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Crime, Custom and Culture

SUPERINTENDENT HEATON'S ANNUAL report for 1868–69 detailed the incidence of crime in Upper Agbrigg. Only nineteen people had been committed for trial and over 50 per cent of these were for simple larceny. There was a single case of cutting and wounding and one of burglary. In the same year 173 people were dealt with summarily. In the more eventful year of 1866–67 there had been three cases of manslaughter, two of cutting and wounding and two of rape but even then indictable offences accounted for only 15 per cent of all cases which were (as in every year) dominated by simple larceny. Over 50 per cent of summary offences were accounted for by three offences: drunkenness (17 per cent of the total), assaults (21 per cent) and vagrancy and begging (24 per cent).[1] However, there were other offences – notably poaching, vagrancy and offences against the Worsted Acts – that exercised the minds of local law-enforcers, even though they did not figure large in the statistics. Many of the major offences – assaults and drunkenness – were not dissimilar in character to their urban counterparts and have been discussed earlier.[2] Instead, the focus of this chapter will be on a number of crimes that were of particular concern in the countryside. Contrary to popular fears, the WRCC in Upper Agbrigg often chose to minimise their role, for example regarding poaching and even embezzlement, and even where they attempted a more interventionist approach, their impact was limited.

Embezzlement

Protection of property was a central aspect of the development of the law in the eighteenth and nineteenth century. Property rights

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were a major concern for employers in a wide range of industries and their views brought them into conflict with their employees and their notion of customary rights or trade perquisites. The clearest statement of the new protection afforded to local employers came in the form of the 1777 Worsted Acts, which made it an offence to possess woollen or worsted material that had been embezzled or whose ownership was disputed. The acts also provided for both the buying and selling of embezzled goods with a sliding scale of penalties for first and subsequent offences. To enforce the acts, a Worsted Committee was established and inspectors employed. Over the course of time there were significant changes in the personnel of the Worsted Committee. By the 1840s the dominant force came from larger-scale manufacturers, particularly from Bradford and Halifax.[3] There was also a fundamental change in the focus of activity as factory production expanded and domestic production declined, though the practical approach of the inspectors, checking on the persons and property of workers, did not change in essence.[4] Although the inspectors did not have the right of arrest, they had the power of entry and search that gave them considerable powers of surveillance. Further, the burden of proof was such that it was relatively easy (in comparison with other property offences), to bring a successful prosecution, especially if the case was prosecuted summarily. The Worsted Committee was at its peak in the second quarter of the nineteenth century. By the mid-nineteenth century, the composition of the West Riding magistracy was such that employers often heard cases brought under the Worsted Acts. A major change in funding in 1853 resulted in a reduction in the level of activity for much of the period under consideration in this book. Godfrey and Cox make only passing reference to the Huddersfield district and its inspector, R H Kaye, but the local experience throws some interesting light on the implementation of the law in the 1850s and 1860s. In Upper Agbrigg, the old domestic system remained strong in several villages, while the development locally of the trade in recovered wool added to the urgency of the question of the ownership of waste.

The joint Huddersfield and Holmfirth Manufacturers' Protection Association was formed by an amalgamation of two organizations in 1846 and employed two inspectors – Richard Henry Kaye and John Earnshaw – at Huddersfield and Holmfirth respectively, until

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1856 when it was decided not to pay for a Holmfirth inspector. The inspectors took a clear and firm line, requesting the committee

> to insert in the annual circular a desire on their part that all manufacturers be very particular in demanding from their Weavers or other Persons they may employ, all Gears, Tools, Spare Weft or Warp of every description, on completing the work they have in hand.[5]

The Association operated until 1866 at least but its annual reports show a significant drop in the volume of activity from the mid-1850s onwards. Between 1850 and 1854 the number of prosecutions averaged thirty-five per annum; between 1856 and 1866 the number fell to eleven.[6] The majority of cases involved the embezzlement of woollen and worsted material, not always as waste. However, there were also prosecutions for the embezzlement of looms, gears and dyestuffs.[7] Newspaper reports show a number of very straightforward cases. Heaton and Kaye searched Joseph Crowther's house in Linthwaite and 'found in the attic and other parts of the building several parcels containing quantities of various waste – carding and scribbling wool, billy ends, nippings and slubbings' – to a total of 424lbs, which he claimed he had bought from Messrs. Haigh of Honley. Heaton demonstrated that the material 'was of a quality such as the Messrs. Haigh would not have in their possession as they merely did "country work"'.[8] Crowther was fined the maximum of £20. John Taylor of Meltham was fined £20 for 'failing to give a proper account of how he became possessed of the pieces of cloth'.[9] Richard Varley, a shopkeeper of Marsden, was also fined £20 because, as the magistrates' explained 'he might have had no intention of doing contrary to the law [but] he had done so in purchasing [a quantity of linsey woolsey] of a party not duly authorised to dispose of the material'.[10] A similar fate befell John Norton, a 'highly respectable merchant'.[11] In this case the magistrates at Huddersfield, conscious of the importance of the case, deliberated for two hours before returning a guilty verdict.[12] Eli Taylor, in contrast, was unable to produce an invoice and was fined £20 and forfeited the waste material while Joseph Crowther (again) produced invoices but they matched neither the quantity nor the quality of the 424lbs of woollen waste which he was accused of embezzling.[13] More ingenious but equally unsuccessful was the farmer-cum-weaver, William Kenworthy, of Moor Edge. He first

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claimed that the disputed cloth had been woven on his loom but Kaye demonstrated that 'different gears to that then in his loom' would have been needed. Kenworthy then fell back on the defence that the cloth had been legitimately purchased and produced an invoice to that effect. Unfortunately, the invoice was ten years' old and related to a different piece of material. He was fined £20.[14] In contrast, despite being accused by Inspector Kaye of obtaining forty-five lbs of woollen and twenty-two lbs of worsted waste 'under suspicious circumstances', Abraham Waterhouse was able to produce invoices and 'left the court without the slightest imputation upon his character'.[15] Finally, there were a number of repeat offenders for whom the penalty (£30 in the case of a second offence) was the price to pay in ongoing criminality.[16]

Other cases were less straightforward, not least because of the varying attitudes and practices of local employers. Some, such as Taylors of Newsome, paid their out-weavers a monetary wage and expected all waste to be returned to the mill.[17] Others still permitted perquisites. In a case involving Honley Mill, James Brook conceded that they turned a blind eye to 'some portion of waste which it was not necessary to return'.[18] Others did not require their weavers to return waste but, somewhat jesuitically, claimed not to have given 'the authority to sell the waste'.[19] Worse still, in the eyes of inspectors and magistrates, some employers still implemented 'the exceedingly dangerous practice' of a mixed-wage, 'allowing perquisites to workmen in lieu of money'.[20] To what extent workers saw perks as a right in the mid-nineteenth century is open to question. Godfrey and Cox argue that it was no longer a live issue. However, in Upper Agbrigg there were some for whom it was. Henry Swallow's defence counsel argued that 'it was customary for weavers to have the waste and to dispose of it'.[21] Similarly, John Waite, a spinner of Moldgreen, who rented two mules at Firths' Mill, 'considered himself entitled to the sweepings from the floor'.[22] Further, not all employers decided to prosecute, though the reasons for doing so are not recorded.[23]

Of greater interest are the decisions arrived at by the local magistrates, many of whom were manufacturers. At times, concerns about bias were expressed and very occasionally individual magistrates chose not to be involved in embezzlement cases.[24] However, the presence of a manufacturer on the bench did not necessarily ensure a conviction. The Worsted Committee Registers shows an overall conviction rate of 82 per cent. When both magistrates were textile

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manufacturers the figure rose to 88 per cent, whereas when neither magistrate was a textile manufacturer, the figure fell to 70 per cent.[25] The figures for the Huddersfield district are somewhat different. In the years 1850–54 the conviction rate was 90 per cent but only 74 per cent in the years 1856–66. Further, there were a number of local magistrates who were critical of the Worsted Acts themselves and of the activity of Inspector Kaye.

In some instances, a case was dismissed because of the ignorance of the law on the part of the individual charged. Jonathan Moorhouse, a weaver from Castle Hill End, was charged by Kaye with selling twenty-one ounces of thrums and yarns to a local shopkeeper. The magistrates accepted his claim that 'he did not know he was doing wrong' and dismissed the case, 'nothing being known against his character', and simply cautioned the man.[26] When a conviction was achieved the Worsted Acts laid down clear penalties: a maximum fine of £20 for a first offence and £30 for a second offence, but in practice inspectors and magistrates exercised discretion. Edmund Bottomley, 'a sickly looking man', pleaded guilty but also his illness as extenuating circumstances. The Association agreed not to press the case, the defendant was nominally ordered to pay expenses and forfeit the disputed goods but 'as a mere matter of form a conviction was entered with the distinct understanding that it should not be enforced'.[27] In some cases, expenses had to be paid and goods forfeit, in others expenses only were paid, and in yet others only the goods were seized. John Heward, an old man, was charged with embezzlement but the offence had been committed by his wife and daughter without his knowledge. The Association, after discussion with the magistrates, agreed not to press the case as long as the stolen goods (nineteen lbs of woollen waste) were forfeit and the costs – the not inconsiderable sum of 9*s* 6*d* (47½p) – were paid.[28] Mary Brayshaw, 'a decrepit old woman', living in Holmfirth 'similar to a hermit', faced seventy-seven charges but 'pleaded guilty with tears in her eyes'. A conviction was recorded but the magistrates ordered that the expenses of 8*s* 6*d* (42½p) were not to be paid.[29] John Haigh was found guilty of embezzlement. The goods were forfeit but it was agreed that 'in consideration of his extreme age … the fine would remain in abeyance'.[30] Joseph Wood was also found guilty of embezzling over 100lbs of woollen waste but Kaye drew attention to the fact that he 'had a large family and was very poor'. After a discussion with the chair of the Association, the magistrates

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accepted their suggestion that 'the conviction should not be put into execution, unless the man again offended'.[31] Not all poverty pleas succeeded. Joseph Ainley, a Golcar weaver, told the court he had 'a family and four children at home, and nothing to eat' but was sentenced to two months in Wakefield House of Correction.[32] Similarly, Sarah Shaw, 'a poor feeble woman of great age' (she was seventy-seven years old) was sentenced to one month in Wakefield as she had no money or goods to pay the fine.[33] In some cases the magistrates saw prison as a positive outcome. George Berry, a poor man, living in 'a filthy hovel' was found guilty and, being unable to pay the fine, was sentenced to one month in prison. The magistrate expressed the hope that 'considering the state he was in, prison treatment might have a good effect upon him'.[34]

Very occasionally, prosecutor and accused could strike a compromise. In a complex and serious case in 1858, the clothes-dealer Absalom Lockwood was charged with embezzling 360 yards of woollen and cloth material in the process of manufacture and of 730lbs of woollen warp, weft and listing. Thirty witnesses had been called with more to come when the magistrates called a break in proceedings. While the magistrates were away a compromise was agreed, despite 'the tenacity of Mr Kaye', whereby Lockwood paid a fine of £20 and forfeited 'all unwrought material seized' but was allowed to keep some of the disputed material. The magistrates agreed to save the case from continuing to midnight.[35] In a similar case eight years later Levi Sykes came to a prior agreement with the Association which was accepted in court. Having already paid the Association £10, he pleaded guilty and was let off the remaining £10.[36]

In a number of occasions, individual magistrates did not take part in the discussion of embezzlement cases because of their vested interest but a majority did not feel that their membership of the Manufacturers' Protection Association compromised their position as a magistrate.[37] However, they were not necessarily totally supportive of the legislation and its implementation. Kaye's actions were criticised and doubts were expressed about the harshness of the law.[38] When James Weaver, a Dalton weaver, escaped prosecution in 1861 (he produced the necessary invoices) the bench commented that 'the act was an exceedingly oppressive one'.[39] In 1866 the magistrates at Upper Mill were even more outspoken. According to one 'it was a highly penal statute' and the other 'it was an act under which a man had scarcely any chance of escape'.[40]

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A further, though related matter, was concern with popular responses, though again there was not a single or simple point of view. Although the acts were seen to protect employer interests, not all employees dismissed them out of hand. Catherine Hanley was convicted in January 1853. There was criticism of the local constable for his intrusive actions but 'by far the greater number approved of what he did' because in Thurstonland, 'a village of weavers', illegal behaviour 'weaken[ed] the confidence which masters ought to have in workmen'.[41] More often, the popular response was hostile and the cases bitterly fought. Mr Roberts of Manchester, who had defended the Honley rioters, appeared for the defence in a number of cases, not always successfully.[42] Successful defences evoked popular support. The case against Joseph Senior (a respectable figure who did 'country work') aroused considerable interest in and around Holmfirth in 1862. When it was dismissed there was 'evident satisfaction' in the crowded courtroom.[43] Even greater were the 'demonstrations of satisfaction' in court at Huddersfield later that year when another of Kaye's prosecutions failed but the authorities were so worried at the response that it was 'immediately suppressed'.[44] Perhaps the most telling case was the prosecution of William Bottomley who was accused by Kaye of embezzling tools. The proceedings started with a challenge to the jurisdiction of the magistrates – several of whom were members of the Manufacturers' Protection Association – which was turned down, to the evident disappointment of the defendants and their supporters in court. However, the case was dismissed and 'the decision was hailed with applause by a court crowded with operatives amongst whom the case appeared to excite great interest'.[45] The impact of popular animosity is impossible to determine but it is likely that the decisions of manufacturers and magistrates were influenced by consideration of the wider repercussions of enforcing this law.

Enforcing the Worsted Acts necessarily involved cooperation between inspectors and the police. Godfrey and Cox argue that there was no enthusiasm among police chiefs to pour resources into this aspect of work. The local evidence partly supports this view.[46] Even in the heyday of the Worsted Committee the number of prosecutions was limited and the initiative lay with the inspectors who called upon the police when an arrest was needed. Prior to 1854, when the Association was well-funded, Kaye was the central figure in bringing charges for embezzlement. He worked with a

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number of parochial constables, most notably John Earnshaw, who for a period combined the roles of sub-inspector and constable of Holmfirth, as well as with Heaton. For a brief period in the mid-1850s as many cases were brought by the police (mainly Heaton and Earnshaw) as by Inspector Kaye but by the advent of the WRCC, there is very little evidence of Heaton taking the initiative, suggesting that woollen and worsted embezzlement was not a priority for him or Colonel Cobbe.[47]

Kaye also participated in wider policing activities. As noted in chapter six, Kaye worked with Heaton on a number of raids on beerhouses. He also assisted the police in their ordinary business, coming to the assistance of a borough constable when arresting the troublesome correspondent of the *Halifax Courier*, William Hulke. As the funding crisis hit the Manufacturers' Association, Kaye, remained as the only inspector, but took on the role of inspector of weights and measures. In several years, especially in the mid-1860s, he appears to have spent more time charging shopkeepers and the like than prosecuting embezzlers.

Vagrancy

The Worsted Acts was not a major police priority but there was one point at which it intersected with a more mainstream concern. Although not entirely borne out by the facts, there was a concern among manufacturers that 'tramps and vagabonds' were at heart of petty embezzlement.[48] Concern with the threat posed by vagrants was nothing new. The Elizabethan fear of 'sturdy beggars' resurfaced time and again over the centuries. The 1824 vagrancy act formalised the distinction between the 'idle and disorderly', 'rogues and vagabonds' and 'incorrigible rogues', thereby adding to the common belief that there was a slippery slope through degrees of vagrancy to criminality. Opinion in early-Victorian Britain, strengthened by the conviction of prominent figures such as Edwin Chadwick, swung increasingly against the itinerant and indigent. The vagrant was seen as a thief in waiting. 'Vagrancy', explained PC Thomas Woollaston, '[is] very nearly allied to crime'.[49] The elision of vagrant and criminal masked a fundamental dilemma for the Victorians: was the vagrant a pauper or a criminal? The answer would determine how best to deal with the problem. There was never unanimity but opinion, expert and lay, tended more to the latter (a criminal) than the former in the

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mid-nineteenth century. As Lord Kimberley told his fellow peers, vagrants 'more properly styled rogues and vagabonds … [were] a class which had hitherto escaped being regarded in the eyes of the law as criminal'.[50] In fact, particularly after the 1856 County & Borough Police Act, vagrants were subject to increasing police surveillance. From a police perspective the focus on vagrancy was a mixed blessing. It was very time-consuming in sprawling, rural areas like the West Riding, but, more importantly, it could have an important impact on perceptions of the police. Where vagrants were seen clearly as threats – be they imposters or criminals – firm police action could enhance the standing of the local constabulary; where they were seen as pitiable individuals, as victims rather than perpetrators, police action could be seen as insensitive or heavy-handed. Not surprisingly, enforcement of the law against vagrancy was highly erratic across the country.

Opinion in Upper Agbrigg tended towards the sceptical, if not outright hostile. During a discussion of the Marsden lodging house, the belief in the 'undeserving poor' was very evident: '[I]t is notorious that as a body the patronisers of public lodgings are the idle and dissolute, who will do anything but work'.[51] They were believed to be scroungers, enjoying a good life at the expense of others. 'Many [of them] could pay for their lodgings, and numbers of whom smoke and drink each night … [and] have as comfortable or even better lodging procured than many an honest, hard-working man can obtain'.[52] Good facilities were seen as an inducement to laziness and strong action required to deter the undeserving. The Marsden assistant overseer of the poor was praised for driving away 'more than a score of applicants … by threatening to handcuff them and take them to Huddersfield'.[53] The public discourse hardened in the 1860s. Holmfirth was 'much infested' with 'a batch of vagrants and tramps.' Wandering Irish men and women, augmented by desperate Lancastrians, looking for work during the Cotton Famine, aroused fear. Heaton looked to the magistrates for firm action, otherwise it would be 'impossible to protect people's property if such men were allowed to go about without restriction'.[54] In 1866, shocked by the revelation in the recently-published *Judicial Statistics* that there were 33,000 'sturdy rogues' in the country, the *Chronicle* ran a lengthy and highly critical article entitled 'The Sturdy Vagrant And Beggar Class', which castigated both vagrants and those who encouraged them through 'indiscriminate alms-giving.' Vagrants were 'as loathsome

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specimens of humanity as can be found in the worst parts of Africa or the South Sea Islands.' Further,

> [t]heir persons are in a condition too horrible to be precisely described. Their habits and language are even more filthy than their clothes. Their highest aspiration is to carry off some valuable from a closely-watched kitchen. Their highest enjoyment is to drink themselves insensible.

To make matters even worse, 'vagrancy, as is well known is an hereditary curse … Paupers breed paupers, vagrants breed vagrants and habitual law-breakers have, for the most part, been bred in criminal homes'.[55]

Even before this scathing critique the local press ran several accounts of fraudulent vagrants, such as 'Grandfather Whitehead' who exploited 'poor widows' in Honley and Lockwood, or Henry Hall, 'a systematic tramp'.[56] In fact, many of the cases that came before the courts were pathetic rather than threatening people. Ann and Maria Ferguson were charged with being 'idle and disorderly persons', having been found sleeping in a barn in Linthwaite. They were making their way to Liverpool but were found 'in a very distressed state'.[57] Joseph Garner, 'a poor wretch – dirt begrimed, ragged and houseless' was found sleeping on the roadside in Kirkburton, almost frozen to death. Found guilty of vagrancy, he was sentenced to three months in Wakefield – a verdict that guaranteed him some physical protection.[58] Robert Jones, 'a respectably-dressed working man' was 'entirely destitute' having lost his job. Twice he threw himself into the canal but failed to kill himself. He was arrested for vagrancy and attempted suicide and was paraded through the streets in handcuffs.[59] The desperation of many vagrants in the late-1850s led the *Examiner* to criticise both the police and the magistrates for criminalising poverty.[60] Others, if not poor, clearly suffered from mental problems. George Clegg, arrested as a vagrant, was 'a young man of deficient mental capacity and wandering disposition'.[61] In this case the magistrates deemed prison to be 'useless' and gave him back to his father with instructions to seek admittance to the workhouse for his son. Despite the dominant faith in the beneficial impact of prison, with its 'habits of regularity and cleanliness', many vagrants were persistent offenders. James Jackson was convicted for the fifth time in little over three months. Heaton, somewhat bemusedly, informed the court that 'the past two years of his life appeared to have been wholly spent in prison'.[62]

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It is difficult to determine the scale of vagrancy in Upper Agbrigg, not least because of the difficulty of determining who was a vagrant and who was an itinerant workman/woman. Nonetheless, there appears to be a mismatch between the exaggerated language of the *Chronicle* and the numbers of vagrants in the district. Similarly, determining the importance of vagrancy as a policing priority is problematic. On a number of occasions Superintendent Heaton expressed his concerns but when the divisional criminal statistics are inspected the number of vagrants brought to court in the mid- and late-1860s averaged about one a week – hardly an indication of a perceived threat from a marauding horde of 'sturdy beggars'. Unlike the hard-line adopted by the Lancashire County Constabulary, the WRCC appear to have been more relaxed in its approach to this particular problem. Statistics drawn from the annual *Judicial Statistics*, summarised in Table 10.1, bear out this conclusion.

Table 10.1: Proceedings under Vagrancy Acts in Lancashire and the West Riding of Yorkshire

YEAR	VAGRANCY	ACT CASES		VAGRANCY	ACT CASES	
	Per 100,000	*Population 1861 census*		*Per 100*	*constables*	
	Lancashire County Constabulary	*West Riding County Constabulary*	*WRCC as % LCC*	*Lancashire County Constabulary*	*West Riding County Constabulary*	*WRCC as % LCC*
1860	*59.3*	*38.0*	*64*	*86*	*63*	*73*
1864	*73.4*	*46.9*	*64*	*106*	*70*	*66*
1867	*78.9*	*43.7*	*55*	*105*	*61*	*58*

Source: *Judicial Statistics*

The figures show clearly the greater emphasis on vagrancy in Lancashire. The likelihood of being prosecuted under the Vagrancy Acts was almost twice as high in Lancashire as in the West Riding. Correspondingly, greater police time was devoted to the problem west of the Pennines. The figures for prosecutions are the more remarkable because the respective police authorities reckoned there were more appreciably more tramps and vagrants in the West Riding than in Lancashire.[63] A maximalist approach on one side of the Pennines contrasted with a minimalist approach on the other.[64]

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Poaching

WRCC adopted a minimalist approach to another potential contentious issue – poaching – though in this respect it was more in line with the majority of forces. The Games Law had long been a source of bitter conflict. The worst excesses of the early nineteenth century were past but the 'poaching wars' continued well into the third quarter of the century.[65] Traditionally poaching has been seen as a night-time activity and the preserve of the agricultural labourer in the south and east of the country. This 'Lincolnshire Poacher' view is trebly misleading. First, the increase in prosecutions in the 1860s and 1870s was driven by an upsurge of activity in the northern counties; second, the poacher was more likely to be an industrial worker than an agricultural labourer; and third, 90 per cent of prosecutions were for daytime poaching. There has also been dispute about the motives behind poaching. In some, mainly older, histories the emphasis has been on necessity and protest, but recent works have painted a more complex picture in which commercial concerns have a significant role to play.[66]

The extent of poaching is also not easy to establish. Figures for prosecutions give some indication but may tell more about changes in prosecution rather than fluctuations in the incidence of poaching itself. The total number of poaching offences in England rose from around 10,000 per annum in the early 1860s to about 12,000 by the end of the decade and peaked in the mid/late-1870s. The bulk of these cases were for trespassing in daytime in pursuit of game but more attention (then and now) was given to night poaching, especially after the 1862 Poaching Act, while the illegal buying and selling of game attracted limited comment.

Within the West Riding Upper Agbrigg accounted for 9 per cent of all game law prosecutions in the years 1857–62, exceeded only by Lower Agbrigg (11 per cent), while somewhat surprisingly, the Sheffield district accounted for only 7 per cent.[67] The 1864 returns also contained details at a parochial level. These figures (Table 10.3) need to be interpreted with care. It is unlikely that they give an accurate indication of the level and distribution of poaching across the district. The low number of cases in the parishes of Almondbury and Kirkburton is more likely a reflection of non-detection/non-prosecution, whereas the figures for Huddersfield suggest a greater determination to prosecute, which in turn might reflect the determination of certain individuals.

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Table 10.2: Game Law Prosecutions in the 1860s

YEAR	TRESPASSING IN DAYTIME IN PURSUIT OF GAME	NIGHT POACHING AND DESTROYING GAME	ILLEGALLY SELLING OR BUYING GAME	1862 POACHING ACT	TOTAL
1862	*9,138*	*887*	*47*	*17*	*10,089*
1863	*8,174*	*685*	*32*	*724*	*9,615*
1864	*8,522*	*673*	*22*	*877*	*10,094*
1865	*9,003*	*554*	*31*	*783*	*10,371*
1866	*9,285*	*637*	*29*	*855*	*10,806*
1867	*9,760*	*662*	*54*	*939*	*11,415*
1868	*9,668*	*674*	*47*	*1,007*	*12,253*
1869	*10,821*	*628*	*82*	*1,144*	*12,075*

Source: *Parliamentary Papers*, 1872, x, Select Committee on Game Laws, pp.438-9

Table 10.3 Poaching prosecutions in Upper Agbrigg by parish, 1857–62

YEAR	HUDDERSFIELD	ALMONDBURY	KIRKBURTON	KIRKHEATON	TOTAL
1857	*22*	*2*	*2*	*3*	*29*
1858	*7*	*7*	*0*	*6*	*20*
1859	*6*	*7*	*7*	*14*	*34*
1860	*10*	*7*	*2*	*5*	*24*
1861	*14*	*4*	*3*	*12*	*33*
Total	*59*	*27*	*14*	*40*	*140*
% overall total	*42*	*19*	*10*	*29*	*100*

Source: *Parliamentary Papers,* 1864 (9) Game Returns, pp.388–90

The local press provides a number of insights. The majority of poachers went out with nets and dogs (and maybe ferrets) in search of ground (rather than winged) game.[68] Poaching gangs were rare, though there was a major affray near Castle Hill in the autumn of 1850.[69] Poachers generally came from within (or close to) the district, though some came from Sheffield, and several were repeat offenders. Scattered

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evidence suggests that some poaching was done for commercial reasons. As with stolen woollens and worsteds, there were occasional prosecutions of beerhouse keepers for selling on stolen goods.[70] Police involvement was rare, certainly before the 1862 Poaching Act, which gave police the power of search of men and carts on the highway. As the poaching bill passed through parliament, several chief constables wrote to the Home Office, making clear their opposition to the direct involvement in the preservation of game, which they feared would add to the unpopularity of the police. There is little evidence of police-led actions against poachers in Upper Agbrigg. As a consequence of this police reluctance much depended on the determination of gamekeepers to take action.[71] Two men stand out in Upper Agbrigg: Abner Hill and Samuel Newsome.

Abner Hill, known locally as 'the Admiral', was a determined figure with a reputation for his physical strength and courage. For two decades, from the early 1850s to the early 1870s, he appeared regularly in court as he sought to protect the land of S W Haigh Esq., of Colne-bridge at Bradley Woods, on the edge of Huddersfield, from poachers from the town and nearby Brighouse. In the 1850s Hill worked with a number of under-keepers (as many as seven, according to one report) in a series of carefully organised ploys to capture those responsible for the 'frequent recent depredations'.[72] Most incidents took place during the day, but there were a number of night-poaching cases brought to court'.[73] Such was the frequency of his appearances that one magistrate (somewhat tongue in cheek) asked two poachers to 'let poor Abner have a bit of rest, for you lead him a weary life'.[74] 'Poor Abner' found the energy to pursue poachers for another decade. There were obvious dangers. He was assaulted on a number of occasions and threatened with a gun at least once but appeared undeterred, even though he received little help from the police.[75] Hill's career as a keeper was straightforward. Consistently over the years he pursued poachers. Samuel Newsome was an altogether different man – a poacher who turned gamekeeper before reverting to a life as a poacher. Having been prosecuted several times for poaching in Lepton Woods in the 1850s, he appeared in court in September 1859 giving evidence against a local poacher.[76] Variously described as a 'watcher' and 'under-keeper', over the course of the next eighteen months he gained a reputation as a 'vigilant gamekeeper' in Lepton Woods, an area he knew well.[77] His employment with Major Beaumont came to an end in the summer

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of 1861 and he reverted to 'his inveterate poaching habits'. Newsome was one of the first people in the district to be prosecuted under the new game law and by 1863 was seen as 'a confirmed poacher and vagabond'.[78] Newsome was an unusual figure but his career – on both sides of the divide – highlights the largely self-contained world of the poacher/gamekeeper into which the police rarely intruded.

Popular Leisure

There was one area in which the police played a very active role. Plebeian leisure – in its various guises – was seen to be problematic with a widespread belief that 'the devil makes work for idle hands'. Public houses and, even more so, beerhouses were obvious sites of immorality and criminality. Heaton's attempts to enforce the licensing laws, including the curtailment of gambling, have already been discussed in some detail. This section will focus on a number of other leisure-related problems and the success with which the police dealt with them.

Heaton's obituarist made great play of his success in prosecuting those involved in blood sports. He 'took great pains to follow the cockfighters … to various parts of the petty sessional division and other divisions in the riding, as well as to places beyond the Yorkshire borders'.[79] Although cockfighting had been made illegal in 1835 it remained a popular blood sport across many parts of the country, not least the West Riding.[80] Support cut across class lines and police attitudes also varied from place to place. Woolnough's recent study of blood sports in Cumbria shows how, in an area where cockfighting retained its popularity throughout the nineteenth century, the magistrates at quarter session, chief constables and members of watch committees showed little interest in suppressing it.[81] In contrast, the magistrates in Upper Agbrigg made clear their detestation of 'the degrading spectacle … [and] barbarous sport of cockfighting'.[82] However, many weavers, especially around Kirkburton and Holmfirth, were noted for being 'fond of visiting local cockpits' and the police view was that cockfighting was 'greatly on the increase' in the mid-1850s and remained popular well into the late-nineteenth century. It was not just local weavers who frequented the cockpits. Local gentleman patronised the 'sport' and, perhaps more importantly, men came from other parts of the riding and from other counties to bet on the fights. Improvements in transportation, especially rail transport,

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made it much easier for organisers to bring people together. Trains from Manchester, Sheffield, Leeds and Hull, for example, could drop passengers at Holmfirth or Marsden stations, where they were met by carts and gigs to be taken to the chosen fight venue. Given the nature of the terrain in these locations, this was a major logistical problem for the police.

In the late-1840s and early 1850s cockfights took place close to Huddersfield – in Dalton, Farnley Tyas and, above all, on Castle Hill. The latter was an ideal site, within walking distance of the town station, and easy to set watches to give warning of approaching police.[83] By the late-1850s the local press was lavish in its praise of Heaton's success in driving cockfighting increasingly into the remoter areas in the moors and thinly-populated districts on the borders with Lancashire and Cheshire.[84] One such thinly-populated place was Upper Maythorn. The police handling of the fight gives an indication of the difficulties they faced and their determination to overcome them. Acting on a tip-off, Heaton 'started for the scene on which the brutal sport was to take place, about 2 a.m. on Monday morning' accompanied by two other officers. To avoid detection, the three men hid themselves – to the surprise of a sow – in a pigsty, where they remained for almost three hours. The cockfighters began to assemble around 6 a.m. and such was the cold tried to find shelter in the sty but were prevented by parochial constable Earnshaw firmly grasping the door handle. Contenting themselves with making comments on the pig, they were soon joined by others, including 'two gentlemen … in a gig' who oversaw the clipping and spurring of the cocks ready for the fight. At about 8 a.m. the fight commenced, at which point 'the officers left their concealment, jumped into the ring and each secured a prisoner'. Having identified several members of the crowd, a total of twenty-five men were subsequently arrested, brought to trial and fined for their part in the illegal cockfight.[85]

This was a considerable success for Heaton and the two parochial constables who accompanied him, but it is easy to exaggerate the extent of police success. In 1857 Heaton and his men were unable to prevent a cockfight at Brockholes, where a crowd of about 200 people had gathered.[86] The *Leeds Mercury* felt that such fights 'were becoming of late of frequent occurrence'.[87] The following year saw an incident take place that clearly highlighted the limitations of police power. Heaton, once again, had received information of a

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cockfight to take place on Castle Hill. With five other officers, he set off and enjoyed initial success. The cockfighters, estimated to be at least 200 strong, were unable to set the ring but, determined that the fight should take place, retreated a mile or so to Farnley Hey, where a second attempt was made and thwarted by the police. Retreating further down the Honley road the cockfighters, now 300 to 400 in number, succeeded in setting a ring at Sandbeds, Nettleton. The police were kept at bay by continual fusillades of stones while the fight took place. The only success for the police was the identification and subsequent arrest and trial of twenty participants.[88] It is impossible to establish the full extent of cockfighting in the 1850s but the local press carried reports of incidents, not just in noted 'cocking' districts such as Holmfirth and Kirkburton, but also in Almondbury, Kirkheaton, Marsden, Meltham and even Honley. Further, well-attended fights were reported throughout the 1860s. In May 1868, for example, crowds of 200 or more were reported at Farnley Tyas and Kirkheaton. At the latter, the police dispersed the original crowd, only for the fight to be resumed not far away in the village.[89] There was one further problem for the police, namely the interpretation of the law regarding cruelty to animals, under which many prosecutions were brought. A judicial ruling that cockfighting *per se* was not illegal greatly hampered the work of the police.[90] Thus, Heaton's success was qualified both in terms of the size and location of cockfights and this gave rise to criticism. The *Chronicle*, incandescent at the 'diabolical practice of cockfighting' felt that matters had got worse rather than better since the creation of the county force.[91] What the paper failed to appreciate was that police vigilance was insufficient to eradicate 'barbarous' recreations, as long as popular support for them continued. Popular support gradually waned and newer, alternative forms of popular leisure emerged. Thus, cock fighting declined from within, rather than being suppressed from without.

The same was true of dogfighting, though the demise of this 'disgraceful pastime' may have come somewhat earlier. Dogfights were not the monopoly of the countryside. Fights took place in the beerhouses (and even the cellars of houses) in Castlegate in the 1850s.[92] Further, many of the fights that took place in Lindley or on Castle Hill were between dogs bred and trained in the town. Once again, the local press praised the work of Heaton and the parochial constables with whom he worked. 'Through the instrumentality of

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our active county police superintendent, Mr Heaton,' the *Chronicle* told its readers, 'several convictions have been obtained against parties arranging and indulging in these brutalizing and disgusting exhibitions'.[93] His determination (and indeed courage) is beyond doubt. At one dogfight, scheduled for 5 a.m. on Castle Hill, the participants had 'sentinels stationed on the hill … [so he] took a circuitous route but followed the direction indicated by the hooting and raving of a large number of excited voices [amongst a crowd of some 100] … [he] stealthily peeped over the embankment … after taking off his hat'. The sentry raised the cry: "There's Tommy Yeaton" and Heaton 'made a gallant sortie into the midst of the routed and flying "fancy" more certainly to mark his men'.[94] Amazingly, Heaton was eventually able to arrest thirteen men, including the notorious local criminal, 'Slasher' Wilson but the extent of his success is revealed in an unusual piece of evidence. Six months after the trial of the Castle Hill dogfighters, Heaton received a letter, informing him that

> [w]e had some fine sport on Monday at a place near Peniston, for £25 a side. The dogs fought for 3 hours and 20 minutes. We was short of you as referree [*sic*]. We was 3 verry particular friends short; that is you, Slasher and Broadbent. (signed) 'One fond of the game'.[95]

As with cockfighting, gambling was an important part of the dogfighting scene and dogfights attracted large crowds from outside the district. The scale of these events can be seen from one that also took place in 1855. Advertised as a Yorkshire v Lancashire clash, the fight had been arranged to take place near Marsden. Local supporters came from Huddersfield but also men from Sheffield, Oldham and Stalybridge. A crowd estimated at 500 gathered less than 400 yards from turnpike road behind *Shepherd's Boy Inn*, 'near the Spa', Marsden. There ensued a pitched battle as Heaton with 'several constables … [with] previous instructions what to do' charged into the crowd. Eventually forty-two men were charged under the Cruelty to Animals Act.[96] The number of reported cases fell off in the 1860s but dogfighting was not eradicated.[97] However, in comparison with the Sheffield/Rotherham district (and even Barnsley) dogfighting was a rarer occurrence in Upper Agbrigg in the 1860s.

Although not illegal, prize fighting was increasingly condemned by respectable opinion. The police were used to prevent fights but,

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unlike in Cumbria, popular support ensured that it survived. Most fights were relatively small-scale affairs, though some attracted crowds of 100 or more. Most participants were local – Squire Sutcliffe of Deighton was a local fight celebrity – but bigger fights, involving men from outside the region, attracted larger crowds. When George Potts of Sheffield fought James Larvin of Dewsbury in February 1868 near Holmfirth, the crowd was estimated to be over 1,000.[98] Most (recorded) fights took place in remoter parts of the district, around Scammonden and outside Holmfirth and Marsden, but Castle Hill, for all its proximity to Huddersfield, remained a popular venue.[99] Although prize fighting was condemned for its brutality and associated gambling, police activity was largely directed at preventing, or at least disrupting fights and prosecutions for obstructing the highway or public disorder. The problems facing the police were considerable. The patrons of prize fights were well-organised and wily. Even when the police received evidence of a planned fight, there was no guarantee that it was not a false trail. Heaton clearly spent time planning his operations, which were resource-intensive, but it is difficult to see clear evidence of success. In April 1866 he appeared to have thwarted a fight scheduled to take place on Castle Hill, when he prevented a 'mill', even though some of his men had been lured downhill to Hall Bower. The spectators 'wended their way to Castlegate with the men in blue in the rear'.[100] Not for the first time the fight was rescheduled and not for the first time Heaton obtained intelligence that the chosen location was just outside Marsden. Taking advantage of the local train, he and his men set out confident of success. Unfortunately, it was false information and, as Heaton set off on a wild-goose chase up into the Pennines, some 200 people gathered on the edge of town at Fixby to watch the fight.[101] This was a particularly humiliating defeat for the local police, but not every venture ended in failure. The local press carried positive stories of fights thwarted, for example at Honley (October 1862), Scammonden (June 1864) and Marsden Moor (8 June 1867).[102] However, at the same time, there were more reports of fights taking place at a variety of local venues including not only Scammonden and Marsden – both remote locations – but also at Honley and on Castle Hill.[103] The Castle Hill fight of August 1863 was particularly galling for the local police. The fight between two well-known local pugilists – Smith and Mills – for a stake of £25 was scheduled for an early morning start but the police were

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initially able to thwart it. Their success was illusory. Within minutes (at 4.25 a.m. to be precise) the first of fourteen rounds commenced. Some forty to fifty 'roughs' in attendance provided a guard and 'the police much to their chagrin found that they had been completely baulked'.[104] To add insult to injury, Heaton's attempt to have the men charged with a breach of the peace failed. Amid allegations of perjury, several witnesses, including the landlord of the *Castle Hill Hotel*, near which the fight took place, strongly denied that there had been a fight. All he had seen was two men 'quavering their neives' [shaking their fists] at each other![105]

Police intervention, unsurprisingly, was unpopular but the extent of hostility in Upper Agbrigg was probably less than in the southern parts of the West Riding, where large-scale assaults on the police occurred, particularly around Barnsley and Sheffield.[106] The one exception was the affray at Dunford Bridge, outside Holmfirth, in 1868 that followed a fight, for a £25 stake, between two well-known pugilists, Potts and Larvin. The police were well organised, sending several officers under Inspector Nunn to lie in wait overnight and to liaise with men from the Cheshire and Derbyshire forces. The crowd, estimated at 1,000, at first fled towards the Cheshire/Derbyshire border but when they found other police present, they turned on the West Yorkshire contingent in 'a desperate affray' which saw 'volleys of stones and other missiles showered upon the constables who had to beat a retreat'.[107] Inspector Nunn received 'a severe scalp wound' but worst injured was Sergeant Turner who had 'two or three ribs broken and now lies in a dangerous state'.[108] Some arrests were made but the fight, which lasted for forty-one rounds and took over an hour, was staged at an alternative venue. Once again, the determination of magistrates and police is evident but so too is their limited success in the face of popular support for traditional pastimes.

Other forms of popular leisure also presented problems to the police. The mid-nineteenth century saw the increased commercialization of older forms and the emergence of new. Foot-racing was not new. Aristocrats in the eighteenth century wagered large sums on the sporting prowess of their men as well as sponsoring local events in a sense of *noblesse oblige*. The practice continued into the nineteenth century. In 1852, to celebrate Sir J W Ramsden Esq., attaining his majority, the family sponsored a series of prize races, including foot races, a sack race and a blindfold wheelbarrow race,

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'in the Fields below Longley Hall'.[109] There were also more plebeian street races, including racing in clogs as well as 'novelty' events involving picking up eggs or stones during the course of a race, and even walking backwards.[110] Many of the races took place on the open roads. For the magistrates and police this posed a threefold problem. First, there was the shocking immorality of 'nude racing,' that is men in shorts and vests; second, there was the attendant gambling; and third, there was the obstruction to the highway. John Smith, a local miner, was arrested by Superintendent Heaton for running on the turnpike road between Birchincliffe and Lindley 'in the open day, in a state of nudity, to the disgust and annoyance of several passengers of both sexes'.[111] John Sykes, the local road inspector, charged two boys with obstruction as they raced on the turnpike road between Lockwood and Meltham, while Heaton and the Longwood constable (Taylor) charged five men with gambling on a foot race. One of the local magistrates, B N R Battye, made clear 'the determination of the Bench to put down such 'gambling and racing' in the district.[112]

While several of these events were little more than interpersonal challenges, there was a growing commercialisation of foot-racing. There was clear potential. A race on the turnpike between Marsden and Slaithwaite attracted a crowd of several hundred but also caught the attention of the police, who arrested eight men.[113] Entrepreneurs of leisure provided facilities, including refreshments, so that crowds could watch local and national professional athletes compete. Nowhere was this more apparent than in Honley where, to the disgust of the *Chronicle*, '[r]acing seems the only thing for which the working classes of Honley pay attention to, and to indulge in which they never seem fast for money'.[114] The potential was considerable. In May 1853 there assembled 'a great concourse of persons' despite 'Mr. Abbey, the surveyor, offering a £2 reward for the prosecution of races on the turnpike road'.[115] Seizing on the opportunity, a 440-yard circular race track was built behind the *George and Dragon*. In September 1862, on 'the most exciting day ever remembered in the annals of the Honley race course', almost 4,000 people paid 3*d* (1p) each to watch the local favourite, Boothroyd, race against 'Nerry of Manchester'. Even local events attracted crowds of around 2,000.[116] And Honley was not alone. A race ground was attached to the *Warren House Inn* on Lindley Moor while the Windsor Grounds at Blackmoorfoot had been built by the landlord of the *Star Inn*, Slaithwaite. Once again, most events were

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between locals and before moderately sized crowds but celebrities also appeared. In April 1862 the 'renowned Native American, Deerfoot', took part in a six-mile race at Lindley for a prize of £50. 'Some thousands of people assembled to watch the race on the race ground adjoining the *Warren House Inn*.'[117]

'Race running mania' was soon perceived as a major problem, exercising a 'demoralising influence … [that] counteracted the labour of the Sunday School teacher and of the Mechanics' Institutions'.[118] The race grounds, especially the one at Honley, became 'the centre of attraction to all the loose characters in the county … [creating] an intolerable nuisance'.[119] According to the *Chronicle*, 'young men and even families [were] ruined by a species of reckless gambling to which this racing gives rise to'.[120] To make matters worse, there was corruption in the form of race-fixing: 'Tom Firth, a Honley man, managed to lose by a dozen yards, amid the most terrific shouting by the Holmfirth party'.[121] Firth, an able athlete, was a notorious figure who did 'more to bring racing into disrepute' through race-fixing. Further, his blatant cheating also gave rise to a number of vicious fights between those who had gained from his dishonesty and those who had been cheated.[122] These incidents undoubtedly created problems for the local constables. In Honley in late 1862, with memories of the anti-police riot in the village still very fresh, this was a serious matter. However, there was a wider animosity towards the police for interfering in what were perceived to be as legitimate leisure activities. As early as 1852 'A Worker' had written to the editor of the *Chronicle* asking 'when did pedestrianism become criminal?'.[123] The letter continued with another rhetorical question – 'Is a foot-race with men immoral, or degrading or debasing? – on which it based a stout defence of this popular plebeian sport.

New sports also presented similar problems. Pigeon-racing attracted crowds of several hundred on footpaths and the highways. There were prosecutions for obstruction in Almondbury, Kirkburton, Lindley, Lockwood, Meltham, Marsh and Moldgreen.[124] Middle-class opinion was appalled by the 'intolerable nuisance' created by men 'going about the village [Marsden] howling worse than a tribe of wild Indians'.[125] The Reverend Robert Bruce preached a sermon in Huddersfield condemning 'the lower classes who delight in pigeon-flying, dogfighting and pitch and toss', deeming that such 'cruel and barbarous amusements … may do for Spanish ladies but not for English men'.[126] More moderate voices welcomed the work

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of the new police but it did not escape the notice of senior police officers that a number of their men had been assaulted as they sought to move on crowds of pigeon racers.[127]

Cockfights and pigeon races were public and often large-scale events but perhaps most police time was devoted to the more unspectacular but ubiquitous issue of gambling. Gambling in beerhouses and gaming houses was undoubtedly a problem for the police in town and countryside – and one not effectively addressed by mid-nineteenth century legislation – but gambling took place in a wide variety of locations and took many different forms. Across the district mainly young men, and most commonly on a Sunday, met together to gamble – on the roadside, in fields, in stone quarries and at the local feasts – and week after week the local magistrates heard cases of men playing pitch and toss, dominoes and the like. In the eyes of both police and magistrates, gambling was the route to a life of crime but for all their efforts the 'crusade' against gambling enjoyed little success. It is not clear whether the incidence of gambling increased during the period or whether tolerance decreased but there was growing criticism of the police for failing to deal with the problem. An irate 'Ratepayer' complained to the *Chronicle* about 'the gangs of rough men and lads, swearing and shouting as they pass through the villages on their way to Castle Hill, where they resort for gambling purposes'.[128] Although critical of police failures, the correspondent unwittingly highlighted some of the difficulties they faced. This was 'a regularly organised system … [that included] scouts posted at the most prominent points of the hill in order to give the alarm should a policeman be seen approaching'.[129] Heaton was not a man to give in easily but in October 1866 he drew the attention of the magistrates to 'the great evil attendant on Sunday gambling' and conceded that 'cases were becoming so numerous and gambling so extensive' that 'the police found themselves inadequate to its repression'.[130] Here was the rub. Gambling was immensely popular with many working-class men. They did not see it as 'a great social evil' but rather as an opportunity for excitement with the hope of making some money. As the more perceptive critics began to grasp, many working men, being 'cooped up in mills and workshops during the week days … are prone to indulge in pastimes and games which are improper for the Sabbath'.[131] This posed real dilemmas for the police. Under pressure to stamp out gambling and other leisure activities deemed to be inappropriate and criminal, (by many in the upper echelons

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of society, at least) and subscribing to these views, the police found themselves in an unwinnable position. They lacked the resources to eradicate practices which had considerable popular support, but also their very actions – doomed though they were to failure – added to police unpopularity, precisely because of the legitimacy that such sports and pastimes had in the eyes of many working-class people.

Conclusion

This chapter has considered in detail a wide range of activities which were deemed to be illegal, at least by law-enforcers in the country. Some general points need to be made. At a time when the mid-Victorians were creating a cultural idyll of the English countryside –exemplified by the clear sense of *gemeinschaft* in John Frederick Herring's 1857 painting *Harvest* – rural districts were sites of social tension and criminal behaviour. Although the contrast between urban and rural crime has often been overstated by historians, there were certain crimes which, if not uniquely rural, had particular resonance in the countryside. Embezzlement, specifically offences against the Worsted Acts, was a common problem across the West Riding. The importance of the woollen and worsted industries – in both old and new forms – in Upper Agbrigg ensured that it was a source of tension that could add to the unpopularity of the police as they helped enforce laws that were seen to favour employers. Similarly, poaching, even when the poacher was more commonly an industrial worker, was a fraught arena into which the police were very reluctant to enter. Reluctance to become involved was also characteristic of the police approach to vagrancy. In contrast, the members of the WRCC in Upper Agbrigg took a more positive approach in their dealing with popular leisure. This cannot be explained simply in terms of pressure from magistrates and 'respectable' middle-class opinion-formers. Senior police figures, notably Superintendent Heaton, were convinced that there was an intimate (and causal) link between gambling, popular recreations and crime. Yet this approach was doubly problematic. First, attempts to curb, let alone eradicate, many popular leisure activities were doomed to failure – as Heaton himself recognised, not least with regard to gambling. Second, the interventions into aspects of working-class life which had popular legitimacy increased the unpopularity of the new police at a time when they were seeking to establish themselves and develop an effective but acceptable way of policing. It is to the question of 'policing by consent' that we turn in the final chapter.

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Endnotes

1 Heaton's annual reports were reproduced in *HC*, 26 October 1867 and 16 October 1869.
2 There were some exceptions, such as the practice of 'pitchering', once to be found in many places on the Lancashire/Yorkshire border but largely confined to the Holmfirth district by the mid-nineteenth century. It was described as 'a form of "Lynch Law" practiced upon any unfortunate stranger whose affections may have become centred upon any of the fair daughters of the neighbourhood'. *HEx*, 17 April 1852. Few cases were reported in the local press but in a 'brutal outrage' at Paddock a youth was left for dead following a 'pitchering' attack. *HC*, 23 February 1861.
3 B Godfrey & D J Cox, *Policing the Factory: Theft, Private Policing and the Law in Modern England*, London, Bloomsbury, 2014, p.109.
4 Godfrey and Cox, *Policing the Factory*, pp.109–110.
5 *HC*, 27 July 1850.
6 Figures taken from the annual reports of the Huddersfield & Holmfirth Manufacturers' Protective Association as reproduced in the *Huddersfield Chronicle.*
7 *LM*, 9 June 1849, *HC*, 10 March & 13 October 1855 and 19 January 1861. There were also a small number of cases, often involving beerhouse keepers, for being in possession of embezzled goods. *HC*, 1 March 1851, 18 April 1857 and 19 April 1862.
8 *HC*, 13 March 1852.
9 *LM*, 5 September 1846. See also *HEx*, 13 December 1851 and 12 June 1852.
10 *LM*, 21 June 1851.
11 *B.Obs*, 28 May 1846.
12 *Ibid*.
13 *HC*, 5 October 1850 and *HEx*, 13 March 1852.
14 *LM*, 16 April 1862.
15 *HC*, 1 March 1851.
16 George Littlewood of Castle Hill, a well-known embezzler, was fined £30 in November 1862 for his second offence. Six months later he was fined a further £30. *HC*, 8 November 1862 and 23 May 1863.
17 *LM*, 2 November 1864 and *HC*, 16 June 1855 & 5 November 1864.
18 *HC*, 16 November 1850.
19 *HC*, 8 October 1859.
20 *HC*, 1 March 1851 and 23 October 1852.
21 *HC*, 14 May 1853. The magistrates took 'the opinion of several manufacturers … who stated it was not customary'.
22 *HC*, 6 February 1864. Waite's defence failed as Kaye showed that 'the sheet of woollen waste … was not of the character of sweepings'.
23 The annual reports of the Huddersfield and Holmfirth Association for 1860/1 and 1863/4 baldly record three and two cases not prosecuted at the request of the owners of the embezzled material. *HC*, 3 August 1861 and 3 September 1864.
24 *HC*, 31 March 1860 and 19 January 1861.
25 Godfrey and Cox Figure 7.3, p.159. Perplexingly, when both magistrates were members of the Worsted Committee the figure falls to 73 per cent.

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26 *HC*, 8 April 1865.
27 *HC*, 28 September 1850.
28 *HC*, 1 March 1851.
29 *HC* 15 September 1855.
30 *HC*, 13 September 1851. See also 14 June 1851 for a similar case where expenses only were imposed.
31 *HC*, 4 October 1855. See also 20 March 1858 for a similar case and decision.
32 *HC*, 1 February 1868.
33 *HC*, 6 July 1861. Strangely, the report claimed the magistrates had no choice but imprison her. This was clearly not so.
34 *HC*, 3 September 1862.
35 *HC*, 22 November 1856.
36 *HC*, 14 April 1866.
37 *HC*, 19 January 1861.
38 *HC*, 22 March 1862, 3 January 1863 & 12 May 1866 for examples of magisterial criticisms of Kaye.
39 *HC*, 30 March 1861.
40 *HC*, 12 May 1866. See also 19 April 1862.
41 *HC*, 1 January 1853.
42 *HC*, 16 November 1850 Roberts lost a high-profile case in which five men, all from Honley Mill, were prosecuted for large-scale theft of waste. He was more successful in 1864 when he was able to argue that the alleged crime fell outside the purview of the acts. *HC*, 9 April 1864.
43 *HC*, 30 March 1861.
44 *HC*, 30 October 1861.
45 *HC*, 19 January 1861.
46 According to the annual reports of The Huddersfield and Holmfirth Manufacturers' Protective Association 228 cases were brought to court, of which 122 have been traced in the local press. The whole of the discrepancy is due to the under-reporting of cases in the years 1850–4.
47 See for example, *B. Obs*, 11 October 1855, *HC*, 19 April and 14 June 1856. Only two cases involving alleged stolen woollen waste have been found after 1857. *HC*, 10 August 1861 and 14 December 1867.
48 *HC*, 16 October 1852.
49 Quoted in C Emsley, *The Great British Bobby*, London, Quercus, 2009, p.77
50 Quoted in M J Weiner, *Reconstructing the Criminal*, Cambridge University Press, 1990, p.150.
51 *HC*, 18 January 1851.
52 *Ibid*.
53 *HC*, 13 February 1858.
54 *HC*, 23 May 1863.
55 *HC*, 24 November 1866.
56 *HC*, 12 April and 22 November 1862. See also 17 September and 3 December 1864 and 4 March and 1 April 1865 for similar references to 'professional cadger' and 'professional beggar'.
57 *HC*, 15 February 1851.
58 *HC*, 19 January 1861.
59 *HC*, 19 July 1851.

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60 *HEx*, 17 October 1857.
61 *HC*, 14 February 1857.
62 *HC*, 23 June 1860.
63 The figures for tramps and vagrants in the Judicial Statistics should not be taken as an accurate measure but in conjunction with the figures for summary prosecution they do provide an insight into the priority accorded to the perceived problem in the two counties. In 1867 the number of tramps and vagrants in Lancashire was given as 1,096 but in the West Riding the figure was 1,343.
64 A policy similar to that adopted in Lancashire was followed in Cumberland and Westmorland, particularly after the appointment of chief constable John Dunne. G Woolnough, 'Policing Vagrancy in South Westmorland in the Nineteenth Century', unpublished M.A. dissertation, University of Lancaster, 2008.
65 *Parliamentary Papers*, 1872, x, *Select Committee on Game Laws, Statutory Provision for Preservation of Game*, pp.444–51.
66 H Hopkins, *The Long Affray: The Poaching Wars in Britain*, London, Macmillan, 1986, J E Archer, 'Sheep Rustling in Yorkshire in the Age of the Industrial and Agricultural Revolutions', *Northern History*, 1984, pp.127–145 and *"By A Flash and a Scare": Arson, Animal Maiming and Poaching in East Anglia, 1815–1870*, Oxford, Oxford University Press, 1990 and H Osborne and M Winstanley, 'Rural and Urban Poaching in Victorian England', *Rural History,* 17 (2), 2006, pp.187–212.
67 *Parliamentary Papers*, 1864, xxx, *Game Law Returns.*
68 *HC*, 30 November 1850, 4 January 1851, 15 May & 3 July 1852, 17 June & 4 November 1854, 29 September 1859, 25 July 1855, 16 April & 21 May, 25 June, and 13 August 1859, 31 October12 April, 6 September, 18 October, 8 & 15 November 1862, 27 June & 4 July 1863; 30 April, 9 July, 24 September & 12 November 1864, 21 January and 11 February 1865, 1 December 1866 & 31 August 1867.
69 *HC*, 14 September, 19 & 26 October 1850. See also six men arrested for poaching at Gledholt, *HC*, 15 November 1856.
70 *HC*, 2 December 1856, 21 August 1858, 19 April 1862 & 30 June 1866.
71 Only twelve cases of direct police action have been traced in the local press.
72 *HC*, 27 May 1854.
73 *HC*, 20 May, 24 June and 30 December 1854.
74 *HC*, 3 October 1857.
75 *HC*, 23 July 1853, 27 March 1854, 7 November 1863.
76 *HC*, 2 January 1858 and 26 March 1859 for prosecutions for poaching. He is first noted as a keeper *HC*, 3 September 1859.
77 *HC*, 3 March 1860, 11 August 1860 and 2 February 1861.
78 *HC*, 6 June 1863.
79 *HEx*, 10 April 1883.
80 Cruelty to Animals Act, 1835, 5 & 6 Wm. IV, c.59. See also the 1849 Cruelty to Animals Act, 12 & 13 Vict., c.92.
81 G Woolnough, 'Blood Sports in Victorian Cumbria: Policing Cultural Change', *Journal of Victorian Culture*, 19 (3), 2014, pp. 278–94, esp. p.286.
82 *HC*, 13 & 20 June 1863 and 28 April 1873.

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83 *HC*, 27 April, 1850, 31 July 1852 and 17 June 1854.
84 *HEx*, 19 April 1856.
85 *HC*, 19 April 1856. That was not the end of the morning work. 'There was also a "main" being fought out, at the [nearby] *Flouch Inn* the same morning; Mr Heaton and the other officers proceeded there … The fight was over when the officers arrived – consequently the could do no more than disperse the party.'
86 *HEx*, 18 April 1857. See also *HEx*, 11 April 1857 (Kirkheaton) & *HEx*, 25 April 1857, (Dalton).
87 *HC*, 18 April 1857 and *LM*, 12 May 1857.
88 *HC*, 5 July 1858.
89 *HC*, 23 & 30 May 1868.
90 *HEx*, 6 & 13 June 1863 and *HC*, 13 June 1863.
91 *HC*, 11 April 1857. The paper had hoped the suppression of cockfighting would be 'compensation for the additional rates' to be paid.
92 *HC*, 18 January 1851 and *HEx*, 21 November 1863.
93 *HC*, 14 Sept. 1850.
94 *HC*, 5 May 1855. See also 17 August 1850 for dogfight in which Heaton and Inspector Thomas single-handedly seized the two dog-handlers (and their dogs) at a fight on Lindley Moor.
95 *HC*, 1 Dec. 1855.
96 *HEx*, 15 September 1855 and *HC*, 1 Dec. 1855.
97 *HC*, 27 February and 1 March 1862, 11 & 18 June 1864 20 May 1865, and 23 March 1867 and *HEx*, 21 November 1863 and 18 June 1864.
98 *Sheff.I*, 13 February 1868.
99 *HEx*, 30 January 1858 (Holmfirth), 2 February 1861 (Isle of Sky), 18 January 1864 (Scammonden) and *HC*, 18 June & 8 October 1864 and 3 January 1865.
100 *HC*, 7 April 1866.
101 *Ibid*.
102 *LM*, 28 October 1862, *HEx*, 8 June 1867, *HC*, 8 June 1867.
103 *HC*, 18 June 1864 (Scammonden),3 January & 3 June 1865 & 7 April 1866 (Castle Hill), 8 June 1867 (Marsden), 20 July 1867 & 29 February 1868 (Honley).
104 *HC*, 1 August 1863.
105 *Ibid*.
106 *Sheff.I*, 14 & 28 September 1850, 15 July 1854, 28 September 1861 11 January and 15 November 1864.
107 *HC*, 15 February 1868.
108 *Ibid*.
109 *HC*, 4 September 1852.
110 For example, Joshua Longbottom of Berry Brow wagered & won 50*s* (£2-50) for walking blindfold from Big Valley, Armitage Bridge to the top of Castle Hill in less than 30 minutes. He achieved the feat in 23½ minutes. *HC*, 17 Dec. 1870. Other novelty races included a 100-yard dash outside the *Shoulder of Mutton*, Lockwood, between a man of ten stone and a nineteen-stone rival, carrying a fourteen-stone man on his back. Those betting on the lightweight lost their money. *HC*, 18 August 1868.

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111 *LM*, 22 June 1850. Smith claimed that he was 'very fresh' [drunk] but the magistrates were unimpressed and fined him £2 with 19s (95p) costs.
112 *HC*, 25 May 1850, 25 January & 3 May 1851.
113 *HC*, 25 June 1859.
114 *HC*, 17 Jan. 1863.
115 *HC*, 28 May 1853.See also 13 May 1851.
116 *HC*, 24 September 1864. The 2,000 crowd assembled during Honley Feast and the main race, for £25 a side, was for local men over 300 yards. *HC*, 27 September 1862.
117 *HC*, 19 April 1862.
118 *HC*, 25 January 1862.
119 *HC*, 21 December 1862 and *HEx*, 12 October 1861 for a reports of the 'race-running mania' in Honley that brought hundreds of spectators to the village race course.
120 *HC*, 21 December 1862.
121 *HC*, 21 December 1862.
122 *HC*, 26 April 1862.
123 *HC*, 2September 1852.
124 *HC*, 2 February 1856, 24 January 1857, 2 & 30 June 1860, 5 January 1861, 30 September 1865 and 26 October 1867.
125 *HC*, 10 June 1852. Similar complaints were made in Kirkheaton (19 May 1855), Meltham (16 March 1867) and Almondbury (26 October 1867).
126 *HC*, 10 November 1855.
127 *HC*, 10 November 1860 & 30 September 1865.
128 *HC*, 20 October 1866.
129 *Ibid*.
130 *Ibid* & 23 May 1868.
131 *HEx*, 8 May 1852.