not know to be certain how they got it in, but we believe that they got a key and opened the door and put it inside and closed the door again. We could not perceive any other way that they could have done it.

22,795. But the roof was blown off? Yes.

22,796. Were there any inhabitants living adjoining the shop? There was another nailmaker's shop.

22,797. Were there any persons living there? Yes, very near too.

22,798. Adjoining? Was it part of the same building or not? There was about a yard between my shop and the next building.

22,799. Was there a space between? Yes.

22,800. Who lived in the building? Edward Shaw.¹⁶

22,801. Was there much damage done to the shop? Yes, the roof was blown off and some of the windows damaged; the chimney was not blown down nor the stoves hurt.

22,802. Do you know at all why the stones were thrown into your chamber window? No, I do not know why they were thrown in.

22,803. Had you any quarrel with anybody at the time? No.

22,804. Had you any quarrel with anybody at the time that your shop was blown up? No.

22,805. To whom do you attribute it? I attribute it to the union; they might not have blown my shop up, but there were two other men working along with me; I had nothing to do with them, but having two other men and they continuing working, I suppose it was the union who blew it up, on account of these two men more than myself.

22,806. What were the names of these two men? Charles Butler and Butcher? No: Joseph Hattersley, my brother, and George Walter.

22,807. Were they non-union men as well as yourself? Had they refused to join the union? They had joined the union before, but they did not belong to it at the time.

22,808. Were some men prosecuted at the York March Assizes in 1862 for this offence? Yes.

22,809. Who were prosecuted? The two Watsons.

22,810. And a man called Tomlinson? Yes.

22,811. And they were sentenced to 14 years' transportation?¹⁷ Yes.

¹⁶ Edward Shaw is not listed as a nailmaker in *Drake's Directory* of 1862. I have not been able to find him in Thorpe Hesley in the 1861 Census returns, but in 1871 there was a man of this name living in Thorpe Street, Thorpe Hesley. He was a tailor, aged 50.

¹⁷ Sic. The text has transportation, not penal servitude; but all the newspaper reports refer to the latter. Possibly counsel was confused because the Penal Servitude Act, which ended the sentence of transportation in virtually all cases, had only been enacted in 1857.

22,812. And I believe intercession was made for those men? They were supposed to have been wrongly convicted? Yes.

22,813. They obtained a pardon and were liberated? Yes.

22,814. Did Butcher work with you or not? No, he worked in his own shop.

22,815. Where was his shop? At Thorpe Hesley, the other end of the village.

22,816. He was a non-unionist also? Yes.

22,817. The union which you were asked to join was the union of which the head-quarters were at Belper? Yes, it was at the time; there was not any other union at Thorpe that I know of.

22,818. Do you remember at any time before this anything being done to your shop? Yes; I was at work one morning very early, about 3 o'clock, when some person came and struck at me through the window with a large piece of wood; it did not hurt me, and I closed my window and went on with my work, and closed the door, and they went round the other side and threw large cinders at the door; I believe one weighed about 7 lbs. Then, after that I continued to work, and they came and got this large piece of wood, and they knocked out the window to strike at me. They knocked the frame and the shutter altogether out while I was in the shop. That was one dark morning about 3 o'clock.

22,819. At the time had you had any quarrel with the union? No.

22,820. Were you a non-union man? I said I have had no quarrel. It was just after I had been to this meeting and sent down the information to my employers. They had given me liberty to work, but still at the same time there would be some union men that would not like it, and very probably it would be some of those bad-disposed men.

22,821. Have you any notion who it was who did these acts in your shop at 3 o'clock in the morning? No, I cannot say.

22,822. You do not know? I dare not go out; I never saw one

22,823. Do you know how many men did it? I do not know; there might be one, two, three, or four.

22,824. Did you see anybody? No; I dare not say out.¹⁸

22,825. Have you any reason to suppose that any person had any private malice against you, or was it a trade matter? I believe it was a trade matter; I had no quarrel with anyone.

22,826. They never attempted to rob you or anything of that kind? No.

22,827. Were you with Butcher at his place when he found something in his chimney a short time before you were blown up? No.

22,828. Butcher is here, is he not? Yes.

¹⁸ Presumably, Hattersley said 'I dare not say owt'; but the Secretary was unfamiliar with the last word, or how to spell it.

The next witness was the second victim, Charles Butcher. According to the *Sheffield Daily Telegraph*, he was now 'unfortunately very deaf'; but he still managed to relate what had happened on that dreadful night, six years before. It was clear that he was lucky to have escaped with his life. It was also clear that the events of 1861 had a considerable 'back story':

22,829. (Mr. Barstow.) Do you remember in 1859 being asked to join the union? Yes.

22,830. Did you join the union? No.

22,831. Do you recollect in 1861 something happening to you at 2 o'clock in the morning? Yes; the shop was blown up.

22,832. What time of the year was it? Rather near Christmas.

22,833. How was it done? It was blown up by a can of gunpowder, as far as I could see.

22,834. Did you find any pieces of the can? The shop was sought over some time after and the bottom of a can of gunpowder was found.

22,835. Do you remember Hattersley's shop being blown up? Yes, it was the same night.

22,836. Do you live near Hattersley? I live in the village; it is a small village.

22,837. To what do you attribute this? I can give you my reason; the gentleman I was working for at the time had a party who thought fit to work for him and a party who thought fit not to work; some continued working.

22,838. You think that some of the parties who would not work blew your shop up? I believe it was that. I do not know that I had any private malice against anyone.

22,839. You think that it was the men who were not working? Yes.

22,840. You cannot think of anyone else who would be likely to do it? No.

22,841. Do you ever remember anything thrown at your window? No.

22,842. (*Chairman.*) Was that all that happened? Before the shop was blown up, there was a can of gunpowder found there.

22,843. How long before? A few weeks. A few weeks before my shop was blown up, there was a can of gunpowder hung in my shop chimney.

22,844. Tell us all about it. It was hung down the shop chimney; it was hung with a stick put into the chimney and let down towards the bottom of the chimney. I had a man working for me; he went there in the morning, and he had observed something being right across the chimney, and he examined the chimney, and found a can of powder hung down the chimney with a piece of fuse attached to it; he came to my house.

22,845. And you went in and found it as he described? He had taken it out of the chimney, but I found it there. There was 1lb. 2 oz. of gunpowder.

22,846. If the fuse had been lighted when you had made your fire up, what would have happened? It must have gone off.

22,847. What would have been done when it went off? A pitman told me that the very blast of the thing would have killed anybody.

22,848. Was it the same shop that was blown up? Yes.

22,849. Was there anyone living in the shop or near the shop, or was it part of one building? No.

22,850. Is there any house near it? There are two or three cottages.

22,851. It was a detached shop; it was separate from your other buildings? Yes.

22,852. How far above the hearth was it the chimney? If it had been blown up it would have caught the fuse. The can might be about three quarters of a yard from the fire-place.

22,853. How high is the chimney? About three or four yards.

Perhaps the most chilling part of this evidence is the statement that someone had put a can of gunpowder down the chimney of Butcher's shop some weeks before the attack made at Christmas 1861. In other words, the latter had not been an isolated incident but part of a campaign, to persuade him to fall into line; and, according to the 'pitman' or miner whom Charles Butcher had told about this, the blast alone would have been lethal, if the 'bomb' had not failed to explode.

But the most sensational evidence presented to the Examiners in Sheffield in July 1867 was undoubtedly that given by Isaac Emmanuel Watson. It will be remembered that he had been sentenced in 1862 to 14 years' penal servitude for bombing the nailshops in Thorpe Hesley, but had been pardoned the same year.

22,854. (*Chairman.*) Are you a nailmaker? Yes.

22,855. Do you live at Rotherham? Yes.

22,856. In 1861 did you live at Chesterfield? Yes.

22,857. Did you work in the same shop with Joseph Tomlinson? Yes.

22,858. Were you in the union in 1861? No.

22,859. Had you anything to do with the union? I was not in the union; I did not pay any contributions, and neither did the others.

22,860. Do you recollect on the 21st of December going over to Thorpe Hesley? I do.

22,861. Who went with you? Joseph Tomlinson.

22,862. Who besides? Samuel Proctor.

22,863. Did you go to the shop of John Hattersley? Yes.

22,864. What did you do to him? Put some powder down the chimney and lit the fuse.

22,865. What was the consequence? We blew the roof off.

22,866. Did you go anywhere else the same night? We went to Charles Butcher's shop.

22,867. What did you do to his shop? We served it the same.

22,868. Did you put the powder into that shop? Yes.

22,869. What was your reason for blowing up the shops of Hattersley and Butcher? My reason for one thing was, we did not think they were doing right.

22,870. They were not doing right in what respect? They were working for less than the Rotherham men.

22,871. What besides? And another thing, we were engaged to do it.

22,872. Who engaged you? That I never knew.

22,873. When you say that you were engaged what do you mean? I received letters from the Belper postman, but no name.

22,874. What became of the letters? I burned them because it said at the end of every letter "Burn as soon as read."

22,875. What did the letter state? It stated that a job wanted doing, and if we would do it we should be paid for it.

22,876. Who were the letters signed by? Did they bear any signature? There was no signature.

22,877. Did you know the handwriting? I did not.

22,878. Did you know where they came from? I knew they came from Belper, but no more.

22,879. Who were the parties that sent them? I do not know.

22,880. You do not know? No.

22,881. You say that you blew them up with powder? Yes.

22,882. Where did you get the can of powder from? I got one part of the powder at Chesterfield. I had a letter come to Chesterfield to me, telling me to meet a certain train, and I met it, and they said I should see a party there with a parcel. I went to the train, and I was looking for the party that I expected, and there was a gentleman put his head out of the window and said to me, "Will you get me a ticket for Whittington?" I took the money in my hand to do so, but then I turned back and said, "I beg your pardon, sir, but I am looking after a party." He said, "Is your name Watson?" and I said "Yes." He said, "Take this;" and he gave me a parcel, and there was six or eight pounds of powder in it. I cannot say which.

22,883. Who was that man who gave you the parcel? I am not aware that I ever saw him before.

22,884. Do you know now who he was? No, I do not.

22,885. You did not know then and do not know now? No.

22,886. An unknown man gave you a packet of powder? Yes.

22,887. When he gave the parcel to you did you speak to him about it? No.

22,888. You never spoke to him about it? No.

22,889. Having got the powder you say that you put cans down the

chimney; where did you get the cans from? I bought the cans for nail pots; the cans are what had been got previously for nail pots.

22,890. Where did you get them from? I got them in the street below the Commercial Inn Yard at Chesterfield.

22,891. Do you know the name of the person who sold them to you? No, I do not.

22,892. You put the powder into the cans? I never saw it put in; I did not put it in; there was more powder than that.

22,893. Joseph Tomlinson and Samuel Proctor went with you to get the powder? I believe Tomlinson got it. I did not see the powder put into the cans.

22,894. You saw the cans when they had the powder in? Yes.

22,895. Who carried them? I carried one and one of the others carried the other - I believe it was Tomlinson.

22,896. Were you then living at Chesterfield? Yes; all three of us were.

22,897. How did you go from Chesterfield to Thorpe Hesley? We came by train to Masbro' from Chesterfield, and then we walked from Masbro' to Thorpe Hesley.

22,898. Was that on the 21st of December? Yes.

22,899. What time did you arrive at Thorpe Hesley? Between 10 and 11 o'clock.

22,900. At night? Yes.

22,901. And you did the thing in the two shops and then you came away again? We came away another road.

22,902. Where is Tomlinson? For anything I know, he is in London.

22,903. When was he in London? I am not aware when he was in London.

22,904. Is he a nailmaker? Yes, he is a nailmaker there.

22,905. Where is Samuel Proctor? I have not seen him since we came from York.

22,906. You do not know what has become of him? I do not.

22,907. Did you know the shop and the name of the people you were going to blow up before you got there? I knew perfectly well all about them.

22,908. How did you know that? I had been brought up about Thorpe Hesley.

22,909. You knew the shops, both of Hattersley and Butcher? Yes.

22,910. Did the other men know the places, or did you show them? Proctor did not know them, but Tomlinson did.

22,911. After you had blown them up you were told that you would be paid? Yes.

22,912. And after you had blown them up what did you do? Did you write any letters to anybody to say that you had done it? No.

22,913. What did you do? We met the train, and there was no one there.

22,914. What train? They were coming to pay the Rotherham men every week at that time on the Monday, and when there was no one in the train that we knew, I came to Rotherham from Chesterfield.

22,915. Was it the Monday afterwards? Yes. I went into the Cutler's Arms; that was where they held their meetings, I looked round and said, "Show me the man from Belper." Whether they told him or not I do not know, but he motioned me out very soon, and he gave me some money.

22,916. Who was he? I do not know; he was a stranger to me.

22,917. Do not you know that it was Charles Webster? I do not know that it was Charles Webster, but I believe it was; I should not like to swear to him.

22,918. Would you know him again if you saw him? I have seen him many a time at Belper, but I do not know that he is the same man.

22,919. You believe him to be the same man? Yes, I believe him to be the same man.

22,920. What did he give you? He gave me £2.

22,921. Did he tell you what it was for? No.

22,922. Did you tell him who you were? He asked me if my name was Watson, and I said "Yes."

(Mr. Webster was called in and pointed out to the witness.)

22,923. Is that the man whom you believe paid you the money? I believe it is, but I could not be sure.

22,924. You received how much? £2.

22,925. Was that the sum which was agreed to be given? No.

22,926. How much? £3.

22,927. Was it mentioned in a letter which you have destroyed that £3 should be given to you for your work? Yes.

22,928. Did you ever get the £3? Me and Tomlinson never did. Proctor went over to Belper.

22,929. Did he tell you that he had got it? We never saw him; when he came back we were at Rotherham again.

22,930. You never got any more than the £2? No.

22,931. You blew this up on the 21st of December? Yes.

22,932. You were taken up for it? Yes.

22,933. And tried for it? Yes.

22,934. You and your brother? Yes.

22,935. What was his name? James Watson.

22,936. And you and Tomlinson were all tried for it? Yes.

22,937. And all found guilty? Yes.

22,938. You set up an alibi? I did so.

22,939. You set up an alibi to show that you were not at Thorpe Hesley that night? Yes.

22,940 And how many witnesses did you call? 15 or 16.

22,941. And you knew that when they all swore that you were not there that night that they swore falsely? No; they were not all false.

22,942. How was it that they were not all false? Because all those at Belper swore to my brother, and he was there; he was really at Belper.

22,943. But all those that swore to you? There was never one swore to me but one woman.

22,944. And she swore falsely? Yes.

22,945. And with respect to Proctor, how many swore to him? None.

22,946. Only one person swore falsely? There was only one that swore to me.

22,947. There were others who swore for an alibi to Tomlinson? Yes.

22,948. How many swore to him? Three or four.

22,949. And they all swore falsely? Yes, all.

22,950. Are you sure that it was done falsely, or by mistake? I believe it was a mistake.

22,951. They swore to Christmas Eve instead of Saturday? Yes.

22,952. They fixed on the wrong night? I believe it was so; we did not tell them different.

22,953. Some of the police swore to that; they did not commit perjury, but they swore to the wrong night; you knew that they were wrong when they gave their evidence? Yes; but we did not tell them.

22,954. Some perjured themselves, others made a mistake, but there was a strong representation made for you, and you got off in consequence of the alibi that was set up; some people believed the alibi to be true, and that you had been improperly convicted, and you were set at large? Yes.

22,955. You blew up these places and got the money? Yes.

22,956. We have heard of a man finding a quantity of gunpowder in his workshop; did you put it there? No.

22,957. Who did? I do not know.

22,958. Had not you tried to blow him up before? No; I did not want to blow him up then. When we were going to do it, I said, "Let us pass Charles Butcher's," but the others said he did not get the price for his work.

22,959. You did not want to do him? No.

22,960. You wanted to do Hattersley? I cared nothing about doing Hattersley.

22,961. You were perfectly indifferent whether you did it or not? Well, I considered that he deserved it.

22,962. Then you know nothing about the can of powder being put into the man's shop? I do not.

22,963. Do not you know who did it? I do not.

22,964. Are you quite sure about that? Yes.

22,965. You say that Tomlinson, you, and Proctor were the persons; are you sure that your brother was not one of the party? My brother was never near it.

22,966. Have you ever been engaged in cutting any bellows? I never cut a pair, and never saw a pair cut in my life.

22,967. Do you know of any person who, did? I believe I do.

22,968. Whom do you know? Samuel Smith.

22,969. Who besides? John Robertson.

22,970. Whose bellows did they cut? Samuel Saunders'.

22,971. Where does he live? At Belper.

22,972. We will not go into that. Are those all the offences which you have committed connected with trade matters within the last ten years? Yes.

22,973. Do you know of any more committed by anybody else? No.

22,974. You have said that you believed that man to be the person who paid you the money; are you not quite sure about it? No, I cannot swear to that but I believe he is the man. '

22,975. Have you any doubt about it? There is a little doubt, because I never saw the man before to my knowledge.

22,976. But he was the man who had come from Belper to pay the money? Yes, it was the same man, that came from Belper to pay the men that paid me.

22,977. Did you ever call upon him except for the work you had done at Thorpe Hesley? No.

22,978. Did not you say anything as to why he did not pay you the whole of the £3? No. He said we should have the other letter, and Proctor went over.

22,979. The man said you should have a letter, and Proctor went over? Yes.

22,980. (*Mr. Chance.*) How did you do the blowing-up of the chimney? We put the can of powder down the chimney.

22,981. How did you do that? We hung the powder to a string, the fuse came out, and that way we lit it.

22,982. Did you swing it by a piece of wood from the top of the chimney? No, a hoop.

22,983. How much did the chimney extend above the roof? Perhaps three feet.

22,984. What was the length of the string that you hung the can to? As nearly as I can tell it would be six feet down the chimney, three feet below the roof. _

22,985. Did you endeavour to hang it as near the fire as possible? No; we wanted no fire.

22,986. You lighted the fuse? Yes; the fuse would be five or six yards long.

22,987. Did you ascertain whether there was anything in the shop at the time or not? We knew there was nobody in the shop. We never expected anybody in the shop when it was shut up at night.

22,988. (*Chairman.*) I suppose you did it very cleverly? Which did you fire first? Charley Butcher's.

22,989. And then the people in the village came to look at what had happened? Well, we did not stay for that; I believe there were many.

22,990. And while they were looking at that you slipped off and fired the other? We went a back road there.

22,990a. But you did one almost immediately after the other? Yes, as soon as we could, but it was a quarter of a mile away.

So, there we have it – the truth about the Thorpe Hesley bombings, at last - or the nearest we are likely to get to it; but the Examiners had not yet finished. They now took evidence from another trade union official. Evidently they had not been satisfied with the evidence given by Jackson, or indeed with his attitude. Charles Webster was therefore given a grilling, though not so long as Jackson's. He admitted that he had been a district secretary of Nailmakers' Union in 1861; and that the Union had a 'quarrel' with Mr. Favel [sic] about the amount he was paying his workers, and that there had been a strike in Rotherham; but, with one or two exceptions, the nailers in Thorpe Hesley had been prepared to work for Favel at the rates he set. He [Webster] had travelled from Belper to Rotherham to pay the Union men their strike pay. In particular he made the journey on the Monday before Christmas, in 1861. He was asked whom he had seen that day, and in particular whether he had met Isaac Watson. The answer was yes.

23,004. Did you ask him if his name was Watson? Yes; I did not know him. I do not know that I had ever seen him in my life.

23,005. Did you pay him £2. I did.

23,006. For what did you pay him the £2? They said they had done some work at Thorpe Hesley.

23,007. And you knew that these people had had their shops blown up? I heard it that morning when I was in Rotherham,

23,008. And it was for that that you paid him the money? Yes, I believe so.

23,009. He says that he had received some letters before he went there? I never wrote him a letter.

23,010. He says that he received some letters before he went over there; do you know who wrote the letters? No, unless the secretary did.

23,011. Who was the secretary then? George Worthy.

23,012. You do not know who wrote them? No, nor what subject they were on. My dwelling was a mile or better from his.

23,013. Did you keep any book when you went over to Masbro' to pay the men their sums of money when they were on strike? Yes.

23,014. Where is it? I have not got it now. I had to give up my books and papers when I gave up being on the committee. It was merely the quantities paid. I paid them 8s a week.

23,015. And you put down in your book that you paid to each man 8s. a week, the date, the name of the man, and the 8s.? Yes.

23,016. How many men had you on strike then? I cannot say; not a very great quantity; sometimes more and sometimes less.

23,017. Give me a notion of how many there were? 14 or 15 altogether.

23,018. Having paid such a large sum as £2. for blowing up these places at Thorpe Hesley, you would, of course, enter in your book "paid to Emanuel Watson, £2". No, I do not believe I did.

23,019. Then what entry did you make? I do not think it ever was entered.

23,020. Then you made no entry at all? No.

23,021. Where did you get the money from? The same as I got the other; they gave me so much money to pay.

23,022. Who gave you the money? They collected it themselves.

23,023. Who gave you the money to pay? The chairman.

23,024. What is his name? James Bacon. We collected the money and took it altogether on Saturday night.

23,026. You made an entry of the payment to the men on strike, but you made no entry to the man Watson? No.

23,027. When you came back you had to account for the money that you had spent; what did you tell him about the £2? I told him that I had paid it to Emanuel Watson.

23,028. Did you tell him what it was for? Yes.

23,029. He would have the book. Would he enter it or not? I do not think it was ever entered.

23,030. Have you ever seen the books? I have never seen the books. I have had nothing to do with them since early in 1862.

23,033. Had you any kind of audit in your club? No, there were no auditors besides ourselves.

23,034. Did you pay anything to Tomlinson for this job? No.

23,035. Nor to Proctor? Nor to Proctor.

23,036. Did you see Proctor afterwards? Yes, I saw him on the Thursday in Christmas week, the day following Christmas Day; I did not know him.

23,040. Who had given you the order? The committee, as I called it, one among the other.

23,041. Did they say what you were to pay it for? I was not aware that it would be.

23,042. What did they say to you? They said there would be something done at Thorpe Hesley, and the party would come to me for money.

23,043. Did the party come? Yes.

23,044. Did they tell you it would be Watson? They said it would be Emanuel Watson.

23,045. The party came and you gave him some money? Yes.

23,046. And when you gave it him, he said that it would be too little? Yes.

23,047. What did you say to him when he said that it was too little? I said nothing.

23,048. Did you say anything about his coming over? No, but Proctor did come over on the Thursday.

23,049. Have you ever paid anything else besides this to any other person? No, not a penny.

23,050. Did you know that all these witnesses had gone over to York? Yes.

20,051. And you knew that they had perjured themselves? No, I did not.

23,052. You knew that Watson had done it on that night, and that those witnesses went to swear that he never was there? All the witnesses that went from Belper went to swear on account of James Watson.

23,053. But with respect to Emanuel Watson, you knew that he had been there, because you had paid him the money? Yes.

23,054. And you knew that he had called a witness to perjure himself? I did not know that there was any witness for him.

23,055. Do you know anything about the expenses that were paid for these men; how much it cost? Do you mean the trial?

20,056. Yes. I cannot say.

23,057. But about how much did it cost? A good bit.

23,058. How much did it cost for defending these men? There was the attorney¹⁹ and a lot of witnesses and counsel;²⁰ how much do you think it cost? £40 or £50.

23,059. Was it a levy amongst your own union? There was no particular union; it was a levy, and they collected the money to support the men when on strike.

23,060. Was not there a levy for the particular purpose of defending these men? Yes, to defend these men.

23,061. Because they were so innocent? I do not know that, I am not saying so.

23,062. (*Mr Chance.*) It would swallow up a large portion of the wages? Yes.

23,063. (*Chairman.*) Did you get any contribution from any other union? No, I believe not – not that I am aware of.

23,064 (*Chairman.*) Did the sawmakers give you anything? No, I think not, I believe not.

23,065. There was no contribution at all? No.

23,066. There is an entry in their books very much like it? Then they gave it to Rotherham or Thorpe, but it never came to Belper.

23,067. They may have given something to support the men on strike? No.

23,068. But there is a curious entry to Thorpe Hesley? The Sheffield men might pay something to Rotherham.

23,069. But not Thorpe Hesley? No.

23,070. There is an entry in their books of a payment to Thorpe Hesley? I did not know it.

¹⁹ Solicitor.

²⁰ Barrister.

I was stunned. It appeared now that both the trial and the granting of the pardon were miscarriages of justice. True, James Watson was innocent of the bombings, and had been wrongly convicted at the Assizes. But his brother Isaac has now admitted his guilt, and had incriminated both Joseph Tomlinson (who had been pardoned) and Samuel Proctor, who had never even been arrested. Most shocking of all, perhaps, was the evidence that the trade union had not only paid the legal costs of their members; but had paid them to commit the original crime.

My opinion on these questions scarcely matters. What does matter are the findings made by the Examiners:

THE NAIL MAKERS' UNION

This union has its head-quarters at Belper, in Derbyshire, but the persons on whose property the following outrages were committed lived and worked at Thorpe Hesley, within the district to which the present inquiry is limited. In this union there is no weekly regular contribution, but when a strike occurs a levy is made to support the men who are out.

In December 1861 the nailmakers in the employment of Mr. Favell, of Rotherham, were on strike, but John Hattersley and Charles Butcher, who carried on their trade at their own shops at Thorpe Hesley, persisted in working for Mr. Favell. Hattersley was subjected to many acts of annoyance, and Butcher, on going to his work, discovered one morning in the chimney above his hearth, a can full of gunpowder suspended by a rope from the top, which would have exploded immediately the fire was lighted.

On the 21st December 1861 the shops of these men were blown up by a can of gunpowder suspended by a rope in the chimney of each shop, and exploded by a fuse. Isaac Emmanuel Watson, Joseph Tomlinson, and Samuel Proctor committed these outrages, and were paid for doing them out of the funds of the union (by order of the committee) by Charles Webster, a member of the committee, the money being handed to him by the chairman, James Beighton, for that purpose.

Watson, Tomlinson, and a brother of Watson, were tried for these outrages at the York Spring Assizes, 1802, and found guilty, and sentenced to 14 years transportation [sic]. Upon strong representations being made of their innocence, they were pardoned and released. The men were defended by the union, and their defence cost the union £40 or £50.

We report that these outrages were promoted and encouraged by the Nail Makers' Union.²¹

²¹ For the Commission and the evidence given to it see *Intimidation* (Mick Drewry, Austin Macaulay Publishers, 2017); and *The Sheffield Outrages* (Report presented in 1867, introduction by Sidney Pollard).



Nailshop, Joseph Street, Belper

V

AFTERMATH

The violence of the Sheffield Outrages was as nothing compared to the violence of the Fenian Rising in 1867, which involved both the Fenians and the Irish Republican Brotherhood, or I.R.B. The Rising began with an unsuccessful putsch in County Kerry, followed by an attempt at nationwide insurrection, including an attempt to take Dublin. Most of the leaders were arrested, but there was then a series of attacks in England, aimed at freeing Fenian prisoners. This included an attack on a prison van in Manchester by three members of the I.R.B., who were subsequently convicted and hanged for murdering a Police Officer, Sergeant Charles Brett. These events became known as ‘the Manchester Outrages’ in England, but the three Republicans were regarded as heroes. They were soon referred to as the Manchester Martyrs, and they featured in the song “High upon the gallows tree swung the noble-hearted three.”

It was partly in response to the Fenian Rising that William Gladstone, leader of the Liberal Party at Westminster, announced ‘my mission is to pacify Ireland’, though this did not yet involve any commitment to Home Rule. Instead, Gladstone’s new government, which was formed after the general election of 1868, proceeded to disestablish the Protestant Church of Ireland in 1869 and enacted the first of a series of Land Acts, designed to remove the causes of the widespread crime and violence which affected many parts of Ireland. This new Irish policy and legislation formed the background to the debates on the Trade Union Bill of 1871.

Although there is no reference in Hansard to the Thorpe Hesley bombings, there were several M.P.s who referred to the Sheffield Outrages; and it is interesting that a number of these were made by M.P.s for Irish constituencies. Mr. M’Carthy Downing, who was M.P. for County Cork, remembered that:

In Sheffield, scenes of horror had occurred that had never disgraced Ireland. Yet no extraordinary powers were asked for on that occasion, a Commission only having been appointed which gave witnesses certificates of indemnity—Broadhead, who paid sums of £40 for the perpetration of murder, having received one.

Mitchell Henry, M.P. for Galway County, linked the outbreak of rattening in Sheffield to the problem of ‘Ribandism’ in Ireland, since both involved illegal

conspiracies and a code of silence, which could only be broken by a Commission with power to grant immunity from prosecution.

The part of the country from which he came (Galway) had been truly described by the right hon. Baronet the Member for Tamworth (Sir Robert Peel) as having never been tainted with Ribandism, or even with agrarian crime. Nevertheless, the people of that province took a deep interest in all that concerned other parts of the country. He thought it right, then, to state that Ribandism was not a crime of universal application in Ireland; it was a special and local blot very similar to the crimes which formerly occurred in Sheffield, and were known as Trades Union outrages.

However, Gathorne Hardy, who was Conservative M.P. for Oxford University, pointed out that it was not appropriate to draw comparisons between Ireland and Sheffield, since

A special law [granting immunity] had been passed in reference to Sheffield; but if the same course had been taken with regard to Ireland that had been taken with regard to Sheffield the result would have been utterly futile, inasmuch as evidence could be obtained in Sheffield, whereas none could be obtained in Ireland.

Back in Belper, the nailers' union continued its efforts to protect its members, and as we might have expected – having read about the events in Thorpe Hesley in 1861 – some members had few scruples about breaking the law, if they deemed it necessary to do so. The *Sheffield Independent* and the *Glossop Record* for Saturday 30 April 1870 give us the details of an 'outrage' which was perpetrated by them, around ten years later:

Trade Union Outrages.—About a month or two back one of the largest nail masters in Belper, to keep pace with recent improvements, and also to supply his customers with the articles demanded, decided to adopt the "Patent Oliver," or Tommy Hammer, in the making of a portion of his nails, this being a very great improvement on the system of making nails entirely by hand, and enabling almost worn-out men to earn a good livelihood.

As soon as about three of the "Olivers" were set up in a small shop at the Belper Scotches, a meeting of the horsenail makers was held, when it was decided that none of the men employed by this master should be allowed to work whilst the "Olivers" were used. More than 40 men were thus thrown out of work, many with large families, and who are anxious to continue working for their employer. On the pay day following the strike of these men, delegates (as they call themselves) were stationed near each employer's

premises, and as each workman received his wages (now working short time, and none being allowed more than 12s. a week) the sum of 1s. was demanded.

Things continued in this state until this week, when an outrage that might have been of a fatal character took place. Notwithstanding the action of the Nailers' Union, some few continued to work for their employer, Mr. Constantine Sanders, trusting to the law for protection. Amongst the men was one named Evan Melbourne. During the night, between Monday and Tuesday last, some person or persons deliberately discharged two loaded guns through the bedroom window of the man Melbourne. Fortunately, two days previous to this occurrence, Melbourne had removed his bed to another room, and luckily no one was hurt. Every pane in the window was broken. It is believed that three men were engaged in this diabolical outrage.

The *Derby Mercury* for Wednesday 4 May 1870 added the following:

It is believed that three men were engaged in this diabolical outrage, for Acting-Sergeant Morris, whilst returning from a beat saw three men in a field, coming from the direction of the house, and proceeding towards the Gutter. When seen by the officer, who was more than fifty yards distant, they took to their heels. He leapt over a wall on the Nottingham road, and gave chase, but the three made their escape. The police are using every exertion to discover the perpetrators, and are likewise very vigilant in protecting the various places where similar outrages may be anticipated.

Eventually, and unfortunately for Belper's nailmakers, Birmingham and Birmingham methods won the race, so far as the nailmaking industry was concerned. By the end of the century it was reported that:

The erst prosperous nail trade is expiring, thanks to American imports of machine made nails. There is however still to be seen the flare of the forge, still to be heard the clink, clink of the hammer at little isolated shops spread over the town.

By 1901 people were surprised that there were still 38 nailers in Belper.²² It is also surprising to learn that the Nail Makers' Union survived so long. Records show that the United Cut Nail Makers of Great Britain Protection Society (which was presumably a successor to the old Horse-Nail Makers' Union of 1822) only merged with the Transport and General Workers' Union in 1952.

Nailmaking died out altogether in Thorpe Hesley in the late 19th century. It had long since been overtaken by coalmining, as the major source of income for the people of Thorpe Hesley and Scholes. In his recent book *South Yorkshire Mining*

²² Barrass, op.cit.

Villages (2017) Melvyn Jones explained how deeper and deeper shafts were sunk at this time:

The further expansion of Thorpe Hesley as a mining community dates from the sinking of four collieries by Newton Chambers that were linked to each other in various ways. These were Norfolk Colliery, Smithy Wood Colliery, Barley Hall Colliery and Thorpe Colliery. Barley Hall and Thorpe collieries were exceptional in that they were not connected to a railway and coal was never wound to the surface there. They were ventilation shafts, service shafts and water pumping shafts for Norfolk, Smithy Wood (sunk in 1890) and Thorncliffe (sunk in 1859) collieries.²³

The miners' trade unions won recognition from employers only grudgingly, and not every worker approved of them. There are reports of several mass meetings at the Old School Yard and elsewhere in Thorpe Hesley, notably in 1870, 1882 and 1885, which were held during strikes at local pits; and the miners' union was not above resorting to violence when it felt that its members backs were against the wall. The strike and lockout of 1869-70 saw particularly ugly scenes. In particular, it is well known that Westwood Rows in High Green was the scene of a riot on 21 January 1870, when a large group of striking miners attacked cottages there which had been built by Newton Chambers & Co. for non-union workers, brought in to break the strike. The police could not contain the situation and the violence was only brought under control when reinforcements arrived from Barnsley. Although no-one was killed, one miner and at least one policeman were seriously injured, 23 men were sent for trial at York assizes and 11 received prison sentences. The dispute continued for another 7 months.²⁴

During this time, the *Sheffield Daily Telegraph* for Wednesday 2 February 1870 reported on an incident in Thorpe Hesley:

THE THORNCLIFFE DISPUTE. ATTACK ON A HOUSE IN THORPE. We have to record another attack on the house of non-unionist in the district of Thorncliffe. In this instance the scene of the outrage is not Hoyland Common, as has so often recently been the case, but Thorpe Hesley. At this village lives man named John Hartley, a collier in the employ of Messrs. Newton, Chambers, and Co., and working at the Drift Pit. On Saturday night this man was in a public-house at Thorpe, when he received polite intimation that he had better look out for himself as shortly his house would be knocked down and himself sent to a hotter place than the Tropics. On Monday night Hartley was in his house with his wife and children. At about eight o'clock he heard a

²³ Thorpe Colliery only closed in 1972, Smithy Wood closed in the same year and Barley Hall in 1975.

²⁴ J. & M. Jones, *Circular Walks Around the Parish of Ecclesfield* no 5 (1993).

lot of men assembling round his house. Presently a shower of stones was thrown at the windows and doors. He seized a revolver, and unfastening the door, which had been secured, he rushed out. The assailants, however, knew that he had firearms in the house, and had beaten a precipitate retreat. Hartley then shut the door of his house, and having seen that his children and wife were unhurt, he repaired to the public-house to ascertain, if possible, who had broken his windows. On getting inside he found that it was full of unionists, by whom he was received in anything but a polite manner. Exercising wise discretion he left the house, and was allowed to proceed home unmolested.

Only a mile up the road from Thorpe Hesley, Wentworth Woodhouse was the seat of the Lord Lieutenant of the West Riding, Earl Fitzwilliam. On Saturday 5 February 1870, the *Cardiff Times* reported that the rioting had come to the Earl's attention:

THE THORNCLIFFE RIOTS. As was feared, the lull in riotous events for some days was but the calm that betokened a storm. The precautions taken by the authorities for the safe custody of the prisoners now appears were really necessary, for had it not been for the presence of and the activity displayed by the military there is not the slightest doubt but what attempt would have been made to rescue the prisoners on Friday, the mob at one time numbering from 2,000 to 3,000 persons, principally colliers. Their chance of success was by no means remote. The prisoners, on being conveyed to the rail-way station, were placed in the centre of a large body of police, with the infantry before and behind them. Several stones were thrown, and the rear rank of the infantry turned round and lowered their rifles to charge, which caused the mob to run away in all directions.

On the witnesses from Thorncliffe making their appearance to proceed to the station, escorted by the police and the soldiers, they were received with groans, and one of them, Mrs. Ellershaw, a very determined woman, was struck by a stone on the head, causing it to bleed rather freely. It was expected that the witnesses would have proceeded to Westwood by way of Wombwell, and on the line from the station to the level crossing a distance of about 160 yards, a mob consisting principally of colliers and women had assembled with a large supply of stones, so that had the carriages gone that way they would have been attacked and the occupants, doubtless, much injured. The witnesses, however, were sent by the more circuitous route, via Penistone, to Westley,²⁵ whence they were escorted to their homes. In addition to the stones thrown at the military and police several windows were broken and other damage done. Two or three apprehensions have been made of stone-

²⁵ Presumably, Wortley was intended here.

throwers. A platelayer named Richard Hubbard, who lives at Barugh was placed in custody on the charge of breaking a window at the residence of Mr. F. Beardsall, colliery owner. On Sunday the following proclamation was conspicuously posted throughout the district, and it is to be hoped that it will have a good effect:

"Whereas for some time past divers riots and tumultuous assemblies have taken place at Thorncliffe and the neighbouring districts, to the terror and alarm of the inhabitants, with great destruction to property, and injury to the persons of her Majesty's subjects: I therefore warn and enjoin all persons to abstain from collecting together or otherwise promoting such unlawful assemblies and proceedings, and especially exhort them to remain in their lawful homes as far as possible during the night. Dated at Wentworth Woodhouse, this 18th day of January, 1870. FITZWILLIAM, Lord Lieutenant of the West Riding of Yorkshire."

Perhaps the fullest account of the aftermath of the Thorncliffe Riots was contained in a report in the *Manchester Times* for Saturday 5 February 1870:

THE THORNCLIFFE RIOTS. On Saturday afternoon, the man Joseph Yardley, who, it will be remembered, was so seriously injured during the late riot at Thorncliffe that his life was at one time despaired of, was apprehended and brought to Barnsley, where he was placed in a room over the prison cell for safe custody. Information had been conveyed to the police that his friends were going to get him out of the way the same evening. The chief constable, Captain M'Neill, with a large force of the police under Inspector Kershaw and Sergeant Greenwood, proceeded to the house of Yardley, situate at Pilley Back-yard, a short distance from the scene of riot, and there apprehended the man. He was placed in a cab and brought to Barnsley in the custody of police-constables Drake and Heason.

A large crowd assembled in front of Yardley's house whilst he was being brought out, but there was not the slightest attempt at any disturbance on the part of the unionist miners who reside in the neighbourhood in great numbers. On his arrival at Barnsley, the chief constable ordered a bottle of wine for the man, and gave directions for every necessary requirement for him, considering his present position. The cuts about his head are reported to be nearly healed, but he is said to be very weak from the sabre stab in his side. He appears to feel his position very keenly and frets very much about his wife and children; four of the latter he has alive and a fifth he has but just interred. A large crowd assembled at the police station on his arrival, but there was not the least disturbance of any kind.

On Monday at the Barnsley Court House, a married woman named Elizabeth Smith living in Barnsley, was brought before the bench on a charge of stoning the military and the police, during the riotous proceedings at Barnsley, on Friday. Mr. Inspector Greenwood said the prisoner was given into custody on Friday, by a person who saw her throw stones at the soldiers, but as other persons would be apprehended, he had to ask for a remand. The magistrates' clerk stated that the prisoner and other persons would be prosecuted by the county, and as Mr. Marsden, the West Riding solicitor, was not present, a remand was asked for until Monday next. The prisoner was accordingly remanded. Thorncliffe all is quiet. The Lord-Lieutenant has issued a proclamation, desiring the people to remain in their houses, and not assemble together for unlawful purposes. The expense of the prosecutions is to be borne by the county.

On Wednesday, a meeting of the West Riding magistrates was held in the Court House, Barnsley, for the purpose of determining what measures shall be adopted for preserving the peace during the examination of the prisoners concerned in the late riots at Thorncliffe, which commence on Monday next. Among those present were Mr. W. S. Stanhope Mr. P. E Taylor, Mr. R. C. Clarke, Mr. E. Newman, and Mr. J. Haze. The chief constable, Captain M'Neill, was also present. The meeting was held with closed doors, but it is understood that the military are to be doubled; that there are to be two companies instead of one; that the police force is to be increased; and other measures for the preservation of order are to be adopted.

There was a further incident at Thorpe Hesley the following month: the *Sheffield Independent* and the *Sheffield Daily Telegraph* for Wednesday 2 March 1870 both reported as follows:

SHAMEFUL OUTRAGE BY UNIONISTS AT THORPE HESLEY. Some of the miners locked-out by Messrs. Newton, Chambers, and Co., are determined, acts of violence, to compel the public to withdraw their sympathy entirely. Pending the negotiations for a settlement of the dispute, Thorncliffe has been comparatively quiet during the last three or four weeks, but hostilities are again commencing, and the non-unionists are threatened and intimidated. A man named George Bird, who was formerly a member of South Yorkshire Miners' Association, obtained employment under the Company at the Parkgate Colliery, and this defection from their ranks appears to have given grievous offence to the unionists residing in the district. The other night Bird was returning from the pit to his home in Thorpe Hesley, when he was met by about 200 men, women, and children, who beat tin cans in his face, bahed [sic], and made other offensive noises. Bird was naturally alarmed, and endeavoured to escape by running. Whereupon, several of the fleetest of the unionists gave chase, and not being able to overtake the object of their

pursuit, stoned him until he was beyond their reach. The crowd then proceeded to Thorpe Hesley, and finished their unlawful work breaking the windows of the house occupied by Bird. His wife and family were so terrified that they refused to remain in the village, and he himself was afraid to return home from his work the following evening, but obtained lodgings at the Workmen's Hall, which has been fitted by the Messrs. Newton, Chambers, and Company for the accommodation of their present workmen. The mob, taking advantage of his absence, wrecked the dwelling, and then inhumanly turned Mrs. Bird (who had only been confined a week ago) and her children into the street. The poor woman was proceeding towards Thorncliffe, but was unable to get beyond Hesley Wood, and was there picked up in a fainting condition some persons who were passing. Bird is afraid to return to Thorpe, and he and his family have taken their permanent residence at Westwood New Row. He has identified several of his assailants, and they will be prosecuted.

The report in the *Sheffield Independent* for Wednesday 2 March 1870 added the following:

OUTRAGE AT THORPE HESLEY [Mrs Bird] and her husband are now residing at the Westwood new row. It is said that some time after leaving Thorpe Hesley she was discovered in an almost fainting condition, and had to be conveyed to a place of shelter. It is very much indeed to be regretted that this outrage has taken place, for though it might not have the effect of putting a stop to the negotiations which are now taking place to bring the dispute to an end, it may place the men at a disadvantage in the eyes of the public and in the eyes of those who wish them success.

It would appear that labour relations were no better twenty-three years later, to judge by a letter to the editor of the *Sheffield Independent* written by a resident of Thorpe Hesley on Wednesday 25 October 1893.²⁶

There seem to be a number of jealous, carping spirits abroad at Thorpe Hesley, writing to you under the nom de plumes of 'Crying Justice' and 'Justice'. 'Justice' asks if our local leaders are true to their cause? Let actions speak, for actions speak louder than words. What have these men done for the poor miners of this district during the present disastrous and prolonged struggle? Have they not promoted and provided free teas for hundreds of poor children? Have they not caused stones of flour innumerable to be distributed amongst the poorest households? Have they not given money in needy cases without publicly crying

²⁶ *Cork Examiner*, Tuesday 22 February 1870; *Sheffield Independent*, Thursday 13 April 1882; *Sheffield Daily Telegraph*, Tuesday 15 August 1882; *Sheffield Independent*, Saturday 10 October 1885.

the good work they have done? Sir Walter Scott characterised calumny as the vile habit into which baser spirits sank of cutting honest throats by whispers. I would advise our leaders not to let these insinuations hinder them in the good work they are carrying on so nobly, but to press on with their labours— Yours truly A MINER BUT NOT A COMMITTEE MAN Thorpe Hesley, Oct. 23, 1893.



Nailmaker, c.1844