

BURGLARS

&

SHEEPSTEALERS

Crime and Criminals
in a South Yorkshire Village
in the early Nineteenth Century

by

Stephen Cooper

For Izzy and Rosie, again

*Up sluggards, up!
Up! Climb the oak-crowned summit! Hooper Stand
And Keppel's Pillar gaze on Wentworth's halls,
And misty lakes, that brighten and expand
And distant hills, that watch the western strand.*

from The Ranter
by Ebenezer Elliott (1781-1849)

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INTRODUCTION

In 1986, whilst reading *An Old Ecclesfield Diary* in Sheffield City Library, I noticed two short entries relating to crimes which were committed in 1818 and 1822, by men who apparently all came from the same village in South Yorkshire. This was also the village where I live.

I decided that I would see what I could discover about these two crimes, and try to track down the men responsible. I found in each case that there were reports in the local newspapers, not only about the crime, but about the arrests and legal proceedings which followed; and I also found that official records of the trials of those held responsible had survived in the Public Record Office. These records included the original depositions, made by witnesses who were actually present at the scene of each crime. I was fortunate in this, since in many cases the official records of Assize trials contain less information than newspaper reports. I also looked at as many other local sources of information as I could think of.

I was very surprised by the amount of information which was available, once the whereabouts of it had been established, and as a result I have written an account of the two incidents which are alluded to so briefly in the *Ecclesfield Diary* referred to. *Burglars* is the story of the burglary of Cliffe House at Ecclesfield near Sheffield in February 1818, of the six men who were arrested for that crime, and also of their chief victim, the wealthy widow Sarah Booth. *Sheepstealers* tells how a sheep was taken from the Manchester drove, when it halted near a public house on the turnpike road from Rotherham to Wortley in February 1822, and of what happened to the three men who were accused of the theft. Other local historians may be encouraged to find that events which at first seemed very obscure turned out to be comparatively well-documented, once the appropriate searches had been made.

During the course of my inquiries, I discovered that the crimes described in this book were by no means unusual. There was a 'crime wave' which swept across England as a whole in the years after the end of the Napoleonic War. Home Office statistics, first published in 1811, demonstrate that this wave was real, and not just a figment of the imagination of respectable society. In particular, when the prison reformer John Joseph Gurney visited Wakefield in 1818, he noted: 'That the West Riding increasingly abounds in crime a melancholy proof is afforded by the following statement of

Committals to the House of Correction':

Numbers committed:

<u>Year</u>	<u>Males</u>	<u>Females</u>	<u>Total</u>
1810	406	93	499
1811	482	161	643
1812	597	221	818
1813	747	198	945
1814	-	-	-
1815	639	158	797
1816	1847	263	1310 [sic]
1817	1602	278	1880
1818 to Nov.23			1777 ¹

There was no improvement in the situation between 1818 and 1822. In that year the *Sheffield Iris* joined the *Yorkshire Gazette* in complaining that: 'The Assize business of this great county cannot possibly be despatched within the short space of ten or twelve days which is the utmost period now allotted to it'; and an editorial of 9th April 1822 referred in exasperated tones to the fact that:

At this season of the year, when the Gaol-deliveries are going forward throughout the kingdom, one cannot take up a provincial newspaper, without lighting upon reports of trials, convictions, and executions, for every species of offence which society was primarily formed to repress, or human laws to avenge. The heart is sickened at these details of atrocity, and the mind bewildered in contemplating the prevalence of crimes and the impotence of punishments.

¹ Turner pp 150-1

Naturally there was much discussion about the causes of the increase in criminal activity. Then as now, some people looked to economic factors for an explanation, and in particular to the ending in 1815 of a war which had lasted for the best part of twenty years. After Waterloo, the bottom fell out of the armaments market, the price of iron fell from £20 to £8 a ton, and there was a slump in many other industries. Unemployment was increased by the return of thousands of soldiers, and in 1816 there was a disastrous harvest, causing shortages and inflation in the price of basic foodstuffs.

The Governor of the Wakefield House of Correction seemed to have no doubts on the subject. Gurney wrote as follows:

We were informed by the Governor, a man of much observation as well as humanity that the alarming increase of committals which has taken place, within the last two or three years, is accounted for partly by the vast number of discarded soldiers and sailors, persons who often find it extremely difficult to procure any reasonable maintenance in life.

Not everyone would have agreed that all the crimes which were being committed were the product of hardship and the end of the war. 1816 saw popular disturbances - bread riots, rick-burning, and machine-smashing - in many parts of the country. A Yorkshire landowner thought that 'crimes of all descriptions increased fourfold, and the Prisons were crowded to excess', but he pointed to the machinations of "hot-headed Democrats, who began to force their speculations into practice." Earl Fitzwilliam, Lord- Lieutenant of the West Riding, also blamed 'militant tendencies', declaring that a disturbance in Sheffield 'was not the consequence of distress - not the want of employment - not the scarcity or dearness of provisions, but...the offspring of a Revolutionary spirit.'² In 1817, a Committee of the House of Commons reported that

Attempts have been made in various parts of the country, as well as in the metropolis, to take advantage of the distress in which the labouring and manufacturing classes of the community are at present involved, to induce them to look for immediate relief, not only in a reform of Parliament on the plan of universal suffrage and annual election, but in a total overthrow of all existing establishments, and in a division of the landed, and extinction of the funded property of the country.

The radical William Cobbett considered that Yorkshiremen were good material for the revolutionaries to work on, because of the openness of their character.³ (3) 'Rural Rides',

² Essays p 106

³ 'Rural Rides', Everyman's Library, J.M.Dent 1957 vol 2 p 249

Everyman's Library, J.M.Dent 1957 vol 2 p 249

There were other theories too about the crime wave. Commenting on the statistics for the kingdom as a whole, the *Sheffield Iris* for 14th April 1818 deplored the situation, and pointed to the absence of a proper system of 'prison discipline':

The above.....exhibits lamentable evidence of the accelerated progress of crime during the last seven years. Notwithstanding the effect that must necessarily have been produced by the transition from war to peace, and the consequent dismissal of such numbers both from the army and the navy, who, both from their previous habits, and their present necessities, might be expected to rank themselves amongst the fraternity of depredators, yet the appalling increase the above table exhibits points to other causes for the existence of such a state of things, as well as this. To the reflecting mind the general discipline of our prisons naturally occurs, as a necessarily fatal cause of the propagation of crime. The young and old, the giddy and the profligate, the half corrupted and the hardened villains, are huddled together, and by their mutual communication form as it were a hot bed for the rapid propagation of vice.

The editor of the *Iris*, James Montgomery, had in earlier years served two terms of imprisonment in York Castle, for seditious libel. He had described the gaol there as a place:

*Where innocence and guilt together
Roost like two turtles of a feather⁴*

So the author of the editorial quoted perhaps knew what he was talking about, when he deplored the lack of 'a system of classification by which the minor and less depraved delinquents may be carefully prohibited from all intercourse with the incorrigible offender'.

Others blamed the high rate of crime on 'The Want of a Public Prosecutor for the Crown' - that is, on the fact that criminal proceedings had to be brought by the victim, who had in the main to bear the costs involved, and were consequently often deterred. A typically English solution to this problem was to set up a club, or 'Association for the Prosecution of Felons' and large numbers of these were founded in the late eighteenth and early nineteenth centuries. One such had been formed in Rotherham in 1783, at the end of the American War. A similar Association was founded in Sheffield in 1804. A few years later, in 1829, the gentlemen of Ecclesfield followed suit, establishing a fund to pay rewards for information leading to arrests, and to prosecute anyone who

⁴ 'Prison Amusements', 1796

committed a felony against members of the club.⁵

Unfortunately, the histories of the burglary of Cliffe House in 1818 and of the raid on the Manchester drove in 1822 do not shed much light on this difficult question of the causes of crime.

It is tempting to think that financial hardship may have been an important factor, when one looks at the occupations of some of the men who were arrested for these two crimes. Some of those involved were nailmakers, and at least one was a farm labourer. So far as the village of Thorpe Hesley is concerned, there is reason to believe that both the nailmakers and the 'agriculturists' there may have been subjected to unprecedented economic pressures in the early nineteenth century. Nailmaking was affected by new technology: in particular, the men who made horse-nails were facing fierce competition from machines, which led some of them to play a prominent role in the formation of a Horse-Nail Makers' Union Society in 1822.⁶ On the other hand, the farm labourers had to cope with the dramatic changes brought about by the Kimberworth Enclosure Act of 1796 and the Kimberworth and Wentworth Enclosure Act of 1814. These swept away many local commons, including Thorpe Common itself, and divided up the old open fields, which had existed for centuries. The effects of enclosure are not easy to assess, and were not by any means all adverse, but some people certainly lost out. Arthur Young, though an enthusiastic advocate of change in agrarian matters, had no doubt that 'by nineteen enclosure bills in twenty the poor are injured, in some grossly injure'.

But these are generalisations, about the state of industry and agriculture as a whole. When one looks for hard evidence that any specific individual became involved in the burglary of 1818, or the sheepstealing of 1822, because of financial hardship, it is missing. Partly, this is because most of those who were arrested and charged with these crimes maintained that they were *innocent*, both when they were brought before the magistrates in Sheffield, and when they were later appeared at the Assize Court in York. As a result, the records of their trials inevitably contain no protestations, of the type which can be found in other cases, that the offences were committed because of hunger, or lack of money, or work.

But even where the accused did admit his guilt, there was still no mention of economic distress. When William Hague admitted burgling his namesake 'Cropper' Hague's house in 1818 (having opened the door with a 'picklock'), he said that he did it '*...for the purpose of getting his money*' - nothing more and nothing less. As for the Cliffe House burglary, the fact is that Hague and his companions disguised themselves, carried firearms, and may have doped the guard-dog. All this seems to indicate a

⁵ Cockburn p 43; Hey, Ecclesfield p 72

⁶ Hey, Ecclesfield pp 59, 119

certain degree of planning and professionalism, which argue against poverty as a convincing explanation for the crime. We will also see that when George Hague the sheepstealer turned King's Evidence in 1822, he did not plead poverty - he could hardly do that, when his father owned a coalmine - but rather said that he had kept bad company, and had been tempted into wrongdoing by his so-called friends. He said: *'...they were comrades of mine, and led me into it.'*

Note on currency: Prior to the introduction of decimal currency in 1971, there were twelve pence in a shilling, and twenty shillings to the pound; and the symbols for pounds, shillings, and pence were £ s d.

Stephen Cooper
Thorpe Hesley, 1990, 2012

PART ONE

BURGLARS, 1818

*George James of Thorp and others his Fellow Partners sent to York Castle Charged
with Being Concerned in Robbing Mrs Sarah Booth House called Cliff House near
Ecclesfield. April 15 1818*

from An Old Ecclesfield Diary

THE CHARACTERS

Sam ('the Refiner') Evans of Elsecar, steelworker (?) and suspected accomplice

William Hague of Thorpe Hesley, nailmaker and burglar

Ann Hague, his wife

George James of Thorpe Hesley, nailmaker (?) and suspected burglar

John Mitchell of Greasborough, collier and burglar

John Philips of Greasborough, collier and suspected burglar

George Smith of Elsecar, suspected burglar

Thomas Smith of Elsecar, suspected burglar

George Steer of Thornwell Hill, collier and suspected burglar

Sarah Booth of Cliffe House, near Ecclesfield, victim, and widow of William Booth of Brush House, ironmaster

Hannah Copley, maidservant of Sarah Booth

Sarah Yeardley, maidservant of Sarah Booth

The Reverend William Alderson, rector of Aston and magistrate

The Reverend Stuart Corbett, D.D., curate of Wortley and magistrate

The Reverend John Lowe, rector of Tankersley, curate of Wentworth, domestic chaplain to Earl Fitzwilliam and magistrate

Hugh Parker esquire of Woodthorpe, senior Sheffield magistrate

I THE BURGLARY

On the night of 22nd February 1818, at about 1 a.m., six men from villages to the north of Sheffield and Rotherham committed a terrifying burglary. Four of them broke into Cliffe House, near Ecclesfield, the home of the widow Sarah Booth, and carried out a robbery, while the other two villains remained outside the house, and acted as lookouts. At first, the thieves tried to get into the house by using a ladder, taken from a neighbouring farm, but this proved too short to reach the upstairs windows, so they abandoned the ladder, smashed their way into the drawing-room instead, and then made their way upstairs. They had their faces blackened, or covered with black cloths, and they were armed with loaded pistols and a bludgeon. During the course of the robbery they awoke the owner of the house and her two maid-servants, terrorised them all, assaulted both maids when they got in the way, and attempted to murder one of them when she tried to resist. The maids managed to rouse the man-servant, and he came running, armed with a blunderbuss; but it was too late by then, for the gang had made its escape, getting away with two pocket books (containing banknotes of various denominations), one silver thimble, two chains, a pair of spectacles, and - most valuable of all - a gold watch, which had been unceremoniously wrenched from its place next to Sarah Booth's bed.

Immediately after the burglary, the criminals made their way to Wentworth Park, which was some three or four miles distant from the scene of the crime. This Park belonged to the Lord-Lieutenant of the West Riding of Yorkshire, Earl Fitzwilliam. Fitzwilliam was enormously rich. His mansion, Wentworth Woodhouse, was one of the largest in England, with a frontage measuring 600 feet. The Wentworth estate comprised some 14,000 acres; and this was by no means his only estate: he had 3,000 acres at Malton in the North Riding, he owned the borough of Higham Ferrers in Northamptonshire, and there was the small matter of 66,000 acres in County Wicklow in Ireland. His income from agricultural land, woods, mines, and quarries was considerable; but then there was the coal: output on the Earl's estates increased tenfold between 1799 and 1823, from about 12,500 tons to some 122,000 tons. Fitzwilliam

himself calculated in 1827 that the total income from all his estates was £115,000!⁷

It therefore comes as no surprise to learn that Wentworth Park, like everything else which Fitzwilliam owned, was on a grand scale. It took in over 1500 acres, it was over nine miles in circumference, and although it was protected by a stone wall with gatehouses, it was impossible to deny access to the determined trespasser. In 1787 Earl Fitzwilliam had declared himself in favour of vigorous action to protect his property and 'deter the Neighbourhood from coming into the gardens'. This was a Canute-like endeavour: in 1810, one of the Earl's own employees, Smithson the blacksmith at Lawwood colliery, was committed to the Wakefield House of Correction for stealing wheat and flour stored in Wentworth Park, and he must have been only one of many who breached its defences.⁸

So now there was nothing to stop the gang which had burgled Cliffe House from climbing the wall of the Park at some unguarded spot and making their way to the appointed rendezvous, which was a barn inside the perimeter. It was about three o'clock when they met there, and fell to discussing what had occurred at Sarah Booth's.

One member of the gang was worried about what had happened, not because he had a guilty conscience, but because he thought that he had been recognised by one of the maids. As he explained anxiously to his fellows:

She would not have known me had it not been for the mask falling from my face.

The division of the spoils was the real purpose of this meeting, however. Clearly, there *is* no honour among thieves and the question of what should be done with the motley collection of items which they had come away with proved to be a vexed one. One of the burglars was anxious that there should be no misunderstanding on one point: he had recently stolen some property in Kimberworth and he did not want anyone claiming a share of the loot which he had obtained on that occasion. The others readily agreed with that proposition; but the distribution of the proceeds of the Cliffe House burglary, particularly the single gold watch taken from Sarah Booth's bedside, proved a much more difficult problem. One of the burglars was in favour of selling the watch. Another thought that to do so would surely lead to detection and arrest. A third member of the gang suggested that, rather than take any risks, they should break the watch 'in bits'; and a fourth proposed that they hide it in the barn for the time being (presumably until the heat was off) and then sell it. Before the problem was finally resolved, one of those present noticed that they were not alone. There was a woman hiding in the hay-loft above, who had evidently overheard the entire conversation!

⁷ Smith pp 28-33

⁸ Mee p 162

The eavesdropper was Mary Ann Keyworth, who came from Rotherham. What *she* was doing in the barn in Wentworth Park that night is far from clear, but she did admit later that she had been there with a man and another woman. Indeed it would seem that the woman, Sarah Oxley, was still in the hay-loft when the burglars arrived; but her presence, unlike Mary's, was not detected.

Mary Ann Keyworth was a married woman. For her to be in a hay-loft, in winter, in the middle of the night, with a man who was not her husband, and another woman, certainly suggests that she was up to no good; and in fact, Mary was something of an outlaw herself, having perpetrated a number of frauds in Rotherham earlier in February 1818, for which she had not yet been apprehended. It is possible that her reason for being in Wentworth Park was that she was on the run and having to sleep rough, with whatever companions she might chance to find.

One of the burglars asked Mary what she was doing in the barn. She replied, that she might very well ask him the same question. The burglar did not like her tone, and began to handle her roughly; but Mary knew very well that she was in a strong position. She told her assailant to leave her alone, or she would tell what she had seen and heard. She said:

If you don't take care, I'll let the cat out of the poke.

For the time being, though, Mary Ann Keyworth agreed to keep quiet; and the robbers split up soon afterwards and made their separate ways home in the dark, three going down Wentworth Park and then climbing up again to Thorpe Hesley, two slinking off in the opposite direction towards Greasborough, and one going home to Elsecar.

The burglary of Cliffe House was sufficiently unusual, or sufficiently daring, as to demand particular attention from the local press, especially since a reward was offered by Sarah Booth for information which might lead to the arrest of the culprits. There were at that time two local newspapers in Sheffield, the *Sheffield Iris*, founded by the radical poet James Montgomery in 1794, but by now liberal-conservative in its politics, and the staunchly Tory *Sheffield Mercury*, founded in 1807. Both gave ample coverage to the crime. In the pages of these two newspapers the entire course of the Cliffe House burglary and its aftermath can be traced.

The *Iris* reported the news of the burglary on Tuesday, 3rd March 1818:

We have to report one of the most daring burglaries ever committed in this neighbourhood. On Monday morning last, about one o'clock, Cliff-house, near this town, the residence of Mrs Booth, was besieged by a gang of six desperate ruffians, armed with pistols, and their faces blacked or otherwise disguised. The robbers were provided with a ladder, but it not reaching so high as the

first floor, an entrance was forced at one of the parlour windows, the sash-frame and shutter being crushed in, apparently by two violent strokes. Four of the villains immediately proceeded up stairs, while the other two remained outside; this part of the business was performed with so much expedition that the door of Mrs Booth's sleeping chamber was broken open before that lady awoke, and she only discovered her danger on finding herself raised up in bed, a pistol presented at each ear, and the four men demanding her money. Her first utterance, on recovering her speech was an exclamation for mercy; but the villains rudely swore at her, saying they did not come to hear her pray, they wanted her money. They were directed to two pocket-books, containing some country bank-notes, which they secured, together with a gold watch and some other articles. By this time, the two servant maids, alarmed at the noise, had the courage to get out of bed and descend the stair-case, with a determination to defend themselves, and the property of their mistress, but the poor females were soon subdued by numbers, and were held down by two of the robbers, while the others ransacked the house. During this scuffle, the servant man, whose room was locked on the outside, as was usual, made his escape out of the window to give the alarm, but before he returned with assistance the villains got clear off. A large reward is offered for their detection. One of the females, we understand, was much bruised.

The piece in the *Mercury* was virtually identical to this, except that it added further details to the account of the fight put up by Sarah Booth's maids. The narrative reflected the prejudices of the age, and may well annoy feminists of the late twentieth century:

One of them seized a loaded blunderbuss which hung up in the kitchen, with an intention to fire at the robbers, whom they met at the foot of the stairs; but the flint dropped out of the lock, and the blunderbuss was taken from her; they then armed themselves with the firepoker and tongs, displaying a resolution rarely surpassed by their sex, and again placed themselves in contact with the thieves, when a scuffle ensued. One of the gang snapped a pistol at the maids, and in return the fellow was instantly knocked down by one of them; but the poor females were ultimately subdued by numbers...

The burglars had not resolved the problem of what to do with Sarah Booth's gold watch on the night of the burglary, their discussion on the subject having been interrupted when they spotted Mary Ann Keyworth in the hay-loft in Wentworth Park. One of them had kept the watch that night, but the others were still arguing about how they could get a fair share of it several weeks later. Indeed, it would not be an exaggeration to say that it was the burglars' total failure to reach any agreement about Mrs Booth's watch which was ultimately the cause of their downfall.

Three of the thieves met for a drink in a public house in Thorpe Hesley some time around the beginning of April 1818. The subject of the gold watch came up again,

the conversation became heated, and the three men made the mistake of talking too loudly. They were overheard by one or more public-spirited denizens of the pub who, having perhaps heard or read about the events at Cliffe House, put two and two together and lost no time in sending for a constable. In fact two constables arrived from Sheffield, and in good time. They arrested the three alehouse conspirators that very same day; and as a result, two more suspects were apprehended the day after. This exciting news featured in the columns of the *Sheffield Mercury* on Saturday 4th April and in the *Sheffield Iris* three days later. The report was the same in each case:

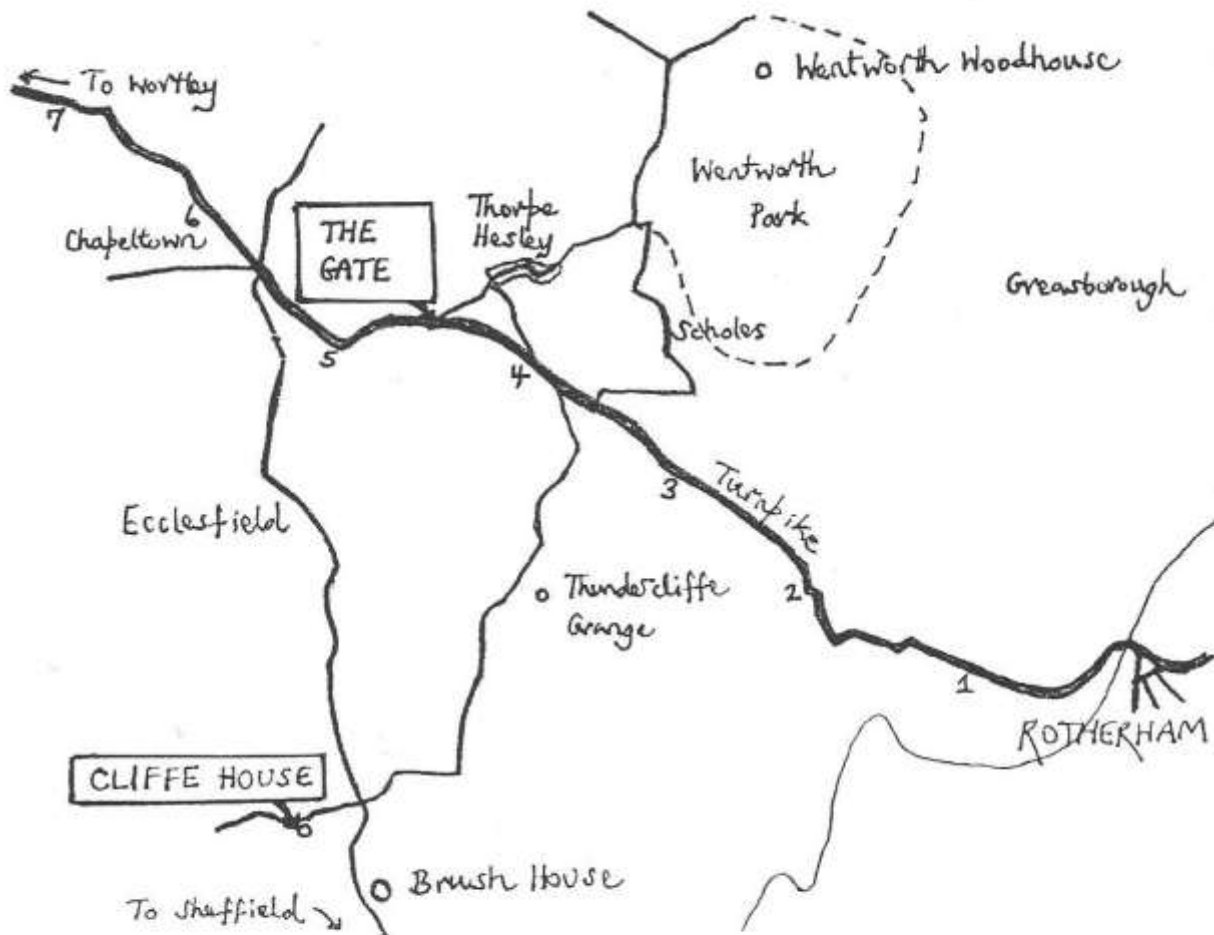
We are enabled to state that five men are in confinement, in our gaol, on strong suspicion of being concerned in the atrocious burglary at Cliffe House, which we lately recorded. The men are labourers: three of them come from the neighbourhood of Thorpe, and two from Greasbrook. Their names are, George James, George Steer, George Smith, John Phillips, William Hague. The following were the circumstances which led to their apprehension - Three of the men were drinking in a public house at Thorpe, and were overheard disputing about a watch; one was heard to threaten the man who held the watch, that he would inform against him if he refused his claim upon a share in it. A messenger was instantly sent off to this place for the necessary assistance, and Mr Smith and Mr Waterfall, constables, went and took them into custody. The two others were apprehended the following day, in consequence of the clue thus obtained.

The statement that all five men who were arrested were labourers was incorrect; Greasbrook was a mis-spelling of Greasborough; and Constable Waterfall's surname may have been Waterford - which goes to show that one should not believe everything one reads in the newspapers - but in the main there is no reason to doubt that this is an accurate report of the circumstances in which five of the six desperadoes responsible for the burglary of Cliffe House were arrested.

Who were these five men? William Hague lived in Thorpe Hesley, with his wife. He was a young nailmaker, in his early twenties. He was a little over five feet eight inches tall, with a ruddy pock-marked face, sandy hair and grey eyes. George Steer was a neighbour of Hague's, who lived at Thornwell Hill, a hamlet in the fields just north of Thorpe, next to the public well. He was a collier, and some thirty years of age. George James also lived in the village of Thorpe and was probably a nailmaker, like William Hague. He too was a young man, in his late twenties. John Philips was another collier, who came from Greasborough. He was an older man, aged fifty. Of George Smith, we know next to nothing, except that he was later released by the magistrates, for lack of evidence.⁹

⁹ The public well at Thornwell Hill is referred to in the Wentworth Enclosure Award of 1821: SCL, NBC 62. A man by the name of George James, who was a nailmaker, took an apprentice on 9th January 1815:

The arrest of five suspects left one of the original six burglars still on the run: this was John Mitchell of Greasborough. He was the man who feared that he had been recognised during the course of the burglary. Mitchell was a coal miner, aged thirty-one. He was five feet six, with a ruddy complexion, light brown hair, and hazel eyes. He did not enjoy his freedom for very much longer, for he too was arrested shortly afterwards; and his worst fears were soon confirmed.



The scene of the crime(s)

Wentworth Ecclesiastical Records, P55/6/B2/51; and a George James 'nailer of Thorpe' is referred to (as a father) in the Wentworth baptism register for 1814 and 1816. The physical descriptions of Hague and Mitchell appear in the Convict Indents for New South Wales: Archives Office of N.S.W., Fiche 642, Bound Indents, 1818-1819, 4/4006, John Barry.

II THE INVESTIGATION

The authorities started the process of questioning the six men who were now in custody. At first they got no co-operation, so they questioned William Hague's wife, Ann, and from her they obtained all the information they could have wished for. The original statement, or deposition, which she made on 7th April 1818 to the Reverend John Lowe, who was a magistrate for Sheffield as well as perpetual curate of Wentworth, has survived in full. Why Ann Hague should inform on her husband so comprehensively, especially when she was carrying his child at the time, is not clear, but inform she did:¹⁰

Hague her husband hath told her that George Steer, George James, John Philips, a man named Mitchell of Greasbrough, another man named Smith of Elsecar and himself (Hague) went together to Mrs Booth's House on the night that it was robbed: that George Steer and George James remained at the outside while the other four entered the House: that she hath also heard her Husband say that his share of what they got amounted to something better than one Guinea but not quite two.....

The Reverend magistrate was particularly concerned to discover the whereabouts of Mrs Booth's gold watch, if he could. Ann Hague was asked about this, and replied:

that the last time she heard him her husband say any thing about the Watch he said that George Steer had it.

And, for good measure, Ann Hague added:

that she hath heard George James speak of going to Mrs Booth's House and that he spoke of it in the same manner as her Husband.

William Hague was also interrogated by the Reverend Lowe, on the same day as his wife, 7th April 1818. He made no admission about the Cliffe House burglary; but he

¹⁰ William and Ann Hague's daughter Sarah was baptised on 16th August 1818: Wentworth Parish Registers. For the Reverend John Lowe see Sheepstealers II below.

did confess to another crime which he had committed in the meantime - the burglary of a house belonging to a man called Cropper Hague, in Greasborough.

Cropper Hague was a 'banksman' - a person employed on the surface of a mine, who was responsible for receiving the raw material as it came up out of the pit, for stacking it, and ensuring that each miner was paid the correct amount, according to the quantity which he had 'got'. The banksman's was an important job, at a time when piece-work was the normal system of payment, and Cropper Hague would be likely, by the very nature of his employment, to have appreciable amounts of cash in his possession.¹¹

Whether William Hague was in any way related to his victim, Cropper, it is not possible to say: Hague was a very common surname in the area, and we shall see later that there was a whole tribe of Hagues who worked in Earl Fitzwilliam's pits in South Yorkshire in the late eighteenth and early nineteenth centuries.

William Hague's deposition before the Reverend Lowe reads as follows:

About three weeks ago he with Thomas (sic) Mitchel George James and John Philips agreed in a Close near Greasbrough to go to the House of Cropper Hague a Banksman who lives in Greasbrough for the purpose of getting his Money. Examinant Hague & James went to an Alehouse in Greasbrough Kept by one Agus(?) and had some ale when Cropper Hague and his wife came in and had some ale, soon after that Examinant and James went out and he the Examinant and Mitchel went to Cropper Hague's House and by a Picklock got in at the Door and went upstairs and opened a Box and found in it six Bills in all about eighteen Pounds and some odd shillings, there was more money in the Box which they left. The Money they brought away was divided between them the Examinant Mitchel James and Philips. Examinant got about five Pounds for his share & James the same, the other two about four Pounds apiece.

This was all very interesting; but it was the burglary at Cliffe House which the interrogator wanted to hear about, not that at Cropper Hague's. Hague was therefore examined again, later the same day, by Squire Hugh Parker of Woodthorpe, who had been a magistrate since 1799, and was now the senior figure on the Sheffield bench. Hague's examination took place in the presence of one of the men who had arrested him, William Waterford, the Constable for Castle Street. But still Hague was admitting nothing concerning the burglary at Ecclesfield.

When Constables Waterford and Smith had made the arrest of the men now in custody, they had got possession of one of the guns which had been used in the robbery, and this had been retained by Constable Smith. Suspicion thereby fell on the

¹¹ For banksmen see Mee pp 97 and 167.

owner of that firearm, Samuel Evans of Elsecar, who went by the curious nickname of Sam 'the Refiner' (doubtless because he was employed in some capacity or other in the business of converting iron into steel); but Sam the Refiner was a lucky man, for there is no record of his ever having been arrested.¹²

On 14th and 15th April three Sheffield Magistrates, Hugh Parker, the Reverend Doctor Stuart Corbett of Wortley and the Reverend William Alderson of Aston, sitting in the new Town Hall in Castle Street, took evidence from the owner of Cliffe House, Mrs Sarah Booth, and from her maids, Sarah Yeardley and Hannah Copley; and they also questioned the prisoners John Philips and George Steer about their part in the crime. The full horror of what had happened in Ecclesfield, that night in February 1818, was now revealed.

Sarah Yeardley was the first to give evidence. She was clearly a woman of spirit and her deposition gives the most detailed, as well as the most graphic, account of the frightful experiences she and her companion had undergone:

On the night of the twenty second or the Morning of the twenty third day of February last past, she believes about one o' clock of the morning of the twenty third - the family were all in bed, and had been for about two hours, and been asleep.....she was awakened by a noise of footsteps and voices of persons talking together as they ascended the stairs - The door of the sleeping room of herself and her fellow servant (Hannah Copley) who was in bed with her, was wide open - on being alarmed the Informant Sarah rose up in bed - and at the same instant two men entered their room with their faces blacked or covered with black cloths and one of them had a lighted candle in his hand - the man with the candle in his hand went towards some drawers, and tried them, and the other man went to the bed side, and had something in his hand like a pistol - He said to the Informant and her fellow servant

'Lie down; lie down, and make no alarm, or I will blow your brains out; it is your Mistress we want, and not you - if you lie still we will not hurt you'

Both these men then left the servants room, and the Informant began to rap for the man servant, and then two other men entered the room - one with his face blacked, and the other with a piece of black cloth over his forehead and over his chin - it was quite moonlight - those latter men said

¹² 'Refiner' - Baines's Directory of 1822 listed three firms of 'Steel Converters and Refiners' in Rotherham. One Sam Evans appears in the Wentworth Baptism Register both as a refiner (1816) and as a forgerman (1818).

'Where is your Mistress?'

And Hannah Copley, who was overhead in the bedclothes answered

'On there'

The men left the room - and then the Informant again rapped for the Man and the first two men returned into the room, and one of them went close to the bed side and said

'What is that noise about? If you dont lie still I will blow your brains out'

They again left the room, and the Informant rapped again, and the Men entered the Room a third time, but did not say anything - The Informant got out of bed, with an intent to go down stairs, she saw a man on the Chamber door stead and she got into bed again - soon afterwards she got out of bed again and went down stairs and was followed by Copley her fellow servant, who was knocked down by one of the Men on the landing of the stairs and her head cut - The informant went to try a door that led to the servant man's bedroom but found it locked, and knowing that the Key was in her Mistress's room she went upstairs to fetch it and on her way up three men, one having a dark Lanthorn, met her upon the stairs - they said nothing to her, or her to them, and she went into her Mistress room, and found a man in there in a pladdy dress - the man said

'What now?'

and pushed the Informant & and she pushed him again - he was putting something in his pocket at the time which rattled like a Watch chain - the man went to the top of stairs and the Informant passed him there again - nothing then passed between them - the Informant then went down stairs again to unlock the door leading to the man's room, and whilst she was unlocking the door the man with the black cloth over his forehead and over his chin went to her with a lanthorn in his hand and something she took for a pistol, and said

'What now? Be quiet or I will blow your brains out'

And the Informant said

'Do if you dare'

and struck him on the face.

The man then presented the pistol towards her, and something fell from it upon the floor - he snapped the pistol at her but there was no fire - a flint was afterwards found upon

the stairs, and the man stooped and gathered from the floor what fell from the pistol - and whilst he was stooping - the Informant says she struck at him again with her fist and hit the lanthorn and cut her hand - the man then kicked her violently with his foot - at this time the man in the pladdy dress the Informant had seen in her mistress room appeared and said

'Let us have no fighting this morning, I have got what I want'

and both went away.

As an afterthought, Sarah Yeardley added:

when she left her bed room and was going down stairs she heard Mrs Booth say

'Lord have mercy upon me what is the matter?'

And a mans voice answered

'Your money or I will blow your Brains out.' "

The magistrates asked Sarah whether the house had been made secure on the night of the robbery. She said that

On the morning of the 22nd day of February last, she in the course of her Duty as servant to Mrs Booth closed and fastened the windows and shutters of the low rooms of Cliffe House, the residence of her Mistress. This was done just before she carried the Candle to her Mistress room - Early in the morning of the 23rd of the same month of February she discovered that men were in her Mistress's House, and found on their leaving the House that the window of the drawing room had been driven in with great force and broken all to pieces and what the joiners call the sash gut and the Glass was all broken and shivered and an Iron cross bar was broken - and she is quite certain that that window was secured the night before.

The six prisoners were then brought forward, and Sarah Yeardley was confronted with them, and asked if she could identify anyone. It must have been an unpleasant experience for her to be brought face to face with these men, and to re-live the events of that winter's night, which she recalled so vividly.

John Mitchell of Greasborough had been dreading this moment too. His worst fears were now realised, for Sarah Yeardley is recorded as informing the magistrates:

She is sure that Mitchell is one of the persons who was in her Mistress House. - That he is the man who had his forehead and chin only covered with something black, and one of the two men

who entered the servant girls room - That he is the man who prevented her from unlocking the passage door when she had fetched the key from her Mistress room for the purpose of unlocking the passage door leading to the servant man's room - when she was in the act of attempting to unlock the door, he knocked a key out of her hand and said

'What are you about? I will blow your Brains out'

and the Informant said

'Do if you dare'

and struck the man on the face - the middle part of his face was plain to be seen and he had what is called a dark lanthorn in his hand, his forehead and chin being still covered with the black - That Mitchell then snapped the pistol but it did not fire, and something fell upon the floor and rattled like Iron - Mitchell stooped to gather what fell from the floor and whilst he was stooping she struck at him with her fist and he guarded the blow with the lanthorn which hurt her Hand - That he afterwards kicked her until the man in the pladdy or check dress came down stairs and said he would have no fighting he had got what he wanted and then they left the House.

After giving this damning evidence against John Mitchell, Sarah Yeardley was asked about the other men in custody; but she could not identify anyone else and, in particular, she could not be sure about Philips:

On being questioned as to her knowledge of Philips she says that he in person and as to form and substance is like the man who wore the pladdy or check dress - but his face was entirely covered and he feigned his voice.

Hannah Copley was a maidservant of Sarah Booth's at Cliffe House, and Sarah Yeardley's companion. She had no difficulty either in remembering what had happened:

She recollects the house of her Mrs - Mrs Booth, called Cliff House being broken open on the night of the 22nd of February last - The family had been in bed about two hours, when they were alarmed by a noise upon the stairs - and Informant said to her fellow Servant

'Ah Sarah what shall we do?'

Two men entered the room, and said

'Lie still, it is not you we want, we want your Mistress, and if you don't lie still, we will blow your Brains out.'

These men left the room, and Sarah began to rap against the wall to alarm the Servant man, and two men entered again, and asked where the mistress slept or something like that but the Informant was much terrified, and had covered herself overhead, and she does not well recollect what was said in answer - afterwards both herself and Sarah rapped again against the wall to alarm the Servant man, and two men again entered the room and threatened to blow their brains out - soon afterwards Sarah Yeardley went down, and the Informant in following her was knocked down on the stair case, and her head was cut - when the Informant got down stairs she found that a window had been forced in and shivered to pieces, and she made her escape out at that window - and as soon as she got out, a man presented something to her, and said

'Go back or I'll blow your brains out'

Like Sarah, Hannah Copley was asked whether she could identify any of the prisoners; but she had to say that she could not, and for very good reason:

The Informant was so terrified, that she cannot describe the man nor can she say whether it was a gun that he presented, but he did present something - she then ran towards the gates, and another man, with a mask on his face, and a bludgeon in his hand, he laid hold of her, but did not speak - but the Informant screamed out and the Man who had first threatened her outside kept saying -

'I'll blow your brains out if you dont go back'

The Informant then returned into the House thro the Window, and the men all left the House by coming out of the window just as she was about to enter the House, and Sarah and the Servant Man with a blunderbuss were then coming at the window, in order to pursue the Thieves.

The owner of Cliffe House, widow Booth herself, completed the chilling account which had been given by her two brave maids. She told the magistrates that:

On the evening of the 22nd day of February last she went to bed about eleven o'clock, and that her House was Burglariously entered on that night or on the following morning by breaking in and demolishing the drawing room window - about one o'clock on the following morning or thereabouts she found herself awaked by a man with his face blacked, in a disguised plaid dress, in a leaning posture over the bed, a light in one hand and a pistol in the other - The Informant exclaimed

'Lord have mercy upon me what is the matter ?'

The man said

'Your money directly or I'll blow out your Brains'

and put the pistol to the side of the Informant's head - the Informant desired that might be taken away, and told the man what she had was in two pocket Books in her pocket - almost immediately afterwards, she found a pressure on her arm, and she heard her Watch torn from the bed head where it was suspended by a ribbon, and at that moment another pistol, or something like a pistol was presented to her Cheek, and a voice said

'Another word and you are dead'

from that moment she lost all recollection for a time, and until her servant Sarah Yeardley went to her bed room and enquired whether she was safe...

Mrs Booth's deposition goes on to say that:

The man, or men, who were there took the gold watch of the Complainant and two Steel Chains two pocket Books, one of them containing two five Guinea Notes, one Note for £1/11s/6d - and two Notes for £1 each, a pair of Spectacles, a Silver Thimble & other Articles

Lastly, Sarah Booth also had to undergo the daunting experience of being confronted with the suspects, though, as we shall see, she was not a woman to be easily intimidated. Confronted with the prisoners, and asked if she could identify anyone, she could say only:

That John Philips now in custody for the Burglary and Felony very much resembles the Man, who leaned over the bed and demanded her money, the figure of the man is very like, she observed that the man had a full Chest, but his face being blacked, and being disguised in his dress, she cannot say more as to his Identity.

John Philips of Greasborough was in fact the next person to be interrogated by the Sheffield magistrates. He protested his innocence, and even claimed that he had an alibi:

Being charged with a Felony and Burglary committed in the Dwellinghouse of Mrs Booth at Cliffe House in Ecclesfield on the morning of the 23rd day of February last says that he has applied to his Master to say whether he was at work in the pit on the night of the 22nd February but the Master says he does not put such things down - That he knows William Hague, George James, George Steer, John Mitchell, Thomas Smith and Samuel Evans, commonly called Sam Refiner, the persons charged with him in the above Felony and Burglary - he did not see them or any of them on the night of the 22nd February last except Mitchell, whom he might see, being a neighbour - And that he does not know where Mrs Booth's House is situate, He is sure he never was there.

The suspect George Steer likewise maintained that he was entirely innocent: *says that he knows William Hague who is his neighbour, he also knows George James, he knows Philips but it is 14 years since he saw Mitchell - he knows Thomas Smith and Samuel the Refiner - The Examinant says he thinks he did not see any of the parties on the night of the 22nd of February last and farther says he is innocent of the charge - That he knows something of a gun belonging to Samuel Evans, but he had no gun on the night of the 22nd of February - and a gun now produced by Mr Smith Constable, he says he never saw before.*

Neither George James, nor John Mitchell, said anything at all.

Having listened to the sworn testimony of the witnesses, and having examined the accused over a period of two days, the three magistrates decided first of all to release the prisoner George Smith. There was no evidence against him. No-one had identified him, or even named him as one of the six burglars. Ann Hague had simply said that her husband had spoken of the involvement of a man called Smith - a common enough name after all! - while John Philips and George Steer had merely said that they knew a man called Thomas Smith. Consequently, the magistrates let George Smith go, whilst telling the constables to be on the lookout for his namesake, Thomas Smith of Elsecar.

Against Steer, James, Mitchell, and Philips there clearly was evidence, and, since there was no question of granting bail, the magistrates committed these four to the Castle gaol in York, to stand their trial at the Assizes to be held there in the summer. They were escorted to the ancient City by two constables, William Waterford (whom we have already met) and one Flathers (who may have been the constable for Church Street in Sheffield). The journey they made proved an interesting one, for on the way one of the four prisoners, John Mitchell, was foolish enough to fall for an old trick, which the constables decided to play on him.

The evidence in the case of John Mitchell was not strong. Sarah Yeardley had picked him out, but neither Hannah Copley nor Mrs Booth had done so. Even then,

Sarah's identification was open to challenge - she said that Mitchell had his forehead and chin covered, though she claimed that the rest of his face was plainly visible. And Mitchell had certainly not made any admissions. Constable Flathers decided to see if he could improve on this evidence.

There was no rule then that a constable had to caution a prisoner that he need not say anything, and that whatever he did say would be taken down, and used in evidence, and no rule requiring that a contemporaneous note of any interview should be made: the wily constable was therefore free to ask whatever he liked. So Flathers asked Mitchell, in all innocence, as they rode along, why he hadn't covered his face completely during the robbery, as the others had done, pointing out that if he had done, he would not have been recognised by one of the maids.

John Philips heard this question, and interjected:

'It was a damned lie of the girl; it was so dark she could not know him.'

Mitchell, angry at the thought that he had been identified, blurted out the reply which the constable must have hoped he would give:

'No, she could not know me.'

Both Constable Flathers and Constable Waterford may have smiled to themselves, as they made a mental note of this exchange, which they would put to good use later on.

William Hague was not committed to York Castle, along with the others. Instead, he was confined at Wakefield. The reason for this was that he had experienced a change of heart. Having initially told the magistrates only of the robbery at Cropper Hague's house in Greasborough, he had eventually indicated that he would own up to the more serious burglary at Cliffe House. No doubt he hoped for a pardon, if he 'turned King's evidence', and informed on his accomplices in this way; but his betrayal of them meant that he would be in physical danger, from revenge attacks, if he were incarcerated in the same place as his fellow partners in crime. So, instead of committing Hague to stand his trial, the justices sent him, for the time being at least, to the Wakefield House of Correction. He probably had to walk there in a chain-gang. The Reverend Alfred Gatty, who was vicar of Ecclesfield between 1839 and 1903 recorded, in *A Life At One Living*, that in his younger days he had

seen the chained prisoners pass along Ecclesfield Common on their way to Wakefield House of Correction, after receiving sentence from the magistrates at Sheffield, with a cart in front to bear any weakly ones who fainted by the way.

There is no reason to suppose that prisoners who had not yet been convicted of any crime were treated any differently.

These events were widely talked about in the communities to the north of Sheffield. News of them certainly reached the ears of one inhabitant of Ecclesfield, who was always interested in crimes committed in the vicinity of his village and who now made the following entries in his diary:

George James of Thorp and others his Fellow Partners sent to York Castle Charged with Being Conserved in Robbing Mrs Sarah Booth House called Cliff House Near Ecclesfield. April 15th.

Wm. Hague of Thorpe committed to Wakefield House of Crection [sic] April 15. Charged with Being Conserved Robbing Mrs Booth Cliff house near Ecclesfield.¹³

The proceedings at the Town Hall in Sheffield, when the burglars were committed for trial at York, also attracted the attention of the reporter whose account subsequently appeared in both the local newspapers, though he misheard or mis-spelt the name of the village from which the majority of the prisoners came. The following short piece appeared both in the *Mercury* on 18th April, and in the *Iris* on the 21st:

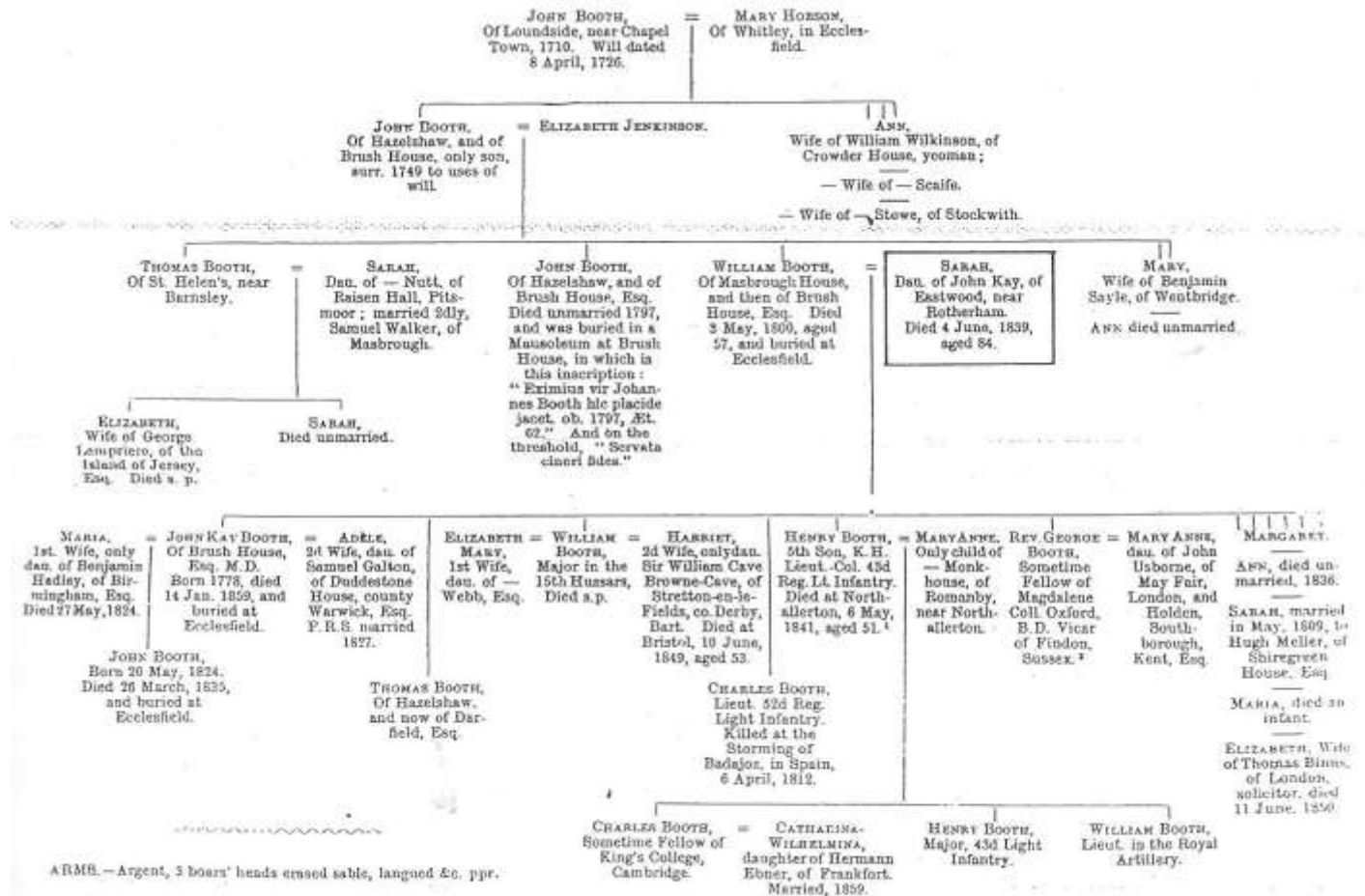
George James and George Steer, from Thorpe Esling, and John Phillips and John Mitchel, from Greasborough, have been fully committed, since our last to York Castle, to take their trial at the next Assizes, for the robbery of Cliffe House. William Hague, of Thorpe Esling, an accomplice, who has turned evidence for the crown, is now in confinement at Wakefield. George Smith, who was also apprehended on suspicion, is discharged.

On 27th April 1818, William Hague was brought back to Sheffield for further questioning, and (as he had promised that he would) he now confessed to the Cliffe House burglary. There is no surviving record of exactly what he told the authorities; but it is clear that he not only gave a full account of his own part in the affair, but also named the five men who had accompanied him on the expedition. He named James, Steer, Philips, Mitchell, and Thomas Smith of Elsecar, the last being still at large. In addition, he named Sam Evans, the Refiner, who had supplied one of the guns, and

¹³ The absence of the possessive case in the Old Ecclesfield Diary - "Mrs Sarah Booth house" - was typical of local speech at the time: see Winder's introduction to that Diary. The identity of the Ecclesfield diarist is not certain. It is possible that a man called Hartley wrote the earlier part of the diary, and that Septimus Lister wrote the later: Hey, Ecclesfield p 27(n).

gave details of the stolen property which the burglars had got away with. He also went into great detail about the means employed by the gang to conceal their identities, and even told the authorities that the firearms which they had been carrying had been loaded - clearly an aggravating feature of the crime.

Hague's confession added to the weight of evidence against the four men held in custody at York; but it should be remembered that the testimony of an accomplice against his co-accused is treated with caution by the courts, and needs to be corroborated. This meant that, even now, the case for the prosecution was far from watertight.



[from Eastwood, 1862]

III THE VICTIM

One reason the burglary at Cliffe House attracted particular attention in the parish of Ecclesfield and in the Sheffield press was that the chief victim, Sarah Booth, was a prominent figure in local society: she had been one of the 'Booths of Brush House'. She was also a well-known 'character', famous for her fiery temperament. This can be illustrated by two stories which were told about her by members of her family, in later years:

A man named Geesy Ellis called at Cliffe House and desired to see her. On going into the kitchen to see him, he retained his hat on his head, which she quickly knocked off, and told him to call again, when he had learned his manners.

On the late vicar of Ecclesfield Mr Ryder asking her if she liked his new trousers, a pair of grey ones, she replied 'The Lord delighteth in no man's legs'. It is said that the Reverend gentleman quickly beat a retreat with the said legs and was highly offended.¹⁴

Sarah Booth was originally a Rotherham girl. Her father, John Kay of Eastwood, came from a family with a long genealogy and was a successful land lawyer and agent. Even as a girl, Sarah was forceful and headstrong; so much so that, according to another story which was current in her family, her father gave her suitor, William Booth, an extraordinary piece of advice when he came to call one day:

When William asked his consent to marry Sarah her father replied that he would be proud to have so good a man as his son-in-law, but that Sarah had a high spirit, and ungovernable temper, and he would do well to select one of his other daughters.

William Booth was a determined and energetic individual however and did not agree to give up his suit. Not only did he go on to marry Sarah in 1775, and subsequently father ten children; but he also rose to become the superintendant of, and a partner in, Walker & Booth, the highly successful steelworks, which was a branch of the Walkers' industrial empire at Rotherham. His achievements were significant and he was held in high esteem, not least by a contributor to the Sheffield *Iris*, who wrote this

¹⁴ William Smith, the son of Thomas Smith, tanner, was born at Cowley Manor in 1761. He became a lawyer and had an office at Ivy House Chapeltown. His son was the founder of Smith, Smith & Fielding, one of the firms which ultimately merged to become Wake Smith & Co, now a leading firm of Sheffield solicitors.

about him:

To his unremitting attention and exertions may be principally attributed the perfection and extent of the STEELWORKS established at Rotherham, which, a long time, have chiefly supplied the town and neighbourhood with the essential article of its manufacture.

William and Sarah Booth lived at Masborough House near Rotherham when they were first married; but in 1797 William's elder brother John died and they moved to the main Booth residence at Brush House, two miles south of Ecclesfield village. From here William could manage not only Walker & Booth, but also the firm of Booth & Co, which his brother had built up and which operated the Park Blast Furnace, the Brightside Forge and Rolling Mill, the Nether Forge, and the Royds Mill and Wheel, works which were all situated at various points on the River Don near Sheffield.¹⁵

Brush House, or 'the Brushes', was the splendid house which John Booth had created and left to his family in the late eighteenth century. A fine mansion had been built, where a plain farmhouse had once stood. Brushes Common had been enclosed and extensive grounds had been laid out. There were pleasure grounds and plantations and by 1821 the estate extended over ninety-two acres. John Booth had been so fond of Brush House and its estate that he was reluctant to leave it when he died and, being something of a philosopher and having quarrelled with the vicar, he arranged for his body to be buried in a mausoleum in the grounds of Brush House, rather than in the churchyard at Ecclesfield. His Mausoleum bore this somewhat immodest inscription :

Eximius vir Johannes Booth hic placide jacet

Ob. 1797 Aet 62

[That excellent man John Booth lies here peacefully.

He died in 1797 at the age of 62]

There was a further motto on the threshold

Servata Cineri Fides

[Faith preserved by the ashes]

A local Methodist minister, the Reverend James Everett, disapproved of the manner in which John Booth was buried, which he clearly regarded as almost pagan, and he

¹⁵ William Booth's father, John (1705-1779) was the main 'nailchapman' for the Spencer Syndicate: THAS vol 10 1971 'The Nailmaking Background of the Walkers and the Booths', by David Hey.

referred to it critically in his *Historical Sketches of Wesleyan Methodism in Sheffield*, published in 1823, though the Mausoleum had in fact been consecrated by no less a Christian dignitary than the Archbishop of York!

There is a legend that John Booth's favourite horse was also buried in his Mausoleum. Ghost stories were subsequently told, in which it was claimed that the old man had been seen, riding around on a white charger near his tomb; and people said that it was best not to spare the horses, when you rode past the haunted place yourself, on the road from Sheffield to Barnsley.

Following his brother's death, William Booth became the head of the family: he and his wife were amongst the leaders of local society. Sarah was 'the illustrious lady who led off at all the Balls in the neighbourhood' and her six sons were all good-looking young men: according to the Reverend Eastwood, writing in 1862, they were 'remarkable for their commanding personal appearances'. Each of them made good - the eldest, John Kay Booth, became a Doctor, Thomas followed his father into the family business, three of them became army officers, and little George developed into a brilliant scholar.

Sarah Booth's luck did not hold. Her husband died in 1800, at the age of fifty-two and, sad to say, her short temper and her meanness alienated her even from her own children.

It is remarkable that all Sarah's sons, except one, took the earliest opportunity to leave home and then wrote letters to each other in which they made no secret of their dislike for mother. For example, in 1804 Charles, as a boy of fifteen, wrote from school to his eldest brother Thomas (the 'stay-at-home'):

Can you give me a little pocket-money? I shall not write to Mrs B. for any. You know I would rather be penniless.

Charles also expressed surprise that his brother Henry should even think of spending his holidays with their mother, at Brush House:

For my part, were she to offer me her whole fortune, I would not countenance her in her cruelties, both former and (I'm afraid) present.

Sarah Booth did not stay at Brush House. Her husband's will gave the Brushes estate, including the mansion, to their eldest son, Dr John Kay Booth, (called 'the Spit' by his younger brothers, because they thought he was shaped like a turnspit). This transfer was due to take place in 1808, when the Doctor attained the age of thirty; but Sarah made arrangements to vacate the premises before then. In 1807 she had a house of her own built, about half a mile away, with a view over Brush House. Some of her

children certainly thought that she had no need to go when she did and that she had the new house built out of spite - presumably to show that she would not live in a place where she was no longer the mistress. They dubbed the new house 'Spite Lodge'.

The building of 'Spite Lodge', or Cliffe House, to give the edifice its proper title, attracted the attention of the vigilant Ecclesfield diarist, whose writings we have already quoted. Pen always at the ready, he noted:

Mrs Sarah Booth Cliffe House Built this Sumer.

Sarah moved to her new home as soon as it was ready. It is noticeable that only one of her children moved there with her. This was her daughter Elizabeth, who was only ten years old, and presumably did not have much choice in the matter. Her brothers felt sorry for their young sister, feeling that Cliffe House was little better than a gaol and repeatedly referred to it by derogatory nicknames. Thus Charles wrote in 1808 that: *Elizabeth is staying with her mother at Pilfer Hall.* Henry wrote in 1808 of *Mrs B. of Spite Hall*; and in 1810, Charles enquired of brother Tom:

Do you see anything of Elizabeth? It would be a great thing for Margaret [another sister] if you could contrive to make Elizabeth leave her prison in Spitfire Hall.

Ten years elapsed between the building of 'Spitfire Hall', alias 'Pilfer Hall' alias 'Spite Lodge' alias Cliffe House, and the burglary which took place there in 1818. For most of that time, Great Britain was at war with Napoleon's France and with the enormous Empire which he had constructed. Three of Sarah Booth's sons, William, Charles, and Henry bought commissions in the Army and fought against the French with Wellington, in numerous battles in Portugal and Spain. All three were with Sir John Moore at Corunna (1809), William was at Vittoria (1813), Charles at Vimeiro (1808) and Talavera (1809), Henry at Vimeiro, Vittoria and Salamanca (1812), while William was also present at the final showdown at Waterloo (1815).

These three young men wrote scores of letters home, both during the Peninsular War and afterwards, and those they sent to their brother Thomas were kept by him and survived. Many of these letters were written when the authors faced the imminent prospect of death in battle. Yet there was no expression in them of love for their mother, whom they invariably referred to as plain *Mrs B.*

Charles Booth, who was Sarah's fourth son, was killed early in 1812 when the 52nd Light Infantry helped to storm the fortress of Badajoz in Spain. He was one of 3500 men who fell during that bloody assault, the casualties being so appalling that even the 'Iron Duke' Wellington wept at the sight. However, victories over Napoleon's forces were rare events in those days, and the news of the capture of Badajoz, which opened

up the road to Madrid, was greeted with widespread rejoicing in England. In Sheffield the victory was celebrated by a mock battle staged at the theatre, and provided the inspiration for a poem by Ebenezer Elliott.¹⁶ Charles's heroism in volunteering for the storming party at Badajoz was commemorated by a fine marble tablet, erected by his brothers in the south choir of Ecclesfield church; but even his tragic death did not heal the rifts in the Booth family, or reconcile the remaining children to their mother. William, stationed in Picardy in France in 1816, could still write to his brother Tom referring to the fact that he hoped to pay for a horse he particularly fancied

by strong Attempts of extracting something in Return for a Shawl at Pilfer Hall.

Clearly the son regarded his mother as a source of ready cash, to be obtained by means of some trifling gift.

We can see now why Cliffe House became the target for burglary in 1818. It was a lonely spot, half a mile from Brush House and an equal distance from Crowder House, the only other gentleman's residence nearby; but at the same time it was conspicuous from the road which led from Sheffield to Barnsley, and it looked larger and more impressive than it actually was. It was inhabited by the widow of an extremely wealthy ironmaster. She was now in her sixties, and lived alone except for her servants; and she was estranged from her family, in particular its menfolk. The burglars must have thought there were rich pickings to be had at 'Spitfire Hall'. There is even a possibility that they had inside information about the place, and believed that what was there could be taken without too much resistance, though they went armed all the same.¹⁷

¹⁶ For the 52nd regiment and the storming of Badajoz, see Bryant pp 18- 26; and for the military history of the Booths see Hunter's Hallamshire, p 452, and Eastwood p 241.

¹⁷ For the fact that Cliffe House was conspicuous from the Barnsley road see SCL A 114, note to letter 143. For the whole of this section, I have relied heavily on Johnson, and the Memoirs.

IV IN GAOL

The four men committed by the Sheffield magistrates for trial at the York Assizes in April 1818, on suspicion of burgling Cliffe House, were held in the County Gaol at York Castle. This was where Yorkshire's murderers and burglars, highwaymen and robbers, horse-thieves and sheepstealers ended up.

Amongst the prisoners in York Castle at this time were the three Farrers, Isaac, Joseph and John. They were members of the notorious Haworth Gang, and had burgled the house of James Heap at Warley Cold Edge, stealing a quantity of wearing apparel and sixteen shillings in silver. James Galloway and David Holt were charged with carrying out a burglary at the house of William Terry in Bowling. John Brook was a shoemaker, who had broken into the shop of John Pape, a draper in Wakefield, and stolen linen- drapery goods there, to the value of almost £300. Thomas Bradley of Burnley in Lancashire was a cotton-weaver, accused of having stolen a bay mare, the property of Richard Fletcher. James Jackson was charged with stealing a black gelding from Catherine Hind of Boroughbridge, and also a black mare from Richard Smith of Aberford. George Groves was charged with burgling the house of Joseph Boaler of Brampton-en-le-Morthen, and stealing a blue coat there. Thomas Beason and Thomas Pearson were said to be guilty of stealing six guinea notes and other articles from a chest in the house of the spinster Sarah Stevenson of Whitby.¹⁸

Conditions at the Castle had been notoriously bad in the eighteenth century: 'gaol fever' had been rife and it is said that "men and women were herded together in cells without light or ventilation with all manner of depravities and brutalities taking place" and even that "periodic flooding from the River Ouse left parts of the gaol under water." By the early nineteenth century there had been some improvement, following the work of penal reformers like John Howard, but imprisonment at York was still an unpleasant experience.¹⁹(13) This was how the gaol appeared to Joseph John Gurney, the brother of the famous Quaker Elizabeth Fry, when he visited it in 1818:

¹⁸ Turner p 143. Sheffield *Iris* no 1625 p 4.

¹⁹ VCH City of York p 526

On your entry into this handsome and extensive building you are introduced to a very spacious courtyard, in which the debtors walk and expose various articles for sale, and into which the public are admitted with little or no reserve. On the right hand as you enter are the court houses; on the left the several buildings in which are imprisoned the misdemeanants and others confined for a limited term, part of the debtors, and the women; in front, the governor's house, apartments over it for most of the debtors and the prison for male felons, both before and after conviction - the tried being kept apart from the untried. There is no inspection from the governor's house over any part of the Castle, except the great court and one of the felons' yards.

The chaplain attends this prison three times in the week to read prayers, and preaches twice. The prisoners are allowed one pound and a half of wheaten bread daily, and one shilling per week; but there is one particular class of them who have one shilling and sixpence per week. From the squalid appearance of some of them, it seemed to us questionable whether the allowance of food was sufficient to maintain them in health; the apothecary of the prison, whom we saw, expressed an opinion that it was not. Firing is now allowed to the prisoners, and soap; but no clothing, except in cases of emergency. Several of them were extremely ill clad; two men without shirts. The felons, whether tried or untried, are heavily ironed.

That part of the prison in which the women are confined is kept in a state of cleanliness and order. The women - of whom one was for trial, and the others convicts, about seven in number - appeared very decent; and some of them were daily employed in washing for the debtors. Their day room does not admit sufficient light, but is otherwise comfortable; so are their sleeping cells, and the bedding quite sufficient. The rest of the prison, except the debtors' rooms, which we did not see, but more especially the felons' day room, appeared to us very far from cleanly. Every yard, however, is supplied with water; the means of warm and cold bathing are provided in the felons' prison; and we were informed that the whole jail is white-washed twice in the year. The men who are sentenced to a temporary confinement are kept apart from the other prisoners, and are employed in making laces, caps, garters, etc., which are sold in the great court. By this means they earn from threepence to sixpence per day, the whole of which they are allowed to take for themselves. The male felons, whether tried or untried are totally without employment. There were at this time about forty of them in the prison. Of these, the greater number were walking up and down a small yard, separated from the great court by a double iron palisade, or grating, the outer being divided from the inner grate measuring 10 feet in breadth. Through this grating they keep up a free and easy communication, not only with the debtors but with the public. At this very time a great number of persons were standing at the outside, holding conversation with the prisoners. Men and women, grown-up persons and children, have an equal access to this scene of depravity and distress. It is evident that so free a communication must give every facility to the introduction of improper articles into the prison, and probably to the pawning of the prisoners' clothes, which we understand to be a prevalent custom here; it must also afford an easy opportunity of corruption to the inhabitants of York and its neighbourhood. The day room for these felons opens into the yard in which they walk, and

measures 24 feet by 15. The turnkey remembers the time when there were eighty felons confined in it. The night cells connected with this part of the prison are ill-ventilated; three or four of them are totally dark, and admit no external air. The prisoners generally sleep two in a bed. Those who are unable to read receive for the most part no instruction whatever. On the whole, although this prison has some excellencies and great capacities, its evils are very conspicuous. They are as follows: Easy access of the debtors and of the public to the felons; insufficient clothing, and scarcely sufficient food; heavy irons; want of cleanliness, want of further classification, want of inspection, want of instruction, want of employment.

Three of the four prisoners accused of the Cliffe House burglary - George James, George Steer and John Mitchell - were therefore lucky, at least in one respect, in that their incarceration only lasted until July, when the Summer Assizes began. At that time there were only two assizes a year and many people were kept in prison for far longer periods of time whilst awaiting their trials, though they had been convicted of no crime.

John Philips of Greasborough was not so fortunate, for he died a month after he had been taken to York. It is ironic to think that it was he who suffered this fate, for Philips was the only one of the accused who had claimed that he had an alibi, though his employer had so far failed to confirm it. In spite of this, he might well have been acquitted had he lived, for the case against him was far from conclusive, despite the efforts of Constable Flathers. That evidence consisted of the statement by Ann Hague that her husband had told her that Philips was involved (hearsay): the statement by William Hague that Philips was a party to the burglary (evidence of an accomplice); the statement by Mrs Booth that he 'very much resembled' the man who had leaned over her bed and demanded her money or her life, (hardly evidence on which one would condemn a man to death); and the rather stupid interjection which Philips had made, when Constable Flathers put his loaded question to John Mitchell, on the road from Sheffield to York. Judging by what happened later at the trial, it is certainly possible that Philips would have walked from the court a free man, if he had survived his time on remand.

As it was John Philips died in the County Gaol, at the age of fifty. He was buried close by, on May 13th 1818, at St Mary's Church Castlegate, where the *York Story* Exhibition may now be seen.²⁰

Meanwhile, William Hague spent three months in the House of Correction at Wakefield, between April and July of 1818. When he was sent there, he joined about 300

²⁰ For the gaol at York Castle see Cooper, *York Castle* pp 237-31; for John Philips's death see the Parish registers of St Mary's Church, Castlegate, York: YASPRS vol 136 (1972). As for the *York Story*, this was written in 1990.

other prisoners. They included both 'Felons' and 'Misdemeanours'. The felons included many who had allegedly stolen goods valued at twelve pence or less, and were therefore charged with *petit larceny*, rather than *grand larceny*. So Hague found himself in the company of shoplifters, pickpockets and pilferers. Amongst these were: George Wilks, aged twenty, accused of stealing two window blinds and one neck handkerchief at Ecclesall and also two pocket handkerchiefs, three muslin caps, four gowns, a petticoat, one pair of stays, and one pair of cotton stockings; James Wragg aged twenty two, charged with stealing one gross of knives, one cutler's vice and two glazers at Sheffield; Jarvis Howson aged eighteen, accused of the theft of 3/4lb of horsehair at Sheffield; John Froggatt, aged thirty one, charged with stealing a saddle and a bridle from Viscount Milton of Wentworth Woodhouse; and William Gould, aged twenty five, suspected of several offences of petty larceny in Sheffield - the theft of one pair of women's shoes, one linen cap and one silk handkerchief from Jonathan Vickers, one pair of women's half-boots, two pairs of stockings and two shirts from William Guest, one man's hat and one oak tea chest from John Matthewman, and three shirts, one linen apron, one waistcoat, one umbrella, three pair of stockings, three gowns and two pairs of handkerchiefs from John Cowen.

Hague's fellow prisoners at Wakefield also included 'misdemeanours' - persons accused of assault, tricksters like Mary Ann Keyworth of Rotherham, men who had disobeyed bastardy orders, persons described by court officials as 'idle and disorderly paupers', swindlers, 'wanderers and beggars', people who slept in the open air, or who simply 'refused to give a satisfactory account of themselves', not forgetting the 'rude' and the 'lewd'.²¹

There is first hand evidence of what life in the gaol at Wakefield was like at this time. In 1817, the authorities appointed a new chaplain for the House of Correction. This was the Reverend Thomas Rogers, of whom an amusing tale was afterwards told:

He found the prison in a deplorable state of moral disorganisation, its inmates under no moral or religious restraint; kept under only by force. On entering the chapel the first Sunday morning, he beheld nearly three hundred prisoners, forty or fifty of whom were in irons. The male prisoners occupied the lower part, in two divisions, felons, and misdemeanours. The women sat in the gallery. Nothing like reverence for the presence of God; nothing like an anxious wish to hear the message of Eternal life; all was restlessness, fierceness and contempt; some whistled; others coughed; and then followed the horror-striking sound of rattling chains. The service ended, Mr R. left the chapel. Scarcely had he had he turned his back when he heard the football strike the ceiling, and a wild uproar followed. He wished the Governor²² good morning, and

²¹ WYAS QS 7/1; QS 4/54. For definitions of offences see Archbold, 1822.

²² The governor, James Shepherd, had also been appointed in 1817, having previously been the 'task-

added

'You will never see me here again, Sir'
to which he replied
'Why not?'
Mr Rogers said
'He had never before such an idea of the infernal regions'.
The Governor answered him
'The prisoners had never behaved so well before....'

Despite this unsettling experience, the new chaplain persevered bravely and his efforts were in due course rewarded:

Besides the Sunday services the Chaplain paid weekly visits to the wards, to the children in the school, and to the sick-hospital. His sermons were short, seldom exceeding twenty minutes; but plain, affectionate and earnest. Fearful of wearying men who seldom heard sermons, he shortened the morning and evening prayers of the church; and presented them in such an order, that no one might be at a loss to find them in the book. Singing was also introduced, which greatly relieved the service. The behaviour of the prisoners in chapel gradually improved. The chapel soon presented a congregation as orderly and well-behaved as any other place of Christian worship.

His weekly visits to the crowded wards soon made him familiar with the characters of the inmates and their peculiar modes of thinking.....They would form a circle round him, and listen to his exposition of the Scriptures, which became the subjects of their conversation when he had retired. A number of Bibles and Testaments was apportioned to the day-rooms, but owing to abuse, especially by the women, the indulgence was withdrawn until many pleaded to have the books and promised to take care of them, and those who got the loan felt it a favour to be trusted. In the sick-ward the Chaplain could forcibly prove that the wages of sin is death, even physically.....

Such was the nature of Mr Rogers' labours at the prison, and they were so effectual that within two years irons were no longer necessary to restrain the criminals, nor severity exercised, except in extreme case...

But, in fact, there were still serious problems, caused by overcrowding and the lack of differentiation between different classes of inmate. The Wakefield House of Correction was visited at this time by J.J.Gurney, who recorded his impressions as follows:

master' at Wakefield.

That prison was built to accommodate only 110 prisoners, but the number of those now confined in it frequently amounts to 300. The unhappy consequence is that the day-rooms, sleeping-cells, and work-rooms are all so much crowded that evil association prevails over all impediments, and the system of labour is greatly disorganised. The day-rooms are on the ground-floor, the sleeping-cells mostly in the upper stories of the building, and the work-rooms on the outside of an extensive corridor or gallery built around the garden behind the prison. We observed but three day-rooms. One of them, which measures twenty-eight feet by twenty, is allotted to those prisoners who are committed for a single month. Of the other two, both of which are thirty feet long by twenty-two, one is occupied by felons, the other by misdemeanants - in both cases the tried and untried together. The sleeping-cells are well constructed and airy; and the bedding allowed the prisoners sufficient. On their entry into the prison the prisoners are well washed, and clothed in the gaol dress, the dress appointed for each class being distinguished by some particular badge. No irons are used here, except in case of refractory conduct. The prisoners are well fed on porridge, broth and bread, and beef and cheese occasionally. They have the use of a commodious infirmary and are collected for divine worship twice every week. The whole prison appears very cleanly.

Weaving and dressing wool are the principal employments provided in the House of Correction. From the earnings of every individual 3s 6d per week is deducted, and of the remaining sum half only is allotted to the prisoners. His gains therefore are always very small and often nothing; and thus he is left without that stimulus to industry which is of so much importance to the maintenance of a vigorous system of labour. The workshops were intended every one for a single prisoner; but the increased number of commitments has rendered it necessary that three or four men should work in company. The effect of this circumstance is that no individual amongst them has full employment, and that their hours of professed labour afford them an easy opportunity of corrupting one another. This however is the case in a much more terrible degree, with their hours of leisure and recreation. At four o'clock p.m. in the winter and at six o'clock in the summer the bell rings as a signal that work is to be suspended. The prisoners are then ushered into their day rooms in which they continue uninspected and unemployed until seven o'clock in the winter and eight o'clock in the summer at which hours they are locked up in their sleeping-cells. This period as well as the greater part of the Sabbath day is devoted to noise, jollity, and mischief. We were introduced to the felon's day-room during these evening hours of riot and confusion. It was crowded to excess; and never have we seen a company of prisoners more marked by the appearance of turbulence and desperation. Much might probably be done for the reformation even of these offenders if they were divided into smaller companies, fully employed, and visited twice daily by a few religious individuals, who might induce them to devote some of these dangerous hours of recreation to useful instruction, and the perusal of the Holy Scriptures. One thing is very evident - that in order to prevent the evils which prevail in this prison, additional day-rooms sleeping-cells and workshops are indispensably necessary. I am glad it is in my power to report that there is a great probability of

their being provided.

Gurney specifically quoted the authority of certain Quakers, who had unfortunately suffered imprisonment in the Wakefield House of Correction, for the proposition that

*The convicts and those who have not been tried are constantly together; and as far as I could learn, no difference was observed in the treatment of these classes...*²³

Some six weeks after William Hague of Thorpe Hesley arrived at the Wakefield House of Correction, a young woman from Rotherham was sent there. Her name was Mary Ann Keyworth.

We have already encountered Mary. She was the woman who had been caught eavesdropping, as she lay in the hay-loft of Earl Fitzwilliam's barn in Wentworth Park, on the night Cliffe House was burgled. It is time to see how she came to be in trouble with the law.

Mary was a somewhat unintelligent confidence trickster. During the month of February 1818, she had committed four offences of obtaining property by false pretences in Rotherham. On 7th February she went into a shop belonging to John Lambert the draper and told his 'shopman', Thomas Woofinden, that she had been sent by one of his master's best customers for three yards of flannel cloth. Later the same day, she went back to the same shop and told Lambert himself that she had been sent by the same customer for three yards more. Her stories were believed and on each occasion she was given the flannel she asked for, which was worth some ten shillings in all, without having to pay a penny.

Of course, she had not been sent by any customer for the flannel; and she kept the cloth for herself.

On 23rd February Mary's target was another draper's shop in Rotherham, that belonging to William Earnshaw. She saw the shopman there, who was called Pratt, and again said that she had been sent by a good customer, the maltster George Woodcock, for seven yards of printed calico. Later that day, she returned and this time she saw Earnshaw himself, and told him the same cock-and-bull story. Again she was believed, and again she was allowed to take the calico away, without having to pay for it, though it was worth over a pound.

It goes without saying that she had not been sent for the calico by George Woodcock, nor for that matter by anyone else who was a customer of Earnshaw's; and

²³ Turner pp 178-181, 150-154

in this instance it is difficult to understand how she hoped to escape detection, when she was the daughter of one of Woodcock's employees and was therefore (presumably) known to him personally. Retribution must surely follow - and it did, but only after an interval of several weeks.

At the beginning of March 1818, the editor of the *Sheffield Mercury* took the trouble to warn his readers as follows:

A female impostor is now going about Sheffield calling at tradesmen's shops, and asking for patterns in the names of respectable individuals, by whom she pretends to be sent. She lately called at Miss Wray's, in Fargate, to say that Mrs _____ wished to see some patterns of silks; but it was thought the silks would show to the most advantage in the piece, and Miss W. sent her servant with the silks, when the imposture was detected. The same day, she called on Mr. Smith, in the Fruitmarket, using the name of another lady from whom she also pretended to be sent, and requested patterns of some cloths. Mr S. never gave the patterns, but he promised to send some cloths for her mistress to look at; this he accordingly did, and nothing of the kind was wanted. If the girl could have obtained the patterns, she would most probably, have made her selection, and called again to effect some purchases, on the credit of her supposed employer.

Was this also the work of Mary Ann Keyworth? We cannot know, but it was certainly her *modus operandi*.

At length, Mary's activities in Rotherham came to light - perhaps when the drapers submitted accounts to their customers and the latter complained that they had been overcharged for flannel and calico which they had never ordered. The authorities were informed and Mary was arrested. She was brought before the Reverend Lowe, charged with a misdemeanour, and sent to Wakefield on 27th May 1818, to await her trial at the Quarter Sessions to be held in Rotherham, in August.

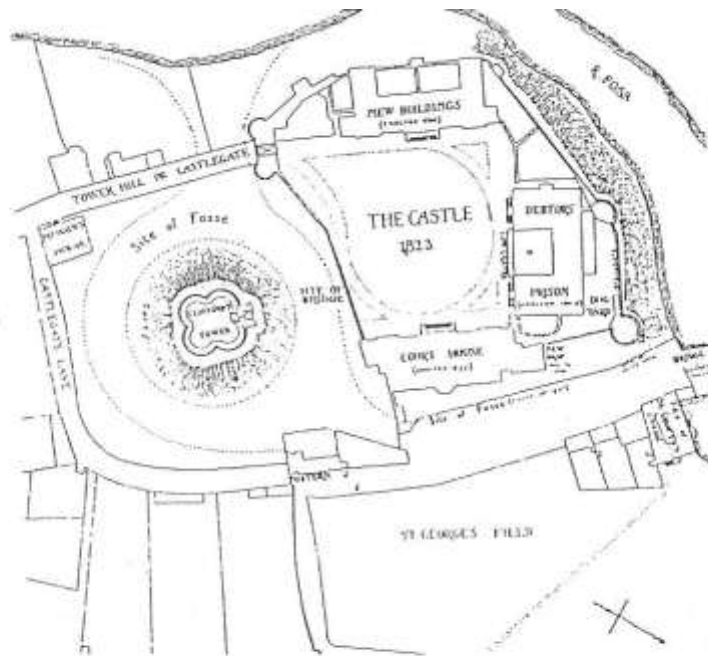
Mary might expect to be severely punished for her crimes, although a misdemeanour was a less serious matter than a felony. She was, after all, guilty not of one isolated crime, but of multiple fraud; and the value of the goods which she had obtained by her deceptions was not small. Granted, she was only eighteen, and she was a married woman; but it is doubtful how much importance the magistrates at Quarter Sessions attached to these factors, which would nowadays be taken into account as 'mitigating circumstances'. The sentences prescribed in the early nineteenth century for her type of offence included imprisonment and a fine, or whipping, or even transportation, for a maximum period of seven years.

But Mary Keyworth had an ace up her sleeve. As we know, she had led an eventful life between the date when she had committed her offences, and the date of her arrest: she had seen and heard things which might be of great interest to the authorities. In particular, she remembered very well what had happened that night at the end of

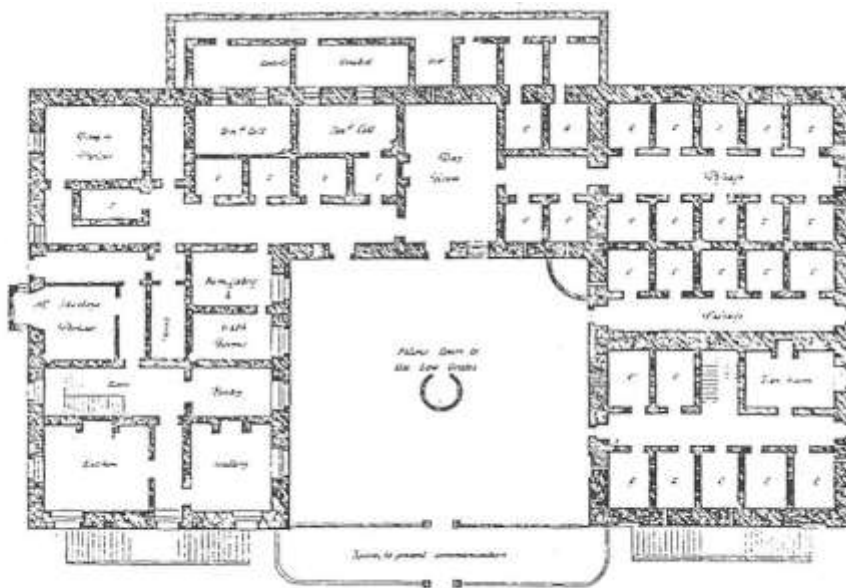
February, when she had visited the hayloft in Earl Fitzwilliam's Park at Wentworth, with Sarah Oxley and William Sellars. She could identify some of the men who had come into the barn in the small hours, and she could recall parts of the highly suspicious conversation which they engaged in. Her arrival at the House of Correction was certainly not good news for William Hague.

Mary had agreed with the gang in the barn that she would not 'let the cat out of the poke'; but now that she had suffered imprisonment and faced the prospect of further punishment when she appeared in court, she saw no reason to hold her tongue: on the contrary, she had everything to gain and nothing to lose by breaking her silence. She might thereby obtain a more lenient sentence, or even a pardon. She told the authorities all she knew about the burglary of Cliffe House.²⁴

²⁴ For Mary Ann Keyworth see WYAS 4/54 and WYAS QS 1/157/7; and for sentencing see Archbold, 1822.



York Castle in the early 19th century
 [from Cooper, York Castle]



Ground plan of the Old Prison
 [from Cooper, York Castle]

V THE TRIAL

On the day before the Summer Assizes were due to begin in York, William Hague was brought back to Sheffield, yet again. It will be remembered that, from the very beginning of the investigation, there had been indications that a man called Smith of Elsecar had been involved in the burglary; that one George Smith had been arrested, only to be freed by the magistrates in Sheffield, for lack of evidence ; and that at the end of April 1818, William Hague had named Thomas Smith of Elsecar as one of his accomplices. The officers of the law had not been idle. They had managed to find a man from Elsecar by the name of Thomas Smith! He had turned up in Derbyshire, in the Chesterfield House of Correction. They had him brought to Sheffield and they sent to the Wakefield House of Correction for William Hague, hoping that the latter would identify Smith when the two confronted one another.

This little drama took place at the Town Hall in Sheffield; but events now took a surprising turn, for when William Hague was questioned by the magistrate Hugh Parker, he was sullen, and would not co-operate. Confinement in the House of Correction at Wakefield had evidently not broken his spirit. Nor had the ministrations of the Reverend Thomas Rogers brought about a reformation of his character: on the contrary, Hague refused to help the authorities any further, despite the fact that he had previously said that he would give evidence for the prosecution; and in particular, he was unable or unwilling to identify Thomas Smith:

10th July 1818: William Hague being this day farther examined touching the Felony and robbery of Mrs Booth at Cliff House - Thomas Smith being in custody - and he, Hague, being desired to say whether Smith was one of the persons who was with them at Mrs Booth's House - first answered

'I have said all I mean to say about it'

being further requested to look at the Man, and to say whether he knew him, answered

'I know nothing at all about him'

being requested to attest the truth of these declarations by signing this paper, he refused to do so.

This volte-face had momentous consequences for William Hague, for he was taken away again, this time to the gaol at York where his confederates were kept, while those conducting the prosecution decided that the evidence against the men accused of the Cliffe House burglary was in any event strong enough without his testimony. Accordingly, they rejected his offer to turn King's evidence (if indeed it had not already been withdrawn); and the charges against him were not dropped, as had at one time seemed likely.

The magistrates also decided to commit Thomas Smith for trial, notwithstanding the fact that he had not been identified by Hague. This is clear from a short notice which appeared in the *Sheffield Mercury* on Saturday 11th July 1818:

A person, of the name of Thomas Smith, has been fetched out of the Chesterfield House of Correction, on suspicion of being concerned in the robbery at Cliffe House. After being confronted with one of his supposed accomplices, he was fully committed to take his trial, along with the others.

The *Crown Calendar*, which listed all the prisoners who were due to be tried at the Assizes in York, originally contained the names of James, Steer and Mitchell only. They were listed as cases numbers 11, 12, and 13 respectively:

Crown Calendar, of all prisoners who are to take their trials at these Summer Assizes.....before the Hon Sir George Wood and the Hon Sir John Bayley Knights.....George James, George Steer and John Mitchell committed 15th April 1818 charged upon oath of Mrs Sarah Booth of Cliff House in the Parish of Ecclesfield West Riding Widow, that on the night of 22nd February 1818, her dwellinghouse was feloniously and burglariously broken open and two pocketbooks one of them containing two five guinea notes, one note for £1.11s.6d and two notes for £1 each, one silver thimble, one pair of spectacles, a gold watch and two chains were taken and carried away from thence, and that she hath good cause to suspect the said George James, George Steer and John Mitchell along with John Philips (since dead in gaol) did commit the said felony and burglary.

But now, both Thomas Smith of Elsecar and William Hague of Thorpe Hesley were indicted, their names were added to the Calendar and they became cases 36 and 37, awaiting trial.

The five defendants were tried in the 'Crown End' of the magnificent court house which had been built between 1773 and 1777 by the famous architect John Carr. This building (with the Debtors' Prison next door and the Female Prison opposite) still helps to make the 'Eye of York' a pleasant place to visit, 200 years after it was completed; and it is still used as a Crown Court.

The legal procedure at the Assizes in the early nineteenth century was somewhat different, however, from that which applies in the modern criminal court. It required first of all that the evidence for the prosecution only be presented to a *grand jury* of at least twenty-three gentlemen, a majority of whom must find that there was enough evidence to support the charges, before the matter could go forward. If the grand jury did indeed find that the indictment was a 'true bill', then the case could proceed and the accused stood his or her trial before a *petty jury* of twelve. But trials before the petty jury were much less formal than they are today: prisoners hardly ever had counsel, they had no right to call witnesses and they were not even permitted to give sworn evidence on their own behalf, though they were allowed to cross-examine prosecution witnesses. As a result, the proceedings rarely lasted more than an hour or two.

Although the depositions made before the magistrates survive, the official records of the trial of the Cliffe House burglars are brief. The Grand Jury certainly found that there was a case to answer in respect of all five accused. The Minute Book, a rough record kept while the court was in session, shows that their trial took place on Friday 17th July 1818, before Mr Justice Bayley, and that all the defendants pleaded not guilty. But, for a detailed account of the evidence given, we have to turn to the pages of the Sheffield newspapers, ever attentive to matters which would interest the inhabitants of the southern parts of the West Riding of Yorkshire. The coverage in the two newspapers concerned was virtually identical. The report in the *Iris*, which was published at the end of July 1818, just before the grain harvest began, read as follows:

YORK ASSIZES

BURGLARY AT CLIFF HOUSE

John Mitchell, aged 31, George James, aged 29, George Steer, aged 35, Thomas Smith, aged 30, and William Haigh, aged 33, charged with having burglariously entered Cliff-house on the 22nd of February, and having taken considerable property, specified.

John Phillips, who had been taken up and committed for trial on the same charge, died lately in prison.

Mrs Sarah Booth lives in Cliff-house, parish of Ecclesfield. Her house is nearly a quarter of a mile from any other house. On Sunday the 22nd of February, she retired to bed about 11,

and about 12 she was awoke by a confused sort of noise, and rose on her elbow in bed. A man presented himself in a plaid dress, his face darkened. He had a light (she supposed a dark lantern) in one hand, and a pistol in the other. She exclaimed, "Lord have mercy upon us ! what is the matter ?" He replied "Your money, or I'll shoot you." She laid down her head, and, believing the pistol to be levelled at her, she said, "O take that away, What money I have is in my pockets." She then stretched out her hand to the other side of the bed. A hand seized it, and at the same instant she heard her watch torn down. This was done by another person whom she did not see. She felt something cold laid on her cheek, and a voice, different from the first, said, "Not a word, or I'll shoot you." She was so overcome with terror that she could tell nothing more till the robbers left the room. The property she lost was a gold watch, two five guinea and two £1 notes, and a note of one guinea and a half, and other articles of inferior value. She then saw a ladder which had been put up at the back of the house below her window. It was certainly before three o'clock when she came down. The ladder was not her property, it had been taken from the neighbouring farm.

Sarah Yardley slept at Mrs Booth's on the night in question. Hannah Copley, her fellow servant, awoke her, and said that some persons were coming up-stairs. Two persons came into the room. Their faces were either blackened or covered with black cloth. One of them held a light, and said, "Lie still, or I'll blow your brains out; it is not you we want, but your mistress." The other had something like a pistol in his hand, and held it over her in the bed, while the first tried the drawers; being locked they went out of the room. Two more then came in. They were different from the first two. One of them had a plaid dress; the other something black on his chin and forehead. They inquired where her mistress was. Hannah Copley, pointing with her finger, said, "There." They then left the room, and she and Hannah Copley, the servant, tried to alarm the man servant. The man who first came in, came now again, and said, "Lie still, or I'll blow your brains out;" he then went out. She got up and went downstairs; as she was going down she heard her mistress crying out - "Lord help us, what is the matter?" Hannah Copley screamed at the same time. She found the front door locked. When she was returning up stairs for the keys she met Hannah Copley, and then saw three men, one of whom had a dark lantern. She saw in her mistress's room the man with the plaid dress, and heard him put something in his pocket which rattled like a watch-chain: he asked, "What do you want now?" She pushed him to one side, and went forward for the keys; he went out of the room. As she went down again, a man came out of the parlour, knocked the keys out of her hand, and said, "I'll blow your brains out", she said, "If you dare". He snapped the pistol which he pointed at her; something like the ramrod seemed to drop, there was no fire. A ramrod was afterwards found four steps up the stairs. He bent down to gather up the ramrod, when she struck at him; she missed him, and hurt her fingers on the lantern; he kicked her very severely twice. A man came down stairs then, and said, "Let us have no fighting this morning, we have got what we want." She saw the middle part of the face of the man with whom she scuffled, his chin and forehead were covered. He held the lantern in his hand, and the moon shone very clear on the passage. She saw that man again in the Sheriff's hall

at Sheffield, in April. She saw him now at the bar, John Mitchell...

John Mitchell of Greasborough had been standing silently at the bar all this time. He had lived for several months with the knowledge that he would probably be identified by the widow Booth's maid. Now that the nightmare had finally become a reality, he could not contain himself any longer:

He exclaimed, "Oh ! you are a false woman".

But Sarah Yeardley was hardly likely to be intimidated by this outburst, when she had remained undaunted by the experience of the burglary itself. She concluded her evidence, and was quickly followed into the witness box by her fellow maidservant, Hannah Copley:

She had fastened the door on the over night. She saw the state of the parlour window when she got up; any person could easily walk in and out through it, all the lower part having been broken to pieces.

Hannah Copley, the other servant, got up after Yardley, and as she was leaving the room she was knocked down. Something struck her on the head, which made a hole in it. She saw a man standing at the parlour- window, who threatened her as she rushed out. She ran towards the gate, where she saw another man with a mask on. He caught hold of her, but said nothing. The man who had been at the window threatened to blow her brains out if she did not return. She did not go back, and stood trembling at the side of the window while the other men came up. She saw three coming out, five in all. She thought that George James, the prisoner, was the man she saw at the gate. She had not seen his face. He had on a smock frock and a hat.

It was now Mary Ann Keyworth's turn to tell her extraordinary story to the court, as she had promised the authorities she would:

Mary Ann Keyworth was lately a prisoner in the House of Correction, Wakefield. She was in a hayloft in Lord Fitzwilliam's park; she thought in the fore end of March. She was there with Sarah Oxley. There was a man with them, William Sellars. About eight men came about 3 o'clock, all together. She knew some of them, John Mitchell, John Philips, and George James; she also knew William Haigh by name. Before they saw witness's party she heard them speak below stairs. John Phillips said, "You know, lads, you must not have that money I got for the bees I took from Kimberworth. "I don't desire it," one of them said. John Mitchell said, "she would not have known me had it not been for the mask falling from my face." Phillips said, "We must sell the watch". One of them said "If we do we shall be found out". Another said, "We'll break it in bits". John Phillips put out his arm and said, "We'll hide it here till we get an opportunity to sell

it." John Phillips then saw her head, and came up. He asked her what she was doing there. She retorted the question. He said he had got a warrant against her, and took hold of her. She said, "If you don't take care, I'll let the cat out of the poke." William Haigh said, as soon as they came up stairs, that he heard Mrs Booth's house had been broken into.

As we know, Mary Keyworth was not the only occupant of Earl Fitzwilliam's hayloft that night in February 1818; and she was not the only one to put in an appearance at York five months later:

Sarah Oxley recollected being at the barn with the last witness. She heard the men talk but could not tell exactly what they said. Keyworth said she knew the voice of one of them. She was nearer than witness. There were six - Mitchell, George James, Phillips, Steer, Haigh, and another whom she did not know; Haigh said - "Mrs Booth's we have robbed, and this man has confessed it." Phillips damned him, and desired him to hold his noise.

Last came the evidence of the various constables who had been involved in the case:

William Waterfall, a constable, was present when Haigh was examined before Mr. Parker, on the 7th of April, and proved the examination now produced. He brought Phillips, James, Steer, and Mitchell, from Sheffield to York. Phillips was since dead; Flathers was with him. Flathers said they had managed very ill in not covering Mitchell's face as well as the others and then the girl would not have known him. Phillips said it was a damned lie of the girl; it was so dark she could not know him. Mitchell answered, and said, "No, she could not know me."

The examination of Haigh was now read. Haigh, on the 27th, made a full confession of the facts stated by Mrs. Booth, named the six persons charged, and a Samuel Finer, (Evans) as the party. And mentioned the property taken. Mitchell's face was covered with his own handkerchief. The pistols were loaded.(19)²⁵

William Flathers corroborated the last witness's testimony as to the conversation on the road from Sheffield to York.

Thomas Smith, constable, of Sheffield, proved Haigh's examination on the 10th, before Mr. Parker.

The case was now drawing towards its conclusion:

John Mitchell, the prisoner, had only to say that he was innocent. James, Steer,

25

Smith, and Haigh, made similar declarations.

William Sellars, agent for different gentlemen on collieries, gave Mitchell a good character, and also spoke well of Steer.

Mr. Justice Bayley summed up, observing, that against Smith they had no evidence, and he must be acquitted.

The Jury retired at half-past three.

Four out of the five prisoners must now wait in suspense, to see what the jury thought of the evidence against them. The fifth, Thomas Smith of Elsecar, already knew that he would leave the court a free man, for the judge had effectively discharged him, just as the magistrates in Sheffield had released his namesake George Smith, earlier in the year.

The jury was out for a little over half an hour:

They returned a few minutes past four, and gave their verdict -

George James, George Steer, Thomas Smith, NOT GUILTY. John Mitchell, William Haigh, GUILTY.

We may be surprised that George James and George Steer were acquitted; but it must be remembered that a man is innocent until proven guilty and that if a jury has any doubt about the matter, it must give the person on trial the benefit of that doubt. More specifically, the confession which William Hague had made to the magistrates, but had not been willing to repeat at the Assize court, was evidence against him, but not against his accomplices and the Judge would have explained this to the jury before they retired to consider their verdict.

Hague's earlier admission of guilt was therefore enough to convict him and in the case of Mitchell, there was positive identification evidence. But neither James nor Steer had made any admissions. Nor had anyone definitely identified them as having been at Cliffe House on the night of the burglary. Perhaps this was because they were not there and were indeed innocent of any crime; or perhaps it was because they had been there, but (as Anne Hague had explained) had acted as the lookouts, rather than entering the house itself.

George James and George Steer may have felt some relief, as they listened to the jury's verdicts. How different were the feelings of William Hague! Guilty as he was, he had nevertheless attempted, to some extent, to co-operate with the authorities and had provided them with useful information. At one point in the proceedings, it seemed likely that he would not even be formally indicted. Now, he stood convicted by the jury, while James and Steer, his two cronies from Thorpe Hesley, walked from the court as

free men.²⁶ Small wonder that the *Sheffield Iris* reported:

Mitchell, on hearing his fate, shook his head with an angry look towards the Jury. Haigh stood trembling. They were all immediately removed from the bar.

Now that the jury had spoken, it was for Mr Justice Bayley to pronounce sentence on the prisoners. Burglary - breaking and entering a dwelling house at night with intent to steal - was a capital offence. News of the sentences passed was published in the *York Courant* a few days afterwards:

On Saturday last the business at the Castle closed at the Crown End, when the following prisoners who had been capitally convicted received sentence of Death: William Bailey, otherwise Knightson, for administering poison to T & J Dodsworth of Arkendale ; John Brook for stealing linen drapery ; Isaac Farrer, John Farrer and Joseph Farrer, George Groves, David Holt, James Galloway, George Long, Thomas Beason, Thomas Pearson, John Mitchell and William Hague for burglary; James Jackson and Thomas Bradley for horse stealing and Wm. Smith for sheepstealing. The following were acquitted: Abraham Wormald, George Smith, George James, George Steer, Wm. Stephenson, & James Whitaker.

No further details were given by the York newspaper, (the editor of which was more interested in giving a full report of "the very interesting Trial of William Knightson for administering poison to Thomas and Joseph Dodsworth of Arkendale", since the latter was only fifteen miles from the City of York); but documents in the Public Record Office confirm what had happened. The Minute Book shows that the jury delivered the two verdicts of guilty and, more dramatically, someone has written the words 'to be hanged' against the names of Mitchell and Hague, where they appear in the Indictment.

Executions at York were carried out in the 'New Drop', an aptly named scaffold which was erected just outside the Castle wall, immediately next to the main court house. The place of execution had been fixed there in 1801-2, in order to avoid the need to transport condemned prisoners across the town to the York Tyburn and the disgraceful scenes which often accompanied such processions. But the hangings at the New Drop still took place in public and those who wished to could still obtain a good view from St George's Field. Consequently, executions continued to attract considerable

²⁶ It is not known if the William Sellars who gave character evidence for Mitchell and Steer was the same man who was referred to as being in the hayloft in Wentworth Park with Mary Ann Keyworth and Sarah Oxley! George Steer seems to have returned to Thorpe Hesley, where he resumed his occupation of collier. He and his wife Hannah had two children baptised at Wentworth church in 1821 and 1824.

crowds. Indeed they were treated as holidays and factories and workshops responded to popular demand by closing down, so that their employees could enjoy the spectacle to the full. The first three men to be hanged at the New Drop had been a sheepstealer, a horse-thief, and a burglar; and John Mitchell of Greasborough and William Hague of Thorpe Hesley would know full well that the trap-door was only a short walk away from the cells where they were now confined.

But there was hope yet. Large numbers of prisoners who were sentenced to death had their executions stayed, pending a decision as to whether the sentence should in fact be carried out. The official *Gaol Delivery* printed by W. Storry of York carried the news that the two burglars had been convicted, but that sentence of death in each case had been '*respited*'; and the *Sheffield Mercury* also reported that:

At the close of the Assizes for this county Mr Justice Bayley was pleased to reprieve all the prisoners under sentence of death, except Wm. Knightson, for administering poison, who is left for execution.

However, a reprieve was only a postponement of execution, not a pardon. A delay of several weeks ensued before the prisoners were given a final decision concerning this matter of life and death.

The Judges moved on from York, to Durham, and then to Newcastle, Carlisle, Appleby and Lancaster. At the end of their peregrination, Sir George Wood wrote his report for the Northern Circuit Summer Assizes as a whole and this was submitted to the Home Secretary, Lord Sidmouth. The report stated that certain of those convicted of capital felonies were "fit objects of His Majesty's most gracious mercy." It recommended that John Mitchell and William Hague, amongst others, should be pardoned because of "some favourable circumstances appearing on their trials". We are not told what these were.

The Judge's recommendation to the Home Office was accepted. Lord Sidmouth issued a pardon on 11th September 1818, and the two burglars learned soon after that date that *His Royal Highness the Prince Regent has thereupon been graciously pleased to Extend the Royal Mercy*; but the pardon was by no means a free one. Hague and Mitchell were only spared the noose on condition that they be *transported beyond the Seas, to the Coast of New South Wales or some one or other of the Islands adjacent* and their exile was to endure, not for seven years, nor for fourteen, but *for the term of their respective natural lives*.

They were not, after all, to dangle from the New Drop, providing grisly entertainment for the spectators in St. George's Field; but their fate was nonetheless one

which the majority of their fellow countrymen looked upon as a kind of living death. Australia was unimaginably far, and inhospitable - an inferno from which they could never return. Transportation to New South Wales or to Van Diemen's Land (Tasmania) meant permanent separation from everyone and everything the convicts had ever known and an existence which most regarded as little better than slavery.

And what of our female impostor, and nocturnal eavesdropper, Mary Keyworth? She appeared at the Quarter Sessions in Rotherham, some three weeks after Hague had been dealt with at York. We have been given a generalised but vivid description of Rotherham Sessions by the town's chief historian, John Guest, whose *Historic Notices of Rotherham* was published in 1879. Looking back from his vantage point of high Victorian respectability and confidence, Guest regarded the proceedings at the Sessions in the late eighteenth and early nineteenth century with horror:

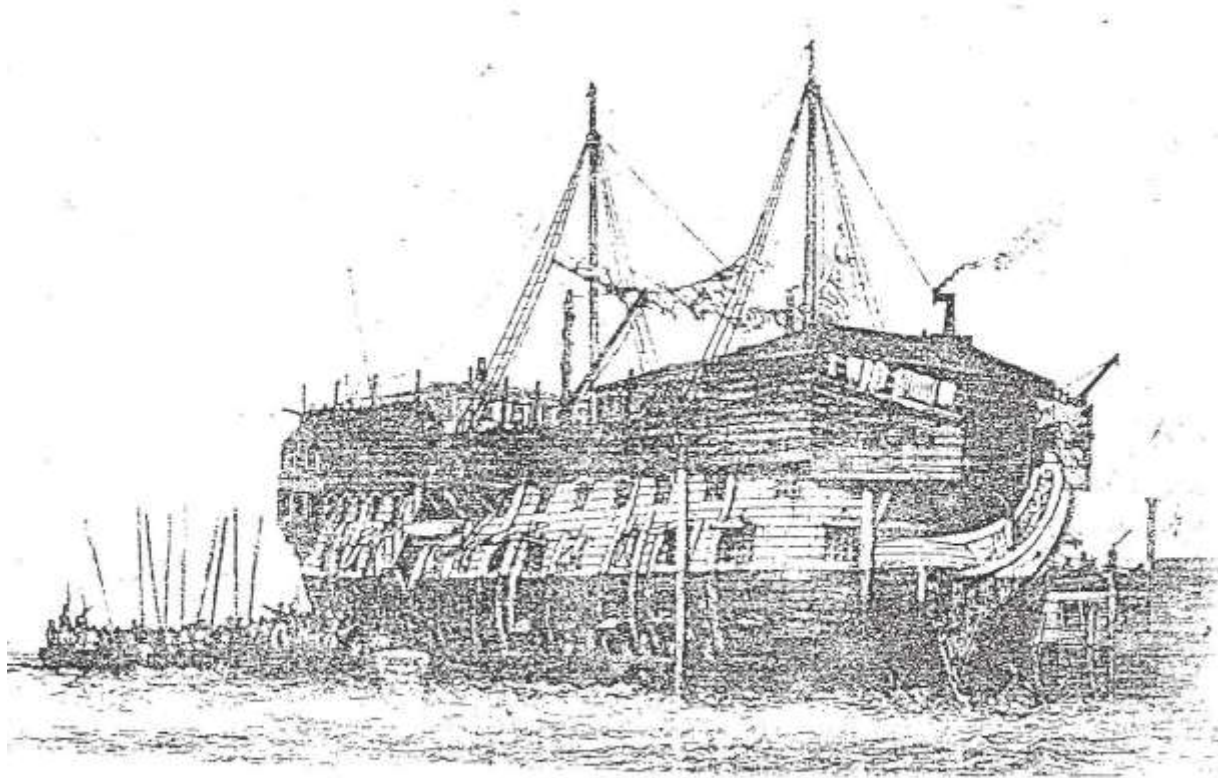
The Quarter Sessions, at Rotherham, at that period was one of the great events, and to the publicans, one of the most profitable of the year. Rotherham Sessions were only second to those of Pontefract, and generally lasted three days and sometimes until midnight; the pauper removal cases occupying a considerable time and exercising the skill and acumen of the Bar, which at that time consisted of some of the most eminent counsel of the kindgom. The number of prisoners then brought from the House of Correction, at Wakefield, was grievously great, and the manner in which they were brought was inhuman, cruel and revolting. Chained together, the old, impenitent, incorrigible thief and the young, thoughtless, but crime- stained son of a fond, heart-broken mother, as it might happen, in one long gang, had, under a sweltering July sun, to toil from Wakefield to Rotherham; then, in almost suffocating numbers, they had to be pent up in one comparatively small jail, from whence they were marched up through the open street to the town hall, manacled, and, in most cases, lost to every hope or opportunity of reform or redemption. Under the upper landing of the town hall steps was a cavernous black hole, admitting no light or air, except through a small square strongly-barred opening in the door, in which prisoners were placed until called up for trial above. It was a period when

*Man's inhumanity to man
Made countless thousands mourn.*

But, however unpleasant Mary Ann Keyworth's experiences may have been whilst she waiting for her case to be dealt with at Rotherham, her ultimate fate contrasted sharply with that of her fellow inmate at the Wakefield House of Correction, William Hague. She pleaded guilty to two charges of fraud, relating to the trickery which she had been engaged in in February, and she received a very light sentence. The two Sheffield newspapers again carried the same story, emphasising that she had been treated favourably, because of her role in bringing the burglars of Cliffe House to

justice. This was the report in the *Mercury* on Saturday 8th August 1818:

Mary Ann Keyworth, of Kimberworth, pleaded guilty to two indictments preferred and found against her, by Mr William Earnshaw, and Mr John Lambert, of Rotherham, drapers, for obtaining goods under false pretences. The court, in consideration of her having rendered some service to the country, in giving evidence at York, respecting a burglary committed near Sheffield, were induced to pass a very lenient sentence - to be confined in Wakefield House of Correction one month.



H.M.S. York as a hulk at Portsmouth, 1828

VI TO AUSTRALIA

(i) On board *Leviathan*: October 1818-April 1819

William Hague and John Mitchell were kept in the gaol at York Castle between July and October 1818. At last, orders arrived for them to go with eleven others to Portsmouth, to board the prison ship *Leviathan*, where they would await the vessel which was to take them on their long voyage to the Antipodes. The removal of the prisoners was reported in the *Sheffield Iris* on 13th October 1818. The names of all but one of them will by now be familiar, for we have seen these men imprisoned at York together, sentenced to death by the Judge, and then reprieved by the Prince Regent:

Convicts__ On Sunday, the following male convicts left York Castle, in order to be delivered on board the Leviathan hulk laying up the river below Portsmouth, viz: - Isaac Farrar, John Farrar, John Mitchell, Wm. Hague, James Galloway, David Holt, John Brook, Thomas Bradley, and James Jackson, to be transported during the term of their natural lives; George Groves, Thos. Beason, and Thos. Pearson, for the term of 14 years, and Charles Carr, for the term of seven years.

Hague and Mitchell left York on Sunday 11th October, probably making the journey on top of a coach, or in the back of a cart, shackled to other prisoners, and with little or no protection against the elements. They arrived in Portsmouth and were received on board the *Leviathan* a week or so later.²⁷

The *Leviathan* was an old man o' war of 1700 tons. She had been built in Chatham dockyard in 1790, and had carried 640 men and seventy-four guns for England throughout the long French Wars, being classed as a third-rate ship of the line; but her fighting record had been by no means 'third rate'. She had seen action at Toulon,

²⁷ P.R.O. H.O. 9

Minorca and Cadiz prior to 1800 and, in 1805, she had been at Trafalgar, where she formed part of Nelson's division and was in the thick of the melee. At one point in the battle she followed the *Neptune* through the enemy line, overtook her, and tackled the Spanish ship *San Agustin*. *Leviathan's* guns battered her opponent, quickly rendering her helpless, and the Spanish captain was forced to surrender. This exploit was mentioned in the despatch which Admiral Collingwood sent to the Admiralty, after the historic victory over the combined French and Spanish fleets.

But all this was now past history. The French Wars had come to an end in 1815 and in the following year *Leviathan* suffered an ignominious fate. Her masts were struck, her rigging was removed, her capstans and her cannons were hoisted away, her gun-ports were barred with iron grilles, a roof was built over her deck and she was anchored in Portsmouth harbour, bow to stern with other noble ships, to serve as a prison hulk. After thirty years' service in this capacity, there was only one further use to which the Navy could put her and, at the last, she was used as a target ship.

Hague and Mitchell were sentenced to transportation during the heyday of that system of punishment. Some 15000 male and 2000 female convicts were shipped out to Australia between 1811 and 1820. They all had to pass through the hulks, for there was nowhere else to put them whilst they waited to sail: before the Victorian era, large land-based long-stay prisons were a rarity. The prison hulks were therefore a common sight in the harbours of England, at Portsmouth, Deptford and Woolwich.

These hulks were truly disgusting. The most recent historian of transportation has described them as 'slum tenements' and as 'floating Piranesi ruins', and this is no exaggeration. A ship like *Leviathan* might hold as many as 600 prisoners at any one time and life afloat was therefore bound to be unhealthy. The quarters were very cramped, there was little light, and the air was foul. Everything was wet or damp, not only because of the proximity of the sea, but because the upper decks of the ship were constantly sluiced to keep them clean. John Mortlock, who was sentenced to twenty-one years' transportation and experienced imprisonment in the *Leviathan* some years later than William Hague and John Mitchell, was reminded by what he saw on board of a verse which appears in the Book of *Lamentations*: 'They that were brought up in scarlet embrace dunghills'.

Insanitary conditions were not the only horror to be experienced on board the hulks. The weak and the stupid were constantly preyed upon and cheated by the strong and the clever. Graft, corruption and petty thieving were rife: for example, it commonly happened that, as the meat ration passed down the line, the dock overseer, the boat crew who rowed the food from the shore, the inspector, the steward and the cook all took a share, leaving little enough for those for whom the meat was intended. Worse things happened than theft, as was perhaps inevitable when large numbers of men were confined together for long periods of time without female company. When

confronted with evidence that morality on the hulks fell far short of the Christian ideal, the mayor of Portsmouth Sir John Carter merely remarked 'such things must ever be'.

When new arrivals came aboard, they were mustered on the quarterdeck and ordered to give their money to the captain, for safekeeping. The old hands then came around and, if nothing worse happened, they usually robbed the freshmen of anything loose they had left on them. Later on, they might play a little practical joke, tying up a hammock in such a way that one of the newcomers crashed to the deck when he got in it.

Foul talk and evil conversation was inevitable. One witness who gave evidence to a Committee of the House of Lords in 1835 said that, when he was an inmate on *Leviathan*, "there was very bad conversation carried on, cursing and swearing often, with histories of former exploits". One can well believe it.

In theory, discipline was strict. When he first arrived, the convict paid a visit to the barber, had a cold bath and was issued with a simple uniform: shirt, canvas trousers, grey jacket and shoes. A fourteen pound iron was riveted to his right ankle, in order to discourage any ideas he might have had of swimming to freedom. Sometimes, a double shackle might be employed: Henry Bennet M.P., who wrote a pamphlet attacking conditions in the hulks in 1819, was particularly upset by the sight of a boy of thirteen creeping about the *Leviathan* in double fetters, apparently because he could not afford to bribe the gaoler. After being shackled, the prisoners were thereafter kept in order by means of a combination of hunger and floggings: John Mortlock said that in his time, the men on board the *Leviathan* were 'as tame as rabbits'.

The prisoners did not have to spend all their time on board the hulk, for convicts commonly had to work in the naval dockyards whilst awaiting transportation. The following is a summary of a week-day on the *Leviathan* in the 1830s - the regime was probably not very different from that which applied when Hague and Mitchell were kept there:

3.00 a.m. Cooks rise to prepare prisoners' breakfast.

5.30 a.m. All hands called.

5.45 a.m. Muster on deck; breakfast; then one of the three decks is washed, which is done every morning alternately.

6.45 a.m. Each prisoner brings his hammock, stows it away on deck and proceeds to labour. On leaving the hulk their irons are examined by the guards, who also search their persons to prevent anything improper being concealed; and in order that they may be more strict in the execution of this duty, in the event of anything being afterwards found upon a prisoner, the guard that

searched him is made responsible.....The prisoners are divided into sections of ten, each of which is subdivided as occasions, to make them more efficient, may require, and delivered into the charge of dockyard labourers.....The prisoners are overlooked by the First and Second Mate, who patrol the yard not only to prevent them from straying, or attempting to escape, but to make all parties attend strictly to their duties.

At a quarter of an hour before the return of the prisoners on shore from labour, those employed on board are mustered to ascertain whether the number is correct.

12.00 noon Prisoners return for dinner, and are searched to prevent any public stores being brought out of the dockyard; after which a general muster takes place. Dinners are served by officers, and the prisoners are locked up in their wards to eat it. A watch, consisting of an officer and half the ship's company, is set on and between decks, where they remain until 12.40. when the other half relieves them.

1.20 p.m. Prisoners return on shore for labour.

5.45 p.m. On board again. Irons are examined, and their persons searched as in the forenoon.

Efforts were made to reform the character of the prisoners in the hulks. After 1812, every ship had its own chaplain and in the 1830s at any rate, the convicts had to attend both school and chapel, every day, when they returned from the dockyards. Thus our timetable concludes:

6.30 p.m. School commences.

7.30 p.m. Prayers in the chapel; then all prisoners mustered and locked in their wards for the night.

9.00 p.m. Lights out.

It was possible for prisoners on board the hulks to correspond with their families. Some of the letters which they wrote to their nearest and dearest have survived. At the same time, it was not unknown for the wives of convicts to petition the authorities, asking to be allowed to accompany their husbands in their exile. Sometimes these requests were supported by members of the wife's local community, who might also offer to pay for the food and other necessaries which she would require for the voyage, though the sad fact is that such requests were rarely granted. But whether William Hague wrote home to his wife Anne in Thorpe Hesley, or she to him at Portsmouth, and whether she ever applied to join him in Australia, is not known: there

is no trace of these matters in the official records.

What is certain is that both Hague and Mitchell were kept at Portsmouth throughout the winter of 1818/19; and in the spring, the *John Barry* arrived, to take them 'beyond the seas', to the other side of the world.²⁸

(ii) The Voyage of the *John Barry*: April 1819-September 1819

The *John Barry* was a 520-ton merchantman, built at Whitby in the North Riding of Yorkshire in 1814 by a shipbuilder of that name. The voyage she made to Australia in 1819 was her first as a convict transport, though she repeated it on several occasions in later years, before being dismantled in a typhoon and ending her days as an opium hulk in Hong Kong.

The ship left Deptford on the 8th April and, after circumnavigating the coasts of Kent and Sussex, she arrived at the Spithead on the 16th. On the 20th she embarked sixty convicts from the *Laurel* hulk and eighty from *Leviathan*, including William Hague, John Mitchell, their fellow burglars Isaac and John Farrer and David Holt, and the horse-thief James Jackson. Another two prisoners must have been collected from one hulk or another, for the ship was carrying 142 male convicts when she set sail again on April 30th 1819. Master Stephenson Ellerby was in command, with a Lieutenant, a Sergeant and thirty Privates of His Majesty's 59th Regiment on board, to maintain order and enforce discipline. Her departure was recorded on 1st May by the Portsmouth correspondent of the *Hampshire Telegraph*, who noted that she also carried two V.I.P.s:

Yesterday the John Barry sailed for New South Wales, with 142 Convicts, from the Hulks at this place. John Thomas Bigge, Esq., the Commissioner appointed to enquire into all affairs relative to the Government of New South Wales, and Mr. Scott. his Secretary, went passengers.

Conditions on board convict ships en route for the penal colonies were much better now than they had been in the early days of transportation and very much better than those which had prevailed on board the ships of the notorious 'Second Fleet' of 1790, when the mortality and disease had been terrible. Experience had taught the authorities the value of proper ventilation, regular disinfection and fumigation, and an adequate diet for the prisoners. Above all, every ship now had to carry a surgeon, who

²⁸ For Australia generally see: Hughes, esp. pp 138-42; Branch-Johnson.

was answerable not to the ship's Master, but to Commissioners back home in England. These surgeons were drawn from the incomparable Royal Navy, and their orders were to keep a log of their own in duplicate, which had to be delivered for inspection at the end of each voyage. The result of these improvements was that by 1819 the number of deaths on convict ships was surprisingly low.

The surgeon on the *John Barry* was James Bowman. He has been described as a 'pushing type', but he was an experienced medic who had entered the Royal Navy in 1804 and by 1819 he certainly knew his job - indeed, he secured appointment as the Principal Surgeon of the colony of New South Wales not long afterwards, and he was shrewd enough to marry the daughter of the man who founded the Australian wool industry. Bowman's log of the voyage of the *John Barry* shows that 142 convicts left Portsmouth, and 142 were duly landed in Australia. It also shows that they suffered very little from illness, apart from minor ailments - catarrh, coughs and 'slight febrile cases'.²⁹

Life on board a convict vessel in the 1820s was described in detail by another surgeon who made four voyages to the strange new southern continent in the early nineteenth century. This was Peter Cunningham, whose *Two Years in New South Wales* was published in 1827. Cunningham described the quarters which the 'passengers' were assigned to:

Two rows of sleeping-berths, one above the other, extend on each side of the between-decks of the convict ship, each berth being six feet square, and calculated to hold four convicts, every one thus possessing eighteen inches space to sleep in - and ample space too!

Clearly, surgeon Cunningham did not think those in his charge had anything to complain about. He went on:

Scuttle-holes to open and shut for the admission of air are cut out along the ship's sides; a large stove and funnel placed between decks, for warmth and ventilation; swing stoves and charcoal are put on board, to carry about into the damp corners; and in fact every thing that can be thought of is provided to secure health and proper comfort to the convicts during their voyage.

Cunningham states that each prisoner was allowed a pair of shoes, three shirts, two pairs of trousers, and other warm clothing on his embarkation besides a bed, pillows, and blanket. Orders issued by Lord Sidmouth in September 1818 are more specific - "For each Convict 1 Jacket & Waistcoat, 2 Pairs of Trousers or Breeches, 2

²⁹ Bowman married the daughter of John Macarthur.

Checked Shirts, 2 Pairs of Stockings, 1 Neck Handkerchief, 1 Pair of Shoes, 1 Hat or Woollen Cap."

Cunningham's account also makes it clear that Bibles and prayer books were provided. The food, he thought, was both good and plentiful:

three-quarters of a pound of biscuit being the daily allowance of bread, while each day the convict sits down to dinner of either beef, pork, or plum-pudding, having pea-soup four times a week, and a pot of gruel every morning, with sugar or butter in it. Vinegar is issued to the messes weekly, and as soon as the ship has been three weeks at sea, each man is served with an ounce of lime-juice and the same of sugar daily, to guard against scurvy, while two gallons of good Spanish red wine and 140 gallons of water are put on board for issuing to each likewise - three to four gills of wine weekly, and three quarts of water daily, being the general allowance.

The prisoners were put in irons when they first boarded the vessel, but these were struck off once the ship was on the high seas. The surgeon had the men up on deck for exercise as often as possible; and they were also kept fit by having to perform much of the scrubbing and swabbing which the ship's crew would have to do on other types of vessel.

The convicts were allowed some amusements. They caught fish and sometimes albatrosses. If their spirits were high, they might dance and sing and they certainly gambled, if necessary ripping up their Bibles and prayer books to fashion crude playing cards.

There was a great commotion if another vessel was encountered at sea. An American traveller, on his way from Boston to Burma, sighted the John Barry in mid-Atlantic in 1835, during a lull in the trade-winds, and recorded the excitement which the meeting caused:

The John Barry.....has 260 convicts for Sydney, in New South Wales. They swarmed on the whole deck and in the rigging, while men under arms stood sentry over them. There were probably some troops also on board, as there were several officers on the quarter deck, and a fine band of music. This was politely mustered yesterday when we were as near as we could safely sail, and played for an hour or two very delightfully.

The voyage which the *John Barry* made in 1819 was over 17,000 miles long. She ran down the North Atlantic, flying the distinctive red and white pennant of the convict ship. She collected supplies from Madeira and then made for the Equator and Rio de Janeiro, where she stopped for over a fortnight. Then, blown constantly forwards by the Westerlies and Roaring Forties, she sailed from Brazil to Australia non-stop, passing the Cape of Good Hope and forging on across the vast expanse of the Indian Ocean, before

turning north again for the Tasman Sea, and the east coast of New South Wales. It was all a far cry from Yorkshire, and must have been a strange experience indeed for Hague and Mitchell, who were landlubbers from landlocked Hallamshire.

The voyage was not without incident, as the following entries in Surgeon Bowman's log reveal

April 1818 left Portsmouth

2nd May A great many of the convicts suffering from sea sickness.

12th May Thomas Brown, convict, close confined and handcuffed for altercating with another convict, Thomas Jonas. Several other convicts liberated him later in the evening, but Brown was taken again and put into the small prison and order restored.

13th May In sight of Porto Santo and Madeira. Thomas Brown received 72 lashes for bad conduct and riotous behaviour, John Baker 48 lashes for riotous conduct, liberating Brown and attacking the Third Mate when he went in the prison this morning to clean it. Carpenters at work replacing the prison and building the berths for sleeping in, some of which were destroyed last night by the convicts.

14th May Received supply of fresh leaf vegetables from Madeira.

25th May School for convicts established.

8th June 76 casks of water used up; only 126 remain. Fears of a shortage.

10th June A very disgraceful scene of riot and disturbance took place amongst the Guard.....originating in drunkenness.

22nd June Irons put back on convicts in preparation for Rio Janeiro.

27th June Coast of Brazil sighted. Mr McIntosh's wife delivered of a female child.

30th June Anchor off Rio Janeiro.

2nd July Received fresh leaf vegetables and fresh water.

6th July None of the convicts allowed on deck because of bad conduct.

11th July *William Smith, convict, found in the foretop with his irons cut with the intention of escaping.*

12th July *William Smith received 72 lashes*

17th July *Sail from Rio Janeiro*

23rd July *Deck trousers issued to convicts, the original issue having worn out and the weather cold.*

6th September *Our ship narrowly escaped being burnt, by making candles.*

Even by the standards of the day, the passage was not a particularly quick one. It took almost five months, so that those on board had ample time to think. Hague may have reflected bitterly on his betrayal by Mary Keyworth and on the fact that George James and George Steer would now be sitting safe at home in Thorpe Hesley, while he sailed the seas in his floating prison. Mitchell may have brooded on his carelessness in failing to cover his face completely on the night of the burglary; and he may also have wondered if, despite this failure, he might still have escaped detection, had he loaded his gun properly that night - for if he had, he might at least have succeeded in silencing Sarah Yeardley.

At long last, after exactly 149 days at sea, the *John Barry* dropped anchor in Sydney cove on September 26th 1819.³⁰

(iii) In New South Wales: 1819 - 1841

The *John Barry* rode at anchor in the bright Australian sunshine for a full ten days, before unloading her human cargo, though doubtless Commissioner John Thomas Bigge disembarked before the convicts!

On 1st October 1819 Surgeon Bowman recorded in his log that: *Mr Secretary*

³⁰ For this section: PRO, HO 11 and ADM 101/38/1; Bateson; The Australian Encyclopaedia, Angus and Robertson Ltd., 1958; Hughes Chapter 5; 'The Ancient Port of Whitby and its Shipping' by Richard Weatherill, Whitby, 1908; 'The Old Seaport of Whitby' by Robert Gaskin, Forth & Son, 1909.

Campbell came on board the Ship and mustered the whole of the convicts, and expressed his approbation of their appearance. On 7th October the prisoners finally left the ship: All convicts landed and inspected by His Excellency Governor Macquarie previous to them being distributed to the different duties allotted to them.

'Mr Secretary Campbell' was John Thomas Campbell (1770-1830), Secretary to Lachlan Macquarie (1762-1824). Macquarie was Governor of New South Wales between 1810 and 1821, succeeding Captain William Bligh, who had held the same high office for four years, despite his earlier unfortunate experiences during and after the mutiny on the *Bounty*. It was Governor Macquarie's practice to see all new convicts personally and to tell them *What a fine and fruitful country they had come to, and what he would do for them if their conduct merited it.*

For the convicts, punishment did not end when they arrived in Australia. Transportation was not the whole of the penalty: they also had to perform forced labour, either for the Government or for a private employer. In Macquarie's day they were more often than not assigned to Government Service (a fact which did not make him popular with the labour- hungry free settlers). This was because the Governor believed in public works, not only as a way of employing the increasing numbers of convicts arriving in the colony, while keeping them under his personal supervision, but also as a means of improving the appearance of Sydney and the surrounding districts. This programme was not approved of by His Majesty's Government, which disliked public spending, and Macquarie eventually fell from favour. This may have been brought about by adverse reports by the same Commissioner Bigge who had been sent out from England on the *John Barry*, and who evidently regarded all convicts as 'scum', and thought Macquarie a dangerous liberal. However, in the meantime, the Governor had succeeded in laying out the street plan of central Sydney, and erected a large number of impressive public buildings, including the General Hospital, the Hyde Park Barracks and several churches in Sydney, and the Female Factory in Parramatta. Some of these structures survive to this day, and Macquarie's name also lives on, in many place names in Australia.

William Hague and John Mitchell arrived at the height of Governor Macquarie's building boom. It therefore comes as no surprise to learn that the two Yorkshiremen were initially put to work for the Government. The Census of Convict Populations in New South Wales for 1820 contains this information:

Name :

William Hague

John Mitchell

<i>Date of arrival</i>	<i>September 1819</i>	<i>September 1819</i>
<i>Ship came in</i>	<i>John Barry</i>	<i>John Barry</i>
<i>Master of Ship's name</i>	<i>Ellerby</i>	<i>Ellerby</i>
<i>Where tried</i>	<i>York</i>	<i>York</i>
<i>When tried</i>	<i>July 1818</i>	<i>July 1818</i>
<i>Term</i>	<i>Life</i>	<i>Life</i>
<i>How disposed of</i>	<i>Government Employ</i>	<i>Government Employ</i>
<i>Whether still resident in the colony</i>	<i>In the colony</i>	<i>In the colony</i>

Mitchell seems to have behaved himself, but Hague did not. On 12th February 1820, only five months after his arrival in Australia, he was brought before the Sydney Magistrates and sentenced to one year, for a crime or crimes unknown. One might ask what more could be done to him, when he was already under sentence of transportation for life? The answer was that he could be sent to one of the out-stations, and this was what happened, for ten days later he was ordered to be taken on board the brig *Lady Nelson*, an armed tender which plied up and down the coast, and on this occasion was bound for Newcastle, to fetch a cargo of lime.

Newcastle was the 'Botany Bay of Botany Bay': a place of punishment for difficult convicts like Hague, who had committed further offences. It was situated about seventy miles north of Sydney, and was extremely isolated. The prisoners who were sent there had to work under very harsh conditions, mining coal, felling cedar trees, or gathering and burning oysters, to provide lime for the building industry. The commandant at Newcastle was James Morisset, a former soldier, who believed in the strictest discipline. As a result of a facial injury sustained during the Peninsular War, he had the appearance of an ogre, and seems to have possessed a temperament to match.

But William Hague came through his time in Morisset's Newcastle, and returned safely to Sydney. His name was included in the *List of Artificers, and others who have been Overseers' Men*, and on 28th December 1821 he was sent to work for Charles Fairclough of York Street Sydney, a blacksmith who had once been a convict himself. Meanwhile Mitchell's name appeared in the *Register of Prisoners who were not Artificers*; and on 26th July 1822, he was sent to work for John Moss of Castlereagh Street.

Both men had now been assigned to private employers. Hague's name appears in the 1822 General Muster, when he was still employed by Charles Fairclough. Mitchell is mentioned in the Colonial Secretary's Papers in July 1825: he was now described as the convict servant of one John Leadbetter, and for some reason a request was filed that not only they but also Leadbetter's wife and child should be "victualled from His Majesty's

Stores for six months".

Both men are referred to in the Muster of 1825. Hague was now no longer with his blacksmith, but was back in 'Government Employment' at the 'P.B.', which probably stands for the Prisoners' (or Hyde Park) Barracks at Sydney. Knowing what we know of Hague, this may indicate that he had broken the law again. Mitchell on the other hand was working for another private master, one James Oatley, who may have been a watchmaker. He stayed with Oatley for some years, as appears from the Census of 1828 (which incidentally tells us that he was a Protestant):

Entry number 2609

Name : John Mitchell

Age : 41

Free or Bond : G.S. (Government Servant) 'i.e. convict'

Ship : John Barry

Year : 1819

Sentence : Life

Religion : Pro

Employment : Labourer

Residence : James Oatley

*District : Botany*³¹

It was possible for a convict to re-gain his freedom, even before his sentence had expired. He might be given an absolute pardon, which restored all his rights, including the right to return to his native land; but such pardons were rare. A conditional pardon, on the other hand, was relatively common. This gave a man citizenship of the colony of New South Wales, without the right to return to England. A half-way house on the path to emancipation was the granting of a 'ticket-of-leave'. This was a type of parole. The convict who had been given his ticket was free from the obligation to perform forced labour and he could work for himself and own property; but he must stay in the colony; he could not even leave his district without written permission; he must produce his ticket when required; and he must 'attend worship weekly, if performed within a reasonable distance'. Moreover, his ticket could be suspended or

³¹ P.R.O. A.D.M. 101 - Admiralty Medical Journals; H.O 10 - Censuses of Convict Populations in New South Wales. Archives of New South Wales (AONSW): Colonial Secretary's Papers 1788-1825, Fiche 3290. (26)

even revoked 'at the pleasure of the Governor'. This was a precarious sort of liberty; but it was nevertheless a liberty which was greatly prized. Suprisingly, even men who had been sentenced to transportation *for life* could become eligible for the ticket-of-leave, if they behaved themselves for the appropriate number of years. The necessary qualifying period varied with shifts in penal policy; but in 1827, for example, it was provided that 'lifers' should become eligible if they had served eight years with one master, or ten years with two, or twelve years with three masters, the number of masters obviously being used as a guide to a man's conduct.

The two burglars from South Yorkshire progressed along the road to freedom at different rates. John Mitchell's journey was slow but steady. He was granted his ticket-of-leave on 1st December 1833. By now he was in the district of Liverpool and he was allowed to remain in that place, by recommendation of the local magistrates. He was still there four years later when the General Return of Convicts of 1837 was compiled:

Convict's name : John Mitchell

Age : 47

Name of Ship in which they arrived : John Barry

Year of arrival : 1819

Name of Master : -

Name of District : Liverpool

Remarks : Ticket of leave

Eventually, Mitchell was granted a conditional pardon, on 1st January 1841.

By contrast, Hague was not able to keep to the straight and narrow, despite his experiences at Newcastle in 1820. He was granted his ticket-of-leave on 1st May 1830, even before Mitchell; but this was soon suspended, for six months. The reason for this does not appear: it was noted on the bottom of his ticket but, alas, part of the writing has become illegible with the passage of time. The tantalising footnote begins: "Recommended by the Sydney Bench to be suspended for 6 months for....." and we cannot supply the missing words.

This suspension seems to have lasted longer than expected (or perhaps there was even a further suspension) because a note in the margin of same ticket-of-leave tells us that it was only restored in December 1833. Nor was this the last of William Hague's relapses, for the Census of 1837 places him in (or at least in the employment of) the Sydney House of Correction:

Convict's name : William Hague
Age : 39
Name of Ship in which they arrived : John Barry
Year of arrival : 1819
Name of Master : House of Correction
Name of District : Sydney
Remarks : None

At this point we must pause to reflect that by 1837, despite the thousands of miles which he had travelled, William Hague had only managed to progress from the House of Correction at Wakefield, to a similar institution in Sydney, and this despite the fact that he had a trade which placed him in a class apart from many other prisoners. For him, the arm of the law had proved to be very long indeed.

But this was not the end of the story. Hague's ticket-of-leave had been suspended at least once, and possibly several times, but it had not been revoked altogether. He still had it in his possession and, on 14th May 1838, it was returned, albeit 'mutilated', to the authorities. He was given a new ticket in lieu and the local Magistrates allowed him to remain in the district of Sydney. Finally, on 1st April 1841, his conduct was deemed to merit the grant of a conditional pardon.

At the age of forty-four and fifty-two respectively, William Hague and John Mitchell were free at last to lead their own lives, though only on condition that they continue to reside within the limits of "His Majesty's Territory of the Eastern Coast of New South Wales and the Islands thereunto adjacent". Otherwise, as their pardons put it, they would be "subject to all the Pains and Penalties of Re-appearing in Great Britain and Ireland, for and during the Term of °their§ Original Sentence or Order of Transportation ; or, as if this Remission had never been granted." They could never go home, though it was twenty-three years since they and their accomplices had burgled Cliffe House in Old England.

It seems however that William Hague at least may have found some consolation in his exile for, in 1830, shortly after he had first obtained a ticket-of-leave, he had re-married! His bride was Margaret McGarr, a convict who had arrived in Australia in 1828 on board the *City of Edinburgh*, which brought a total of eighty female prisoners from Cork in Ireland. At twenty-four, Margaret was some years younger than her husband. She had been a farm servant and dairy woman in Kildare, before she was convicted of picking pockets and sentenced to seven years' transportation. She was five feet one and three quarters and, like her new husband, she was a redhead. The Convict Indent for her ship shows that her complexion was 'much freckled', her hair was 'red' and her eyes were 'red hazel'. One could hardly fail to notice her, for the same

document also shows that she had a 'nose inclining to the right & cock'd'.

The record shows that the details of this marriage were as follows:

St Phillip's Sydney

William Hague, of this parish, blacksmith, a bachelor & Margaret McGarr, spinster, married in this church by Banns with consent of the Government

15 Nov. 1830. William Cowper, Chaplain

both signed X their mark

It is striking that William Hague was stated here to be a bachelor, when we of course know that he was not, having left a wife in Yorkshire. But after all Hague had no reason to cherish fond memories of his first wife Ann, who had given evidence against him in York. So, like many another transported convict, he married again, secure in the knowledge that he had a good defence to a charge of bigamy as the law then stood, since he had been *continually.....beyond the seas, by the space of seven years together*.³²

³² AONSW: Convict Indents of 1819 and 1828; Registers of Artificers and other Labourers Assigned, 1821-25; General Muster, 1825; Censuses; Ticket of Leave Butts 1827-75; Conditional Pardons 1826-70; Convict Marriage Banns 1826-41; Registrar General, Marriages. On bigamy see Archbold, 1822 p 359.

VII OLD ENGLAND

The conviction of those responsible for the burglary at Cliffe House did not put a stop to criminal activity in the Ecclesfield area. In fact the late summer and autumn of 1818 witnessed a series of thefts and burglaries there, all within the space of a few weeks. Predictably, these attracted the attention of the same diarist who had noted the arrest of William Hague and his accomplices:

Joseph Nicholson of Shire Green had his House Robbed from 1 to 4 O'clock in They after Noon Munday Augt. 24

Wm. Fawley Committed a theft against Fras. Lawton by Stealing his Clog Nails and Hiding them in Mr. Kirkby Plantation & Was Seen Hiding them Octr. 31st

Joseph Parker, Bitt Maker, ad a pigg stolen and supposed to be Kild in they Pig fould in they Morning of 10th of Novr.

Mrs. Hasland Shop Broken into Tuesday Morning Novr. 17

Wm. Fletcher Butcher Shop and Mrs. Greaves Butcher Shop Broken into Sunday Night or Munday Morning 15th & 16th of November not much Taken there From.³³

All this seems to have been too much for local people to bear, and they decided to take action. In November 1818 they set up the Ecclesfield Watch, to supplement the activities of the village Constable:

Fryday night they watch or Patroul commenced here at Ecclesfield for the Good and Safity of the Town November 27th.

How effective this new institution proved in combatting crime, we cannot say. It was certainly not a panacea, for in the following year of 1819 our ever-watchful diarist recorded a further case of housebreaking, whose irony cannot have escaped him:

Joseph Badger of Gregghouse ad his House Robd. Octr. 27th. While Going a Cross the Fields to

³³ William Fletcher was a butcher in Ecclesfield, who also had a sheep stolen in 1822, probably by men from Thorpe Hesley. See 'Sheepstealers' below.

Sheffield Lane Top to Look at the Prisoners Going to Take there Trials at Sheffield Session.

According to certain members of her family, Sarah Booth lost none of her fighting spirit as a result of the break-in at her house. The old lady soon recovered her composure, if not her gold watch. She evidently did not find it too much of an ordeal to give evidence about the burglary to the magistrates in Sheffield in the spring of 1818, or to the jury in the summer. Indeed, according to her eldest daughter Margaret Booth (1777- 1856), she proved to be a very effective witness:

...when Mrs Booth gave her evidence at York she showed remarkable firmness and self possession, and the opposing counsel remarked: 'To knowledge he has never cross-examined such a witness.'

How reliable the above opinion may be is questionable, since there is no other evidence which suggests that any of the accused were represented by counsel; but the story does at least confirm that some of Sarah Booth's children thought that she had good qualities as well as bad.

The burglary certainly did not cause Sarah to move away from Cliffe House. She continued to live there for a further sixteen years, maintaining a keen interest in Brush House and the Brushes Estate as well. Then, in 1834, she went to live with her youngest son, the scholarly George, who had been a Fellow of Magdalene College Oxford but had recently become vicar of Findon in Sussex. George did not welcome this invasion of his privacy, any more than Sarah's other sons would have done. He preferred his books, especially the plays of Aristophanes, and found his mother a burden; but she had asked him directly if she could come, and he must have felt that he could hardly refuse - after all he was a man of God.

Later on, George wrote querulously of the five years during which his mother lived with him:

Though she had a strong and acute natural intellect, cheerful spirits, playful humour, and a substantial motherly attachment, I above all her children most experienced the impetuosity of her temper of late years. It was her sole entreaty to come and live with me. My wife's friends didn't like it.

Sarah lived until she was eighty-four. In the last year of her life she visited her son Thomas at Park Cottage, near the Park Iron Works in Sheffield. While she was there one of her grandsons, Dr Charles Mellor, called to see her and recorded this impression:

My grandmother was an imperious but very clever woman. When I saw her for the last time at

my uncle Thomas's house at Park Cottage, I think I never saw such a shrewd and intelligent old lady at eighty-four. She didn't look a day older than seventy. She must have been a remarkably handsome woman in her day. She had a dark eye as sharp as an eagle's....

Sarah died on 4th June 1839, not in Sussex, but in her native Yorkshire. She had come to visit her friend and solicitor, William Smith (junior) at Barnes Hall in Grenoside, and it was there that she passed away. Having died so close to home, she was naturally buried at Ecclesfield, with the Reverend Ryder officiating.³⁴ Awkward to the last, Sarah's coffin would not fit into the grave, and this caused a good deal of embarrassment for those members of the family who were present to witness this "indecorous interruption of the last sad offices."

There was also an unfortunate exchange at the funeral between three of Sarah Booth's sons. The eldest, Dr John Kay Booth, had evidently quarrelled previously with his younger brother Thomas the ironmaster; but he made overtures of peace at the graveside. Thomas wasn't willing to let bygones be bygones and rejected this offer of reconciliation. Dr John thereupon declared:

"I am only casting pearls before swine!"

Thomas turned to the youngest brother the Reverend George, who was standing nearby, and said:

"I am wondering where the pearls are."

George seemed to side with Tom, for he agreed:

"So am I."

There was indeed 'enough said' at the funeral of Sarah Booth. The sight of this altercation in Ecclesfield churchyard must have been an extraordinary one, especially in view of the remarkable physical appearance of the Booths, particularly Dr. John, who was "a most striking specimen of an old English gentleman".³⁵

³⁴ There were two Ryders who were vicars of Ecclesfield, William Ryder (1823-5) and Thomas Ryder (1825-39) - the right of presentation being at that time in their father, Thomas Ryder of Hendon: Eastwood p 211. As to Sarah's continuing interest in the Brushes Estate, see SCL SC 240 - she agreed to buy Brush House back from Dr J.K.Booth in 1821, but the sale was cancelled by agreement. As to the Reverend Ryder see Chapter III above.

³⁵ Eastwood p 378. Eastwood was curate of Ecclesfield between 1848 and 1854, and must therefore have seen the Booths for himself. However, the late Mr Peter Booth, who was a direct descendant, informed me in 1988 that "Dr John Booth and George Booth were not at all handsome.....the other brothers Thomas,

Sarah Booth's gravestone can still be seen outside the east end of Ecclesfield church. Cliffe House remained in the possession of the Booth family for two generations or so, and was considered to be worth a mention when the Reverend Eastwood published his *History of the Parish of Ecclesfield* in 1862:

Overlooking Brush House, on rising ground, at the distance of about half a mile is Cliffe House, built by the widow of William Booth, of Brush House, and now the property of his heirs...

The scene of the burglary in 1818 has been drastically transformed today. Cliffe House itself was demolished in about 1930 to make way for a Fire Station; Brush House is still standing, being part of Firth Park Comprehensive School, but the grounds and John Booth's Mausoleum have gone. The area to the south of Ecclesfield, which at the time of the burglary was countryside interspersed with the houses of the gentry, has now been largely built over, with only a few street names - Brush House Hill and Cliffe House Road among them - to suggest what life was once like there. But the curious visitor can still look up from Firth Park School, across open park land to the tower of the fire station, and imagine what the burglars were thinking and feeling that night in the winter of 1818 as they approached 'Spite Hall' in the dark, whilst Sarah Booth slept, her gold watch hanging on the ribbon next to her bed.

William, Henry & Charles were well known in the district for their pleasing appearance."

APPENDIX: MEMORIES AND MYTHS

The Booth family did not forget the burglary of Cliffe House in 1818, but memories can be faulty, and the stories they told about it can be shown to be inaccurate in several respects, when they are compared with the original records upon which the above history is based.

Sarah Booth had two grandsons who were keenly interested in family history. Charles Booth (1828- 1921) was a barrister in London and Sheffield. He spent a long retirement editing his father's and uncles' correspondence during the Peninsular War, and making notes on genealogy. Dr Charles Mellor was a medic who had surgeries in Ecclesfield and Sheffield. In his memoirs, probably written between 1870 and 1888, he recorded the following version of what happened when the gunmen broke into his grandmother's house:

Whilst she Sarah lived at Cliffe House, one night after her son Major William Booth had left her and gone down across the fields to sleep at Brush House, then tenanted by his brother Thomas of the Park Iron Works, the house was broken into, and robbed by six men, who had doped the large mastiff guard dog and quieted him. A man always slept in the house next to her room, and she kept the key to his door, which on this occasion, was unfortunate. The first alarm was given by a servant girl who slept above her mistress, and on hearing a noise got up, and on coming down stairs met a man on the landing where she had left a scuttle of coal, and in his attempting to stop and strike her, she seized this missile and held him back with it, and then running down stairs, threw up the dining room window & was about to descend to the lawn to give the alarm, but was stopped by a man who threatened her, but she recognised the voice as that of her sweetheart, who swore at her, but she jumped over him and past him, it is said, and gave intelligence at Crowder House, a farm-house across the fields, where she had fled, and was rewarded by a gift of £10 for her bravery by Mrs Booth afterwards.

In the meantime two of the men with black crepe across their faces had found their way into the mistress's bedroom, and one of them presenting a pistol, said that if she made the least alarm he would shoot her dead, she, however, springing up, rang the bell, but the many doors being locked who might have rendered assistance °sic§, the fellows had time to steal her plate and a good deal of jewellery including one or two gold watches which they broke up in an adjoining quarry, where they divided the spoil, after they got clean away.

The leader of this gang of house breakers, turned out to be her late coachman

whom she had preemptuously dismissed for insubordination a short time before.

This account corresponds in many respects with that given by the witnesses at the trial in 1818, and with contemporary newspaper reports; but it also contains several details which are not referred to in those sources. How far these additional elements represent the facts, and how far they were produced by the telling and re-telling of the story by members of the Booth family before it was recorded by Charles Mellor, is difficult to say. It is not unlikely that Sarah Booth had a mastiff, nor that one of the servants should have been rewarded for her bravery in tackling the intruders, nor that one member of the gang should have been Sarah Booth's erstwhile coachman, motivated by revenge as well as greed. However, there is nothing in the depositions or the newspapers about a rendezvous in a quarry: as we know, the burglars met up in a barn in Wentworth Park. Nor is there anything in those sources about a servant wielding a coal-scuttle as a means of self-defence: the coal-scuttle seems to have become confused with a lantern here; nor about a servant actually escaping and making her way to Crowder House while the burglary was still in progress; nor to the effect that Sarah Booth sprang out of bed and gave the alarm by ringing the bell in her room: on the contrary, Sarah Booth's evidence was not that she sprang out of bed but that she fainted when the leader of the gang threatened her with his pistol, whilst the *Sheffield Iris* reported that she cried out for mercy. One cannot help feeling that when those involved in the burglary came to relate their part in it afterwards, they exaggerated their bravery; and that Sarah Booth in particular wanted to show her family that she could take care of herself, and that no-one could get the better of her, not even masked desperadoes who pointed pistols at her in the middle of the night!

Some of the most entertaining episodes in the story recorded for posterity by Dr Charles Mellor concerned the manner in which two of the culprits were arrested:

Four of the gang were apprehended soon afterwards, but two others eluded the constable for some time, though said to be in the neighbourhood. Mr Thomas Booth was of service here however. There was an empty house at Thorpe Mill with a wide old fashioned chimney. Although the constable had searched this house in the daytime, no trace was found of the burglars. Mr Booth however insisted on searching with him, and found the fellow perched up with his foot lodged on a projecting stone, and he forthwith pulled him down by the legs and gave him in charge.

On another occasion as he was riding through Smithy Wood where some coal pits were situated, he heard some children conversing together rather earnestly, & he caught at the words of one of them:

*'Thou doesn't know where my Daddy is'
and he immediately turned his horse and said to the lad
'But I do'*

"which being denied he offered a bet of a shilling. On having guessed the chimney and all sorts of other places, pulled out the shilling if the lad would tell where he was secreted, and on throwing down the shilling, the lad cried

'Why in the boiler'

"Mr Booth recollected an old engine boiler which had been thrown out some time ago along in the wood, and there he captured the sixth scamp.

These fellows were all afterwards transported to Van Dieman's Land. It was a matter of observation in the neighbourhood at the time.

There is obviously at least one statement here which is simply wrong: it is not true that all six criminals were transported to Van Diemen's Land/Tasmania. Only two were transported, and they were sent to New South Wales. But this is not to say that the rest of the account is entirely without foundation. True, the story of Thomas Booth's wager with the small boy sounds almost too cute to be true; but there is nothing inherently improbable about a man hiding in a chimney at Thorpe Hesley, or about an old engine boiler lying around in Smithy Wood. It is significant that the official records say nothing about the circumstances in which the burglars of Cliffe House were arrested. The report in the *Iris* simply states that three of the gang were overheard conversing about the loot, in a pub in Thorpe Hesley, and were brought in the same day, and that the other two were apprehended the following day; but that report does not say where those two were arrested, or by whom. Moreover, there is no report at all of John Mitchell's arrest. It is therefore possible that Charles Mellor's version of these events was essentially correct, and that Tom Booth the ironmaster did indeed play an active part in apprehending two of the villains who had broken into his mother's house. On the other hand, this may well be a case of someone embroidering the facts in order to impress family and friends. We shall probably never know.

The most extraordinary passage in Dr Charles Mellor's memoirs concerns an interview which is supposed to have taken place some thirty years after the burglary of Cliffe House:

In 1850, when practising at Ecclesfield, I allowed [i.e. treated] a George James living at Thorpe Hesley and he was grandson of one of those burglars, and indeed his father was one of them. His father being a young man at the time, and a very powerful man (as my patient was) and a good swimmer, jumped overboard about ½ mile before the vessel came into port, and swam to land, and at the time of my attendance he had got a letter saying, that the fellow had secreted himself at Hobart town, and being a nailer by trade (as was my patient) he had opened a hardware shop and had made an independency and offered to pay for the sons of all his family if they would go.

What is one to make of this? Sad to say, it must be a nonsense. The George James

who was tried for burglary in 1818 was not even convicted, let alone sentenced to transportation. Only two of the six men suspected of the burglary were eventually transported, and neither of them was sent to Hobart. None of the burglars shared a surname, which makes it improbable that one was the father of another, whilst their ages also argue against this. The idea of someone jumping overboard from a convict ship is inherently unlikely: there is no record of anyone having escaped in this fashion, and attempted escapes were usually made when the ship was at Rio or the Cape. So we must conclude that, on this occasion, the patient was simply telling his doctor a rather tall story.

THE CHARACTERS

George Hague of West Wood, engine-tenter and suspected sheepstealer

Joseph Warburton (alias Warbelton or Warbleton) of Thorpe Hesley, farm labourer and suspected sheepstealer

William Wigfield of Thorpe Hesley, nailmaker and suspected sheepstealer

William Fletcher of Ecclesfield, butcher and victim

John Fletcher of Ecclesfield, his son

William Greaves of Atthouse Fold near Stockport, butcher and victim

Joseph Taylor of Stayleybridge, head drover and victim

James Mills of Masborough, common sheepdrover

Mark Walton of Masborough, common sheepdrover

Mary Shaw of Hesley Bar Thorpe Hesley, publican's wife

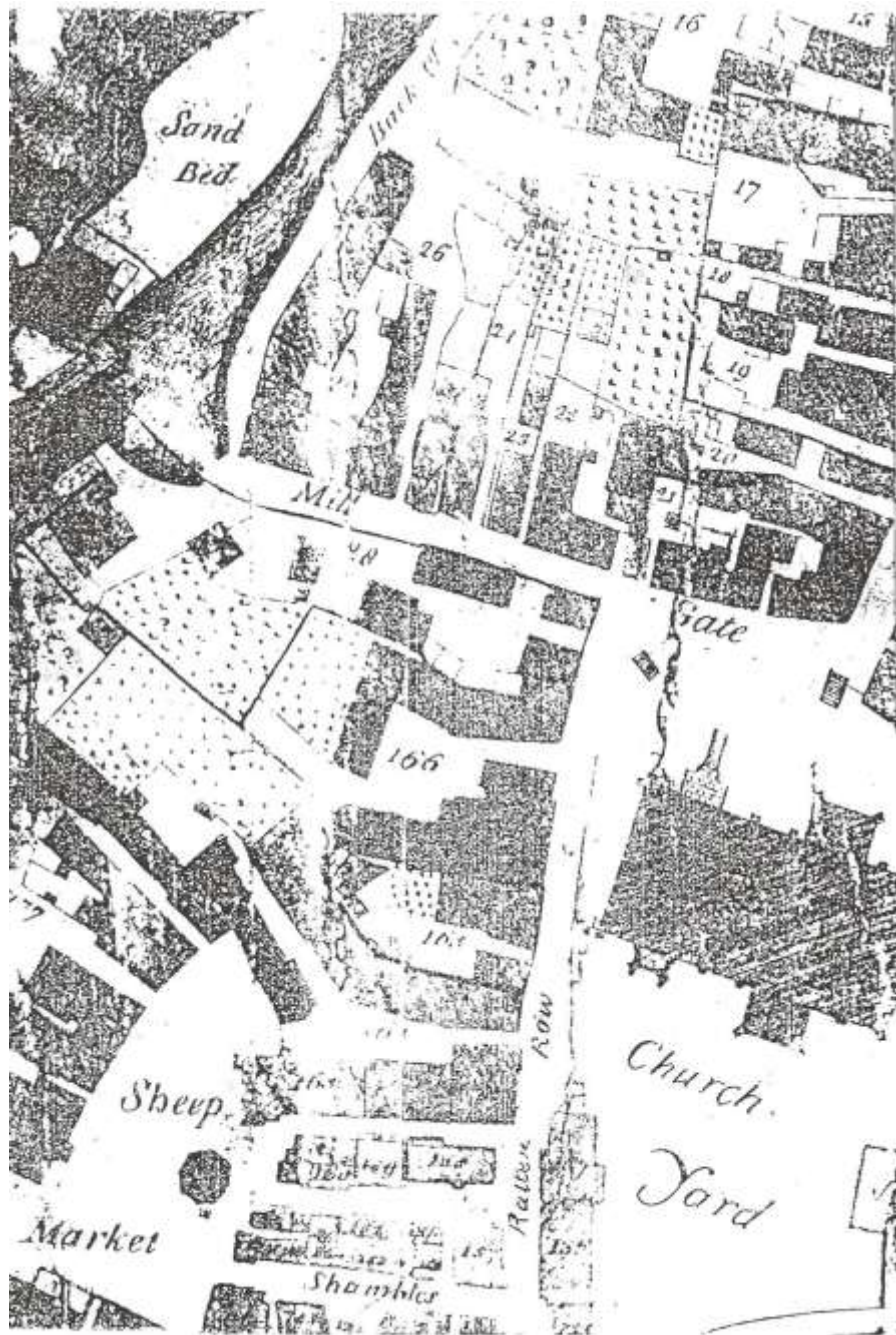
Charles Butcher of Thorpe Hesley, publican and constable

William Foster of Ecclesfield, publican and constable

The Reverend John Lowe, rector of Tankersley, curate of Wentworth, domestic chaplain to Earl Fitzwilliam and magistrate

The Reverend Henry Stephen Milner D.D., rector of Thrybergh and magistrate

Hugh Parker esquire of Woodthorpe, senior Sheffield magistrate



Rotherham Sheep Market in 1774

I THE RAID

In 1822, the 'Manchester drove' was a well-known sight on the turnpike road which led from Rotherham across the Pennines to Stockport in Cheshire. Manchester's appetite for meat could not be satisfied by home-bred beasts, and the butchers in and around the great cotton-rich city went far afield for the supplies they needed.

Rotherham's market had been founded in medieval times. It flourished in the eighteenth century, for the town provided a convenient link between the farmers in the Midlands and the burgeoning cities of the industrial North. The Feoffees of the Common Lands, who governed Rotherham in the absence of any other municipal corporation, took particular care to remove any obstacles which rendered access to the market more difficult. The facilities there were further improved by an Act of Parliament of 1801, and the town's standing as a fat stock centre reached new heights. In his *Yorkshire Directory* Edward Baines noted that Rotherham had "an excellent market on Monday, for corn, cattle and butcher's meat, and every second Monday there is a fair for fat cattle, sheep and hogs"; and he specifically mentioned that the fortnightly fair was "well attended by graziers and butchers from very distant parts of the country."

Fifty years later, when times had changed, Rotherham's historian John Guest looked back with pride:

The cattle market at this period was hardly second to any cattle market in the kingdom. It was held early on the Monday morning, so that the Manchester butchers who were the principal buyers, had either to come the night before or to travel all night over the moors, so as to be in time in the morning. And this they generally did through all weathers, and a brave and hardy class of men they must have been who could do this. The beasts penned would be from 20,000 to 25,000 in the year, and the sheep nearly the same in number.³⁶

The Manchester butchers who bought sheep in Rotherham employed drovers to

³⁶ For Rotherham market see Hey, *Packmen* pp 170-4 and Guest pp 415, 545. There were others apart from sheepstealers who preyed upon visitors to this market. For the careers of the Rotherham footpads Ledger and Hollingworth, who were arrested in 1798 after trying to rob a carrier called Nicholson on Thorpe Common, see Guest p 443.

shepherd them across the thirty or forty miles which lay between the two towns, and these men took several days to bring the meat across on the hoof. The road across the Pennines was an ancient trade route: it had been considered a 'King's highway' in the middle ages and its continuing importance led to its being turnpiked in 1741; but, despite this recent improvement, it was still not an easy road to travel. There were numerous long, steep, hills to be climbed, and the Field Books of the surveyors who prepared plans of the turnpike in the late eighteenth century show that the road constantly snaked from side to side, as well as climbing up and down. And, naturally, the sheep did not move in a straight line either.

The journey had therefore to be made in stages. The travellers needed places along the way where they could stop to rest and refresh themselves; and several farms on or near the turnpike were turned into beer houses in order to profit from their custom. The drovers became well-known in these pubs, so much so that they could order their drink on tick: it was enough for them to show their faces, and the landlord would charge the ale to their employers.

The first leg of the journey to Manchester was on the Rotherham to Four-Lane-Ends Turnpike, and ended at Finkle Street, near the village of Wortley. It was convenient to recruit men who lived in Rotherham for this part of the drove. The distance involved was about nine and a half miles, which was a day's walk for men travelling at the pace of a sheep, with toll-gates to negotiate at Grange Lane Bar, Masborough Bar, Hesley Bar and High Green Bar. Nine miles was certainly too much to tackle non-stop: the drovers commonly halted for ale halfway, after passing through Hesley Bar. There was a pub there, suitably known as *The Gate*, and when the drovers halted, they left their animals in the road. A map of 1764 in the Fairbank Collection at Sheffield shows the position of the toll-bar, with Joseph Shaw's cottage close by; and in 1822 this cottage was still there, though it was now occupied by William and Mary Shaw. They served good ale, and this was the ideal place for the weary traveller to slake his thirst, before continuing through the woods, and down the long hill to Cowley and Chapeltown.

There was one disadvantage if the drove stopped at *The Gate*: Hesley Bar was only about a mile from the village of Thorpe Hesley, which was home to a large and godly congregation of 'people called Methodists', but home also to a number of men with a reputation for sheepstealing.

On Monday 25th February 1822 a butcher named William Greaves of Atthouse Fold near Stockport bought sixty-six sheep in Rotherham market, and employed a 'head' drover called Joseph Taylor of Stayley to bring them back to Cheshire.

Taylor recalled later that he personally marked each of these sheep: *with a Black Mark a Cross the Loin.....whilst the Sheep were in the Penns.* Taylor drove the sheep out of the market and turned them over to two 'common' drovers, James Mills of Masborough

near Rotherham, and his companion Mark Walton, who were hired to go as far as Finkle Street. Mills and Walton drove the flock past the church, along Bridgegate and across the old bridge over the Don, on which stood a medieval chapel, now used as a gaol. They herded their sheep onto the turnpike and then onwards, through Masborough Bar and Kimberworth, and along 'Prison Lane'. They passed Red House and Keppel's Pillar to their right, and Kimberworth Park Gate to the left. From here (had they the time and the inclination) they could enjoy spectacular views over the surrounding countryside, and look up to the slopes of the hills on the western horizon.³⁷

By the time they had passed through the toll-gate at Hesley Bar, the two drovers had passed the fourth milestone, and must have felt they had earned a rest. They halted at *The Gate*, leaving their sheep in the road as usual, whilst they took some ale. They noticed three other men leave the pub while they were still drinking, but thought nothing of it; and they left after a short time, on the road for Chapeltown.

The head man Joseph Taylor, who was able to travel more quickly than the common drovers, overtook them at Mortomley-Lane-End, between Chapeltown and High Green, and he then walked or rode along with the sheep. The animals were counted through High Green toll-bar; but nothing untoward was noticed at that stage.

It seems that although the two Yorkshiremen had originally been hired to go only as far as Finkle Street, they were in fact kept on for a further thirteen miles. This was undoubtedly the worst part of the journey, for it involved crossing the high and desolate Pennine ridge, where wayfarers had even been known to perish in winter; but the drovers eventually arrived safely at Woodhead, on the Cheshire side of the mountains. 'The Wood-head' had been described some years before as 'a place well known to the weary travellers who have crossed the hills above in their way from Yorkshire'. It consisted then of three public, and a few private, houses; and it was still no doubt a welcome sight when Mills and Walton arrived there in 1822. Here the Yorkshiremen turned back, but the head drover Joseph Taylor carried on a further six or seven miles to Sand Mill near Mottram-in-Longdendale, arriving there on Wednesday morning 27th February.³⁸

But whatever pleasure Taylor may have experienced in completing his journey and fulfilling his contract cannot have lasted long, for when he *separated the Sheep in such way as directed by his employer Mr Greaves* and finally counted them, he discovered to his horror that: *there were four Sheep wanting!*

³⁷ For a description of the turnpike see Hey, South Yorkshire pp 61-3. For Methodism in Thorpe Hesley see Everett and Russell. For the Gaol Bridge in Rotherham see 'Rotherham' by Freda Crowder and Dorothy Greene, SR Publishers Ltd, 1971, 'Reminiscences of Rotherham' by Ald. George Gummer, H.Garnett & Co Ltd., Rotherham, 1927 p 34, and Guest p 404.

³⁸ For Woodhead, see J.Aiken 'A Description of the Country Round Manchester', 1795.

James Mills and Mark Walton were not the only customers at *The Gate* that Monday 25th February 1822. The pub was not only on a main thoroughfare, it was one of three 'locals' used by the inhabitants of Thorpe Hesley, and a number of William and Mary Shaw's regulars were drinking there that afternoon. In particular William Stephenson and William Heppenstall the fiddler were present, as well as Meller and Moorwood: they had been there since two o'clock, and they would not leave until eight that evening.³⁹

It was about five o'clock when the three men briefly noticed by our two drovers arrived. These three were young Joseph Warburton, William Wigfield and George Hague. Mary Shaw must have known them well.

Young Warburton, or Warbleton as folk often called him, lived in Thorpe Hesley. He was a married man and a farm labourer, and his father, old Joseph Warburton, also lived in the village - possibly in one of the homesteads next to the Town Street - and may even at one time have been the landlord of The Gate.

Wigfield was a bachelor and lived in lodgings in Thorpe, with his landlady Sarah Fullilove. He was a nailmaker.

George Hague was a married man who lived at West Wood near High Green. His father Michael was probably the same Michael Hague who had at one time been an 'overlooker' at Earl Fitzwilliam's pit there. Indeed all four of the Earl's overlookers in South Yorkshire in 1795 had been Hagues! Shortly afterwards, however, they left the Earl's service; and by 1822 Michael Hague owned a share in a colliery of his own. This was in Thorpe Hesley, on part of what had once been Thorpe Common, before the enclosures which followed the Kimberworth Enclosure Act of 1796. Michael's Hague's pit was important enough to be mentioned in Baines's *Directory*, and his son George worked there as an 'engine-tenter', or attendant⁴⁰

Warburton, Wigfield and Hague were friends, and the first two were related, for Warburton was married to Wigfield's sister. It was natural for them to go drinking together. On the Monday in question Warburton left home and walked the short distance to Hague's pit. When he got there, he found George. Perhaps he did not find it difficult to persuade him to leave his father's steam-engine for the comforts of the pub. Soon afterwards, they were joined by Wigfield, who had walked across from his lodgings, which were probably close by, near the Sow Dyke. They all wanted a drink, and they crossed the fields which lay between the colliery and Hesley Bar, and arrived at the welcoming Gate. They went into the first room, which was known as the 'House',

³⁹ A tailor called William Heppinstall is listed under Ecclesfield in the Poll Book for the Yorkshire Election of 1807. Was this the fiddler who was in *The Gate* in 1822?

⁴⁰ For the Hagues and coalmining see Mee pp 95-6.

and Mary served them with pints of ale. They stayed about an hour, leaving the pub before the two drovers from Masborough had finished their drinks.

A plan had formed in Warburton's mind even before he left home to walk to Hague's pit. So he had brought an old butcher's knife and a rope with him, concealed about his person. As soon as he and his companions left the pub, he bawled:

Come let us have a Sheep, there are some down here.

George Hague claimed later that he protested at this suggestion, telling Warburton that: *They should not do so by anybody's things.*

But this somewhat fainthearted objection was overruled with a curt reply:

Never Mind, nobody will see us.

The three accomplices found a suitable sheep by the roadside, about a quarter of a mile from *The Gate*. What happened next is best told in the words of George Hague:

Joseph Warbleton took a Sheep and carried it into a Wood adjoining the Road, Hague and Wigfield went with him; Warbleton stuck the Sheep with an old Butcher's Knife he had brought with him, and then hung it up in a Tree with a Rope...

At the trial which eventually followed George Hague expanded on this, and described exactly how the animal was hung up:

We cut a short stick, and put it through the gristles of the heels like a stang...⁴¹

Warburton and Wigfield had clearly done this kind of thing before, because they performed the messiest part of the work, while Hague sat by, though he did join in to the extent of cutting off one of the animal's feet:

After having taken out the entrails, Warbleton and Wigfield skin'd it, Hague cut off a foot, and sat by during the Time they were skinning the Sheep; part of the Rope was left in the Wood where the Sheep was slaughtered.....when the Sheep was dress'd, and skin'd, they wrapped up the Carcass in his Hague's smockfrock, and Wigfield's Coat; the Sheep's Head and Skin with the

⁴¹ 'Stang' - a bar passed between two posts, as in the old custom of 'Riding the Stang', where an effigy was mounted on the bar, to express disapproval of adultery or other anti-social behaviour.

entrails, they threw into a Coal Pitt adjoining the Road near Cowley; They carried the Carcass successively to Thorpe, and took it to a Stable belonging to Hague's father...

George Hague, with his knowledge of the coal workings in the area, was to explain later that the pit referred to was one of Mr Darwin's, and was on land belonging to William Smith of Cowley Manor (a lawyer who subsequently moved to Barnes Hall near Grenoside and was a key figure in the foundation of the Ecclesfield Association for the Prosecution of Felons in 1829).

It was now quite dark, but the three men decided to carry on with the evil work which they had begun:

Hague procured a light from his Lodgings, and Warbleton cut up the Sheep in the Stable; Warbleton took a Leg, and Hague a Shoulder, and the remainder they covered up with Hay and left it in the Haychamber...

That Warburton was the senior partner in crime is confirmed by the fact that it was he who butchered the sheep in the stable, and he who returned to the Haychamber later that night and took away the rest of the meat. Even so, he did not have the skill to cut the carcass up in the same way as a professional butcher would have done, and in due course this proved to be a point of some importance.

William Wigfield could hardly take his share of the spoil home with him, for he was a bachelor and it would obviously arouse suspicion if he turned up at his landlady Sarah Fullilove's with a large quantity of raw meat in his possession. So, according to Hague:

It was agreed amongst them, that Warbletons Wife was to Cook Wigfields share of the Mutton...

(It will be remembered that Warburton's wife was Wigfield's sister).

William Greaves and his chief drover Joseph Taylor were not alone in losing a sheep in the neighbourhood of Thorpe Hesley that week. On the following Saturday, 2nd March, an Ecclesfield butcher named William Fletcher noticed that one of his animals was missing, and a second disappeared the very next day! According to the Ecclesfield diarist, Fletcher had been robbed before, in November 1818, when his shop had been broken into, though not much was taken on that occasion. But this time his son John had his suspicions as to who the culprits might be. He suggested that that they should search the houses of certain individuals in the neighbourhood. On Monday 4th March he went to *The Tunnel Inn* in Thorpe Hesley and applied to the landlord, who was also a local constable, for permission to search several dwellings in that village,

including the homes of John Copley.....and Joseph Warburton.

As far as we know, Warburton, Wigfield and Hague were innocent of the theft of William Fletcher's sheep; but as we shall see it was, ironically, as a result of the inquiries made about that crime that they were brought to justice for the raid on the Manchester drove.

The landlord of *The Tunnel Inn* was Charles Butcher. He had been appointed one of the constables for the manor of Kimberworth, which included Thorpe Hesley, as early as 1815. His appointment is remarkable in view of previous events, for in 1814 he had been fined by the manor court for using two false weights, one of half a pound and the other of a pound. There was nothing unusual about this: the rolls of that court show that it was constantly punishing persons who had used defective weights and measures, and the shopkeepers of Thorpe Hesley were persistent offenders; but there is no doubt that Charles Butcher's had been a bad case. He had been fined the comparatively large sum of one guinea; and his wife's conduct had merited an extremely caustic comment from the clerk of the court: "The above case was attended with very aggravated circumstances and being conscious that the weights were deficient, Butcher's wife, hearing that the Jury were about to try the weights, filled the hollow of the bottom of each weight with soap, and covered the same with meal in order to deceive the Jury - the weights and measures were very deficient - the Jury were behaved to in a very insolent manner, by the wife of Butcher."

One might think that, after this episode, Charles Butcher would not have been considered suitable for an important public office. Not a bit of it - he was sworn in the following year, having been 'presented' by the Jury as "a fit and proper person to be Constable for the upper division of this manor". And he proceeded to hold that office for eight years running!

The village constable's lot was not a happy one. He had to serve, when chosen by manor court or parish vestry, whether he liked it or not. He was an amateur: untrained and unpaid, he often had to combine his law- enforcement duties with a full-time occupation. He had the unenviable task of keeping watch on his neighbours, searching their houses when asked to do so, and arresting them if necessary. His competence was frequently called into question. This had been done, centuries before and most memorably, by Shakespeare, with his caricature of Constable Dogberry in *Much Ado About Nothing*. In the late nineteenth century, the Reverend Alfred Gatty remarked scornfully of his early years in the parish of Ecclesfield: *We had a constable in the village about as efficient for maintaining order, as the pinder who locked the stray donkey in the pound;* but, in contrast, we may well conclude that Charles Butcher was by no means ineffective as an officer of the law. His local knowledge and careful detective work was to play an important part in the rounding up of the Thorpe Hesley sheepstealers in 1822.

Constable Butcher now granted John Fletcher's request for a search of various houses in Thorpe, and this proved successful. As Butcher later testified:

On searching.....Joseph Warburton's house he found some cold Mutton in a cooked state but not cut on - It was part of the Breast and Neck joined together and cut in a very different manner from what a Butcher would have cut it.

This carcass in fact belonged to the animal which had been rustled so unceremoniously from the Manchester butcher, William Greaves; but Constable Butcher did not yet know this - he thought that it was one of Fletcher's sheep.

No arrest could be made, since Warburton was not at home when the search was effected, so Fletcher returned to Ecclesfield, saying he would tell the constable there, William Foster, to be on the look-out for Warburton.

It did not take long for word to spread round the Warburton clan, that their Joseph was in trouble. Young Joseph himself was found and alerted, and he took refuge at his father's, as did his confederate William Wigfield.

Joseph Warburton's father - 'Old Warburton' - was seventy-three; but he was still wily.⁴² He knew how important it was to get everyone to tell the same story to the authorities, if and when they were questioned, and he sent another of his sons, James, to fetch George Hague.

As George Hague subsequently related:

James Warbleton informed him that his father wanted to speak to him at his, Old Warbletons House, in Thorpe, That they had been searching his Brother Joseph's House and had found part of the Meat which he.....Wigfield and Warbleton had slaughtered the week before...

George Hague was horrified when James Warburton appeared on his doorstep, and told him what had happened. He could not understand why Warburton had not hidden the stolen meat more effectively. He blurted out:

They should have got it out of the way.

Nevertheless, Hague agreed to answer Old Warburton's summons. He walked over to his house. When he arrived there, the old man demanded:

Whats to be done now Lad?

⁴² Wentworth Burial Register 29th March 1823: Joseph Warburton of Thorpe, aged 74.

Hague was cagey, and replied:

Why whats amis? (As if he did not know!)

Old Warburton spelled it out for him:

they had been searching our Joseph House and had found a piece of Meat in it, will Thou go and stick up I believe thou had some hand in the sheep that was kil'd last Monday?

Hague then openly admitted his involvement, and Old Warburton began to coach him, telling him to say:

that he saw Joseph Warbleton buy part of a Breast and part of a Neck of Mutton of a Man at Sheffield on Tuesday night 26th February and that he Hague lent him five shillings to pay for it.

The three guilty men now had a common story ready for the constable, the Justices, and if necessary the jury at the Assizes, which would explain how Warburton had come to have the meat in his house (though not why it had been butchered in such an unorthodox fashion); but George Hague's determination to 'stick up' for the Warburton clan was not strong, if indeed he ever intended to do so.

(7)

II THE ARREST

George Hague had always been a reluctant criminal. It was not his idea to steal the sheep, he had protested (though feebly) when the suggestion was first made, and he had stood to one side, while the animal was disembowelled. He now went to the law and made a full confession. Why?

Fear and hope were almost certainly the motives for his actions. Fear, because sheepstealing was still a capital offence in 1822, as was the alternative charge of *killing a sheep with the intention of stealing part of the carcass*. The death penalty was not abolished for these offences until ten years later and the prospect of the noose, or even of the living death of New South Wales or Van Diemen's Land, was a terrible one. Hope, because it was well known that an informer who co-operated with the authorities by 'turning King's evidence' might be granted a free pardon.

So Hague gave himself up, and told all he knew. Tuesday 5th March 1822 saw him in the Town Hall at Sheffield, making his deposition to Constable William Foster of Ecclesfield, and a certain Mr Fisher. He told them all about the raid on the drove, and about the cover-up concocted at Old Warburton's house in Thorpe Hesley shortly afterwards. He also admitted that he had agreed to perjure himself and say that he had seen Joseph Warburton buy some mutton in Sheffield on 26th February, and that he had lent him five shillings to pay for it. Setting the record straight, Hague confirmed that in fact:

He never was at Sheffield on that day, nor, never lent Joseph Warburton any Money whatever to pay for any Mutton.

Hague also gave the authorities two pieces of information which were of vital importance to the further investigation of the case. Firstly, he told them that Warburton had used a particular type of knife to kill the sheep which had been taken from the Manchester drove. Secondly, he told them precisely where to find the sheepskin which had been thrown away after the slaughter. He said it would be found:

in the first level Pit on the right hand in a field belonging to Mr Smith of Cowley next to the

Wood.(8)⁴³

These clues were followed up the very next day. On Wednesday 6th March Charles Butcher went back to young Joseph Warburton's house in Thorpe and made a further search. Eventually, Warburton's wife produced the butcher's knife described by Hague and handed it over. The following day Constables Butcher and Foster obtained permission from William Smith of Cowley to inspect the old pit near Smithy Wood, and there they found the decaying remains which they were looking for:

the Skin of the Sheep.....with the Head and one foot on.

Butcher and Foster knew the importance of accurate identification - which, in the case of sheep, might consist of distinctive marks, burns or ear clippings - and they would therefore have been relieved to find that no attempt had been made to disguise the mark on this sheepskin. They were able to report to the magistrates that:

the Skin is marked with a Black Spot on the Back or Loin.

Charles Butcher took the gruesome carcass away with him.

George Hague's examination at Sheffield Town Hall was not the only development in the case on Tuesday 5th March. By a remarkable coincidence Joseph Warburton and William Wigfield had been arrested that very day, in connection with the theft of Fletcher's sheep from Ecclesfield. The way in which this came about was quite extraordinary.

Warburton and Wigfield were evidently men who were early to rise, and early to booze. At about 6'o clock in the morning on the day in question, the two men called at a public house in Ecclesfield called The Plough and ordered some ale. They had never been there before in their lives and, presumably, did not know that the landlord was William Foster, the constable of Ecclesfield. For his part Foster may have known who his early customers were, but he had no reason initially to suspect them of any crime, though he was surprised to see them there at that hour and asked:

What they wanted so early?

To which Warburton gave the sparkling reply that:

43

He did not know!

Foster nonetheless served them with a drink, in 'the Room' of his pub. According to Foster, this is what happened next:

Whilst this conversation was passing, John Fletcher came to inform the Constable that some Mutton had been found in Warburtons House the day before and that Warburton was then somewhere in the Town.

Constable Foster must scarcely have been able to believe his luck. He had the wanted man sitting right there, in his bar-room! He acted without delay:

He went into the Room to Warburton and Wigfield and charged Warburton with stealing Mr Fletchers Sheep and took him into Custody and locked him and Wigfield (who consented to take charge of him) together.

This was the moment, the moment of arrest, when men who had strayed from the straight and narrow out of sheer necessity often said so, and bared their souls to the constable. They confessed, pleaded poverty, promised not to offend again, and offered to make amends. For example, when one Yorkshire sheepstealer was caught 'red-handed' in 1819, he protested: *what could I do, I was hungered. I had nothing but water porridge all the week, and on Saturday night I brought nothing home.* To which the constable replied coolly that he should have asked the Overseers of the Poor for assistance; but the offender retorted: *I should have no better, I applied to them last winter, and could get no relief.*⁴⁴

Young Joseph Warburton made no such confession, and no such excuses, when he was arrested (nor later when he was questioned about the meat found in his house). Instead, he stuck to the line which he had agreed and rehearsed with his father, and protested his innocence. He said:

he was clean and the Mutton found in his House was about 5lbs a part of 12lbs which he had bought of a Butcher in Sheffield and that Wigfield would prove that he (Warburton) had bought it at Sheffield of a Butcher.

Foster put it to Warburton that, if what he said was true, he should be able to name the butcher in question. Warburton replied that he could not remember the name,

⁴⁴ Northern History p 127.

but that he could find the butcher again if he had to.

A short time afterwards, Foster freed his two prisoners so that they could get something to eat. Foolishly, he left them alone for a moment, while he took a pen and ink into another room. Warburton immediately seized his opportunity and bolted, out of the pub and across the fields, oblivious to the effect which his actions were likely to have on a jury if he should be recaptured.

Constable Foster did not give up easily. As soon as he saw that his prisoner had gone, he set off in pursuit, and he ran Warburton down, after a chase which lasted about half a mile. *Warburton then used very abusive language...* John Fletcher had meanwhile assembled a posse, and came to the constable's assistance. His arrival was timely, for Warburton swore at them both and openly menaced Foster, saying:

If thou had been by thy self, I would have made thee a Corpse.

Nothing daunted, William Foster now delivered his prisoners into the custody of his colleague at Thorpe, Charles Butcher, who had the unenviable task of seeing that they were lodged in Sheffield gaol, pending further investigations.

News travelled fast through the villages, and there was not much which escaped the attention of the Ecclesfield diarist. He clearly took a close interest in the activities of his neighbours, especially when they were of a disreputable or criminal nature. He had noted certain events which had taken place at William Foster's house previously, in 1817:

Thos. Chandler a young lad put into the stocks for 2 hours Sepr 22 for a misdmemainer at William Fosters, Bottom of Church Lain, Ecclesfield.

The diarist soon learned of the latest goings-on at Foster's, and he duly made the further entry:

1822 March 5th. Joseph Warbelton, George Hague and [] Wigfield of Thorp, Taken upon a Charge of Sheep Stealing.⁴⁵

Events had moved very quickly. It was only two weeks since the raid on the Manchester drove, and only one week since Fletcher's sheep had gone missing.

⁴⁵ William Foster, filesmith, was recorded in the Poll Book for the Yorkshire Election of 1807. He also appeared as one of the principal inhabitants of Ecclesfield in White's Directory of 1833, where he was listed as an innkeeper (at The Sportsman) and as a file manufacturer.

The gaol in Sheffield where Warburton, Wigfield and Hague were held in 1822 had been visited by the prison reformers Elizabeth Fry and Joseph John Gurney four years previously. They had described it thus:

A lock-up house under the Town Hall, consisting of a small court, in which on account of its insecurity the prisoners are not allowed to take exercise, and four cells measuring respectively ten feet square. These cells are fitted up with raised platforms on which is placed the bedding, that is, some straw and two rugs in each cell; they are tolerably ventilated, and warmed by flues, but were when we saw them, in a state of very great filth. Persons are locked up in this little prison immediately on being taken up, and as the sittings of the Magistrates are sometimes deferred, frequently continue here for several days before their discharge or committal to York or Wakefield. Such persons are very often innocent of the offences imputed to them.

Gurney obviously did not approve:

Whether innocent or guilty they ought to be provided with a more comfortable and cleanly lodging. For this purpose their cells should be carefully kept in a state of neatness, and provided with proper bedding. The court-yard also might, at a trifling expense, be rendered so secure as to afford these unfortunate persons the opportunity of air and exercise.⁴⁶

The *Sheffield Mercury* found this description of 'the holds under the Town Hall' disconcerting. It frankly confessed: *How these may be improved we cannot pretend to say, whilst adding confidently: no doubt our humane and intelligent magistrates will take the subject into consideration, if it belongs to their cognizance.*

When a suspect was arrested, he was brought before the Justices of the Peace. These gentlemen (for that is what they invariably were) formed the lynchpin of the judicial system. But, in the early nineteenth century, their function was not purely a judicial one, for they played an active part in the *investigation* of crime: they ordered the arrest of suspected offenders, they took their confessions or interrogated them if they refused to admit their guilt; they questioned witnesses and prepared depositions from the information given; and they decided if the evidence obtained against a proposed defendant was sufficient to convince a jury, or whether further enquiries should be made.

It is surprising, from a late twentieth century perspective, that so many of the

⁴⁶ Turner pp 158-9

J.P.s were clergymen. Yet this was certainly the case. William Cobbett, a stern critic of contemporary society, who had nothing but contempt for the 'yuppies' of his day, wrote that *The war and paper-system has brought in nabobs, negro-drivers, generals, admirals, governors, commissaries, loan-jobbers, lottery dealers, bankers, stock-jobbers; not to mention the long and black list in gowns and three-tailed wigs. You can see but few good houses not in possession of one or the other of these. And he added scathingly These, with the parsons, are now the magistrates.*

The citizens of Sheffield had grown used to the combination in one person of the offices of 'squire' and parson (*rex atque sacerdos* as Joseph Hunter put it), for the indomitable Vicar Wilkinson (1730-1805) had been both magistrate and vicar there for nearly fifty years. In 1822, no less than six of the eight J.P.s for Sheffield listed by Baines' *Directory* were 'parson-justices': the Reverend Stuart Corbett of Wortley, the Reverend William Alderson of Aston, the Reverend H.S.Milner of Thrybergh, the Reverend George Chandler of Treeton, the Reverend Richard Lacy of Whiston and the Reverend John Lowe of Tankersley and Wentworth. Lowe was notorious in the chapelry of Wentworth, where he was resident curate from 1798 to 1837: he is said to have exercised his dual authority as representative of Church and State in a most dramatic fashion, by having petty offenders placed in the stocks near his church, where they could be seen by the congregation on its way to morning service.⁴⁷

On Friday 8th March 1822 George Hague made a full statement and confession before two of the Sheffield magistrates, Hugh Parker esquire of Woodthorpe, and the Reverend Milner of Thrybergh. The proceedings were reported in the *Sheffield Mercury* the next day:

The attention of the acting magistrates for this town and district has been very much taken up during the present week with the examination of several persons charged with sheepstealing, the property of Mr Fletcher of Ecclesfield. They are said to have resided at Thorpe, and to be men of very suspicious character. The Magistrates were engaged in the investigation of this serious charge on Tuesday, till a very late hour in the evening, and, we understand, they have again deliberated on the same subject. Whether or not a committal has taken place, we have not been informed.

The Sheffield magistrates must have realised very quickly that they were in fact

⁴⁷ For the Reverend John Lowe see 'A Brief Guide to the Two Churches of the Holy Trinity Wentworth' by J.A.Harrison 1981 p 14.

dealing with two entirely separate matters: Warburton and Wigfield had been arrested on suspicion of stealing two sheep from William Fletcher of Ecclesfield; but the crime George Hague had confessed to was the theft of a sheep from William Greaves of Stockport. The newspapers, however, do not seem to have been aware of this distinction: they reported the matter as if it was a purely local affair, involving Fletcher's sheep only. The next piece, which appeared in the *Iris* for Tuesday 12th March 1822, also got the names of all three suspects wrong, stated incorrectly that all three lived at Thorpe Hesley - when Hague lived at West Wood - and mentioned that Fletcher had lost three sheep - when he had only lost two:

William Wigfall, James Warburton, and Joseph Hague, all residents of Thorpe, who stand charged with stealing three sheep the property of Mr Wm. Fletcher, of Ecclesfield, and who have been twice examined, are again remanded for a final examination at Rotherham, which was to take place yesterday.

The above report was correct in one respect: the final stage in the proceedings before the magistrates had taken place on Monday 11th March in Rotherham, where a number of witnesses had assembled. The justices who listened to them on this occasion were the Reverend Milner and the Reverend Lowe. The first witness was Joseph Taylor the head drover. He told his story, and identified the sheepskin retrieved from the pit at Cowley as one of those he had marked in Rotherham market, two weeks before to the day:

...the Sheep Skin now produced by Charles Butcher Constable of Kimberworth is one that the Informant Marked on Monday 25th February in Rotherham Market and one of the Number of the 62 which he was employed to drive for Mr Greaves which Sheep were Mr Greaves property...

Taylor added that he was the real loser in the affair. He was the one who would suffer financially as a result of what had happened, not Mr Greaves:

...The Agreement he has with Mr Greaves is to be answerable for each Sheep he engages to drive, and to pay for those lost stolen or otherways not delivered over to Mr Greaves or his order...

James Mills of Masbrough also gave evidence about the events of Monday 25th February, relating how he and his companion Mark Walton drove their sheep as far as Hesley Bar, how they stopped at William and Mary Shaw's pub, and of what happened there: *...soon after they (Informant and Walton) had been a Short Time in Shaws House Three Men went out of Shaws House...* At some point Mills was confronted with the three prisoners, for he concluded his evidence by affirming: *...he believes the three Men now in*

Custody 'Hague, Warbleton & Wigfield' were the Persons who went out of Shaws House whilst they were drinking their Ale.

The wife of the landlord of *The Gate* also told her story to the two parson-justices:

Examination of Mary the Wife of Wm. Shaw of Hesley Bar near Thorpe Publican. Who saith That on Monday Feby 25th Josh. Warburton George Haigh and Wm. Wigfield came to her Husbands House towards five o Clock in the Afternoon and she filled them 3 Pints of Ale - that they remained there until about 6 o Clock when Mark Walton and James Mills two Persons employed to drive Sheep for the Manchester Butchers came in & left their Sheep on the Road - and had two Pints of Ale which they did not pay for but said she might charge it to their employers - which she did That Warburton Haigh and Wigfield left the House whilst the Drovers were drinking their Ale and she saw no more of them that night - That a great many People were in the House that night amongst whom were Mr Miller Mr Moorwood Wm. Stevenson and Wm. Heppenstall.

*Mary Shaw
Taken Sworn before Us
H.S.Milner
John Lowe.*

Lastly, Constables Charles Butcher and William Foster testified about their part in the affair, Butcher adding that the sheepskin found in the coalpit in Cowley Wood was still safely in his possession.

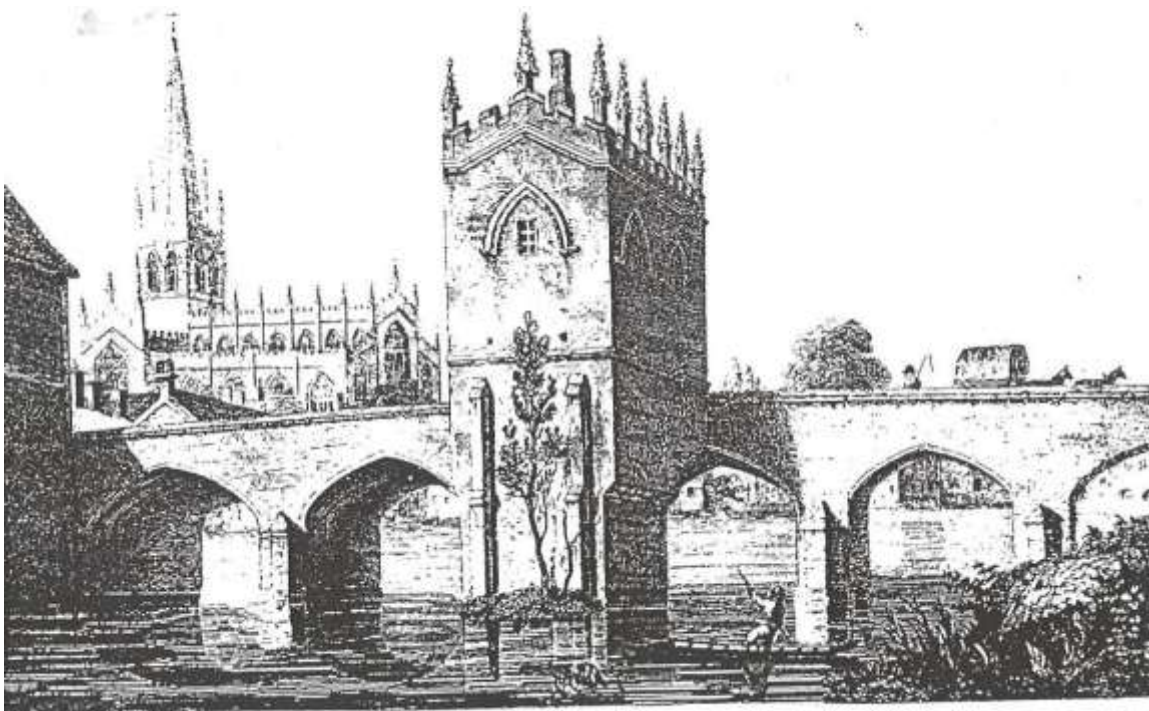
Looking at the evidence as a whole, it was now quite clear that the case against Warburton, Wigfield and Hague in relation to the raid on the Manchester drove was solid. Hague's evidence about this offence had been amply corroborated by the discovery first of the mutton and then of the butcher's knife in Warburton's house, and by the recovery of the marked sheepskin from Darwin's pit. But it was equally clear there was no hard evidence which linked any of the accused to the theft of William Fletcher' sheep. The magistrates could only commit the accused for trial in relation to the theft from Greaves and Taylor. The Fletchers might be disappointed by this decision, but they would have to accept it.

The Reverend Milner took recognizances, in order to ensure that the necessary evidence would be available at the Assizes. William Greaves and Joseph Taylor had to enter into recognizances to prosecute, in the sum of £30 and £20 respectively. In other words, they agreed to *prefer or cause to be preferred a Bill or Bills of Indictment* against the three accused, and to give evidence in support of that indictment. Charles Butcher and William Foster entered into recognizances to give evidence, in the sum of £20 each. They agreed that they too would come to York, and testify. The constable of Castle Street Sheffield, John Waterfall (or Waterford, as some called him) also entered into a

similar recognizance.⁴⁸

Charles Butcher's responsibilities did not end there. He was also required to ensure that Mary Shaw of Thorpe Hesley and James Mills of Masborough would both give evidence. Butcher was unquestionably a key figure in the prosecution's case, not only because of the evidence which he (and those he was responsible for) would give, but also because of the vitally important exhibits he must produce in York - the first being the bloody butcher's knife, and the second the filthy and by now possibly verminous sheepskin, with the tell-tale black mark on it.

Thus it was that Joseph Warburton, William Wigfield and George Hague were sent to stand trial in York, for their very lives.



Rotherham Bridge

⁴⁸ Baines (p 360) calls him Waterford. He was apparently Town Beadle 1817-1820, before becoming constable: 'The Records of Sheffield Burgery' J.D.Leader 1897 pp 427,431.

III THE TRIAL

The Lent Assizes for 1822 had begun on Saturday March 9th, when one of the two judges in charge of the proceedings, Mr Justice Holroyd, had entered the City of York, accompanied by a large cavalcade of local gentlemen and their tenants. The Assize fortnight was an important event in the social as well as in the legal calendar, and the leading families of the City and County of York made the most of it. There were Assize Balls, held in the Assembly Rooms, which attracted crowds of 300 or more, and Assize Concerts, when 600 were known to attend. There was an additional Winter Assembly, and there were extra performances at the theatre: on Saturday 16th March *The School for Scandal* was performed by special request of the Grand Jury, to a packed house. All this merrymaking and hob-nobbing did have a certain irony, when so many who were due to appear in court stood charged with capital offences. The editor of the *York Courant* made this very point, in an article which appeared during the second week of the Assizes:

During the past week OLD EBOR has been graced by a numerous and gay influx of fashion - a clear sky and brilliant sun also contributed to add cheerfulness to the busy streets, and lightened the smile of satisfaction on the countenances of the vivacious. A stranger might have passed through the crowd, and had he been ignorant of the circumstance, from appearances he would never have supposed that the depth of degradation and the turpitude of guilt were the causes of the assemblage. He might, indeed.....sometimes have seen some aged female wiping the burning drops which chase each other in quick succession down her cheek, whilst her maternal breast heaved with gloomy doubt over the dark fate of one who had been the child of her hopes, and in whose defection from the paths of virtue, she saw those hopes cut off - but the constant exchange of hearty salutation, and the careless laugh on every side, would again banish the painful reflections which such a sight was calculated to inspire. Nothing in short manifested the real business of the week, amidst the variety with which it was mingled, unless leaving the public streets, and the promenade of the gay, you should proceed to what at other times is a secluded spot, but towards which numbers are now rushing with looks of eager curiosity - there, indeed, the clanking chain, the solemn court, the awful judgment, would arrest attention of those who came 'them walls within'...

This purple passage was not overdone, for the Lent Assizes that year had to deal with a wide variety of crimes, some of which were 'of the deepest dye' - to quote the

phrase used by Judge Holroyd, in his opening address to the Grand Jury. There were two cases of murder, two of cutting and maiming, two of manslaughter, one of secreting the birth of a child, two of rape, one of 'unnatural crime', one of forgery, two of paying forged notes, one of setting fire to a haystack, ten of burglary, four of highway robbery, seven of stealing from the person, eleven of stealing from dwellinghouses and other premises, two of riotous assembly, three of horsestealing, two of receiving stolen horses, and two of sheepstealing, apart from the case which we have been concerned with.

Warburton, Wigfield and Hague were committed for trial on March 11th, when the Assizes were already in progress. They were imprisoned in the gaol at York Castle, like the Cliffe House burglars before them. Conditions in the gaol were much the same as they had been in 1818, but the three sheepstealers did not have to endure prolonged incarceration there, for their trial took place on Friday 22nd March 1822.

Meanwhile, the Grand Jury had looked at the evidence for the prosecution, and had found that there was a sufficient case against the accused for the matter to be tried by a Petty or 'traverse' Jury. The official records of the North Eastern Circuit show that an order had also been made to the effect that George Hague be admitted as a witness for the Crown. He had 'turned King's evidence', and agreed to give evidence for the prosecution; and, in return, the charges against him were dropped, as he had hoped, and the case proceeded against Warburton and Wigfield alone.

There were four counts in the indictment. They alleged that the two accused had stolen the sheep in question from the Manchester butcher, William Greaves, or alternatively from the head drover Joseph Taylor, or alternatively again that the two men were guilty, not of theft, but of killing with intent to steal. Presumably, the person who drafted the indictment hoped that if the accused escaped conviction on one charge, another might at any rate be made to stick:

- (1) *Felony and stealing at the parish of Ecclesfield on 25th February, one ewe sheep price 20 shillings property of William Greaves...*⁴⁹
- (2) *Killing a sheep with intent to steal part of the carcass*
- (3) and (4) *Stealing property of Joseph Taylor*

⁴⁹ One Margaret Pearce is also named as an injured party in the first count in the indictment; but her part in the case is nowhere explained. Possibly, she was a customer for whom William Greaves had bought the sheep? For offences relating to sheep, see Archbold, 1822, under "Offences against the property of individuals."

The newspaper editors of the early nineteenth century, like their late twentieth century counterparts, thought that the reports of criminal trials made good copy, but they tended to concentrate on the trials of people who came from their own area. The report of this trial which appeared in the *York Courant* was therefore very brief. The *Sheffield Mercury* would doubtless have devoted more space to it, but that paper came out on a Saturday, which created difficulties with deadlines. Instead, we have to look to the *Sheffield Iris* for the Tuesday after the trial for an account of what happened.

Friday, March 22

Joseph Warburton and W. Wigfield stood charged with stealing an ewe sheep, the property of William Greaves of Stockport on Monday 25th February last; another count stated the sheep to be the property of Joseph Taylor.

Joseph Taylor examined - I am a drover of cattle to Stockport and the adjacent parts; I was employed to drive sheep from Rotherham to Stockport on Monday, the 25th February, by William Greaves. There were sixty-six sheep in the lot; I marked two lots 20 and 6, which he bought the last that day, before they left the pen. I employed James Mills and Mark Walton to drive them part of the way; I overtook them at Mortomley-lane end; there were four sheep wanting at Sand Mill, near Mottram, when we counted and separated them. I know the skin to be mine.

Cross-examined - Counted them at Sand Mill, and missed four sheep. I mark for Greaves, who has a private mark; I can swear to the sheep and skin.

George Haigh examined. Lives at Westwood, four miles from Thorp; knows the prisoners, who live at Thorp; my father has a colliery at Thorp, and I am employed by him as the engine-tenter. On Monday, 25th February, at Rotherham market I was with the prisoners about four o' clock; they came to the pit to me; Warburton came first, and Wigfield after him; they asked me to go up some fields, and then to Hesley Bar, to the public house kept by W. Shaw; it was about five o' clock when we all three got there; there were Mr H Moorwood, Mr Meller, Mr Stevenson, Mr Heppenstall and many others in the house; we were in the first room, called the House, and had three pints of ale; it was about six o'clock when we went out; does not know the drovers Mills and Walton. After we left the house, Warburton said "let us go down the road, there's some sheep down here"; when we got down the road, Warburton said "Let us have a sheep". I said, "Don't meddle with them; we should not like any body to meddle with ours." There was not anybody with them. Warburton said "Never mind; nobody will see us;" he nipped one up, and took one into the wood over the wall; we all went into the wood together. Warburton cut the sheep's throat; we had all a hand in it; we had every one a knife; we hung it in a tree by the heels with a rope, which Warburton had and dressed it there; we cut a short stick, and put it through the gristles of the heels like a stang, and hung it up with the rope; the entrails we put into the skin, and the head was on the skin, which were thrown into an old coal-pit of Mr

Darwin's, in one of Mr Smith's closes; the carcass we wrapped up in my smock and Wigfield's coat, and tied the rope about it; part of the rope we left in the tree; I cut off one foot from the skin myself; we carried it in our turns, when one was tired of it, the other took it; it was conveyed to my father's stable at Thorp; Warburton cut it up there, and I got a light; it went out, and Wigfield bought a pennyworth of candles, and he brought a light under his hat; he had two for a penny; the sheep was hung on a balk, and Warburton cut it up; he cut it all up; he split it down the back, and then divided it with his old knife; we laid it on the floor, and cut it into quarters; the back was joined to the breast; Warburton had a leg, and I had a shoulder; Wigfield had none; Warburton's wife was to cook for Wigfield; she is his sister; I had only the shoulder. Next night Warburton came with a rug; and took it all away from the hay-chamber, where it was in a corner; I gave my dog part of the shoulder, and the rest I eat.

Cross-examined - We had a tough job in carrying it home; it was a good fat sheep; they were about three hundred yards from the public-house; Warburton jumped over the wall with the sheep, in his arms; we met two men on the road, but did not speak to them; I never fed my dog with mutton, nor have I been in any concern of this kind before; I never was here before, nor wish ever to be here again if I once get safe home. I was not at Sheffield on Thursday, although I said so; it was all a lie; my father never said any thing to me to inform against Warburton; the mutton was found at Warburton's house, his father sent for me to his house and said "George, what's to be done now, lad? This is a bad job" - By the Judge. Did you ever go upon such business before? No; it was the first time I ever had any concern with rogueishness in my life; they were comrades of mine; and led me into it; I will not swear false to save myself; it is all true that I have said here to-day.

James Mills examined - I was employed on Monday 25th February by Taylor to drive some sheep for him with Mark Walton; I took charge of the sheep in Rotherham market; we went to Shaw's public-house at Hesley Bar to get some ale; it was about half-past five o'clock; we let the sheep go on the road; we staid there about ten minutes; knows Warburton by sight, and Wigfield and Haigh; saw them at Shaw's house on Monday 25th February, when we went in; they all left the house before we did; I did not see them afterwards; we took the sheep to Woodhead, and there delivered them to Taylor and his son.

Cross-examined - I know Greaves's mark; know no other mark like it; the sheep were counted at High-Green-Bar; was present when they were counted; the men left the house about three minutes after we went in; we had lost four sheep between Masboro' and High-Green-Bar

Mary Shaw examined - The wife of William Shaw, of Hesley-bar, ale-house-keeper; on Monday 25th February, had many people in the house; Mr Moorwood, Mr Stevenson, Mr Meller, and Mr Heppenstall, the fidler, were there from two till eight o'clock; the prisoners and Haigh all came in together; I am sure they all came together about five o'clock, and left about six o'clock; they had three pints of ale, and all left the house together; and Mills and Walton, the drovers, come to my house after the prisoners about half-past five o'clock; the prisoners left the

house directly after the drovers come in; I saw no more of them that night; the drovers staid about ten minutes or quarter of an hour at the outside.

Cross-examined - I am sure the prisoners and Haigh were in the house when the drovers came in; they left in a few minutes - two or three minutes; the drovers stopped about ten minutes; they did not sit down; prisoners came about five o'clock

Charles Butcher, constable of Kimberworth, examined - Searched Warburton's house, and found some roasted mutton in a box upstairs; it was the 4th March; the mutton was not cut on; it was a breast and neck joined together; there was a pantry in the house; it had no meat in it; the mutton was up stairs in a box; it was cut very different from what butchers cut it; they separate the neck and breast, this was joined together; I searched Warburton's house, on the 6th March, Wednesday; I found an old butcher's knife; his wife gave it me; I have it here; Haigh told me of it at Sheffield; I searched for the sheep-skin with William Foster in an old coal-pit in a field of Mr Smith's; it was Mr Darwin's pit; we found the skin in the pit swimming on some water; it was an old pit, and the entrails might be at the bottom; the pit is very near the wood; some colliers were with us; there was one foot on the skin; there is a black mark across the loin; Haigh told us where to find the skin.

Cross-examined - the mutton was shut up in a box; it was not locked; there was no dish in the box. I found some fat in pots in different parts of the house; it was the breast and neck together, not cut like a butcher; I took it to the Town-hall, Sheffield; it was roasted. The skin was in the pit, where Haigh told us to find it. That is the knife I found at Warburton's house; I never knew anything against Warburton before; I did not apprehend him - By the Judge. George Haigh, is that the knife Warburton had on the night you killed the sheep? That is the knife.

The case for the prosecution had now closed. Warburton and Wigfield had made no admissions, so that the case against them rested very largely on the testimony of George Hague, who was an accomplice, having openly done a deal with the authorities, to save his own neck. The first edition of John Frederick Archbold's authoritative work on *Pleading and Evidence in Criminal Cases*, which is still used in Crown Court cases today, was published in that very year of 1822. This summarised the law on the evidence of accomplices as follows: ".....the fact of the witness's being an accomplice, accessory or principal, detracts very materially from his credit.....and it is always considered necessary, in order to induce the jury to credit his testimony, to give other evidence confirmatory of, at least, some of the leading circumstances of his story, from which the jury may be able to presume that he has told the truth as to the rest." The Judge was therefore bound to direct the jury to treat George Hague's evidence with caution; but at the same time, he gave a very clear indication that in his own view the prosecution had indeed proved its case:

The Judge then addressed the Jury, and said - "It might be necessary in some cases when an accomplice is admitted to give evidence, to prove facts in support of that evidence by a multiplicity of witnesses; but when a fact can be proved by one witness as well as by more, it is a very proper consideration on behalf of the prosecution to avoid unnecessary expense. The evidence laid before you has been strongly corroborated, and the learned Counsel deems it unnecessary to call any other witnesses in support of the evidence of the accomplice. It is for your consideration how far Haigh's testimony is worthy of credit:- I have his examinations before me and I find the account given by him to-day to agree in substance with those examinations. It is for you to weigh and consider the truth or falsehood of his account given to-day, and at the same time it is my duty to inform you that the accomplice is no more worthy of credit than the prisoners themselves, unless you think his testimony well supported by other witnesses. It is for the ends of justice that accomplices are allowed to give evidence in Courts, and that evidence must be supported in a great measure by circumstantial evidence, such as you have heard to-day; but if you have any doubts on your minds that the accomplice has not told you the truth, then let that operate in favour of the prisoners." - The Judge then summed up the whole of the evidence.

It did not take the jury long to come to reach its decision. After retiring for only twenty-five minutes, it brought in a verdict. Despite the strong hint dropped by the Judge, it was Not Guilty, on all counts!

So it had all come to nought. All Constable Butcher's careful police work, and Constable Foster's considerable courage, had been in vain, as had the hours spent by the magistrates in Sheffield in taking evidence about the case.

Why?

It is possible of course that the jury really did think that Warburton and Wigfield were innocent; and it is also possible that its members were uneasy about convicting on the evidence of George Hague, in view of the warning given to them by the Judge about the reliability of evidence given by accomplices. But it is, surely, much more likely that they thought that the men in the dock were guilty, but did not want them to hang. A perverse verdict, one which goes against the weight of the evidence presented in court, is always a possibility in the system of trial by jury, and there is good reason to think that it was a particular feature of that system at a time when the death penalty was prescribed for a large number of minor offences. Some men simply did not want it on their consciences that they had sent a prisoner to his death, for petty theft.⁵⁰

⁵⁰ See Harding p 276; Bryant p 331; Emsley p 146.

The Judge certainly thought that the verdict on this occasion was a strange one, and he told the prisoners so:

Prisoners, you have had a very narrow escape; you owe your lives to a merciful Jury. I do hope that this may be a warning to you never to run the same risk again. If at any time you should be brought here again, for a similar offence, you may not have the good fortune to be tried by another such a Jury.

His Lordship was not alone in thinking that Warburton and Wigfield were guilty, for the *Sheffield Iris* also reported that:

The whole Court expressed great surprise at the verdict.

We can be fairly sure that, if the Jury had brought in a verdict of guilty, the Thorpe Hesley sheepstealers would have been executed, at the 'New Drop'. They would certainly have been sentenced to death, and would have had to undergo the torment of waiting to hear if they were indeed to die, or be pardoned, on condition of transportation, like the burglars William Hague and John Mitchell before them. One has only to look at other cases dealt with at the York Lent Assizes of 1822 to see that this is so. Only two days before, on Wednesday 20th March, Mr Justice Holroyd had passed sentence on various prisoners who had been found guilty of capital offences. John Appleby and Thomas Edwards had been convicted of stealing four horses, John Hardy of the theft of nine sheep. All three were condemned to death and, according to the report of these proceedings in the *Sheffield Mercury*: "The Judge informed Appleby and Edwards for horse-stealing, and Hardy for sheepstealing that they need not expect any remission of their sentence".

Thanks to the 'merciful jury', Warburton and Wigfield were released, and were free to return to their homes and their jobs in Thorpe Hesley. Joseph Warburton certainly did so, for he and his wife Sarah featured in the parish register for Wentworth soon afterwards, when two of their children were baptised.

We may suppose that relations between George Hague and his former partners in crime, after the homecoming, would not have been of the friendliest. It is difficult to imagine that Joseph Warburton and William Wigfield would ever again have bothered to call on George Hague, at his father's pit in Thorpe, when they felt in need of adventure, or simply wanted a drink and a chat. But the talk at *The Gate*, and in *The Tunnel*, along the turnpike, and in the Town Street, must nevertheless have been greatly enriched by the events which had taken place nearby, for many a long year after 1822

The Iris;

TUESDAY, FEBRUARY 26, 1822.

YORKSHIRE LENT ASSIZES, 1822.

IN pursuance of an Order made by the Honourable Mr. JUSTICE BAYLEY, and the Honourable Mr. JUSTICE PARK, at the YORKSHIRE LENT ASSIZES, 1822,

Notice is hereby given,

That at the next ASSIZES, the Prosecutor and Witnesses in the first Ten Cases in the Calendar, (omitting those for Murder or Rape,) shall be in readiness to attend the Grand Jury, as soon as the Judge shall have given his charge; that the Prosecutor and Witnesses in the next Fifteen shall be ready to attend the Grand Jury on the morning of the succeeding Day; and that the Prosecutor and Witnesses in the remaining Cases shall be in readiness to attend the Grand Jury the morning of the Third Day. That in default in any of the above Rules, the Prosecutor and Witnesses shall not be allowed their Costs.

York, 21st February, 1822.

JAMES RUSSELL, Under-Sheriff.

The following is a List of the first Ten, and the next Fifteen Cases in the Crown Calendar, to which the above Order applies:—

No. of Cases.	Nos. in the Calendar.	Prisoners Names.	Offences.
1.	3.	Richard Bland	Larceny.
2.	4.	John Hardy	Sheep-stealing.
3.	5.	John Birkbeck	Uttering a Forged Paper.
4.	6.	William Fell	Perjury.
5.	8.	James Holmes	Larceny.
6.	9.	Richard Hinckley	Uttering a Forged Bill of Exchange.
7.	11, 12.	George Whittington, and Wm. Thompson	Perjury.
8.	13.	James Sharp	The Like.
9.	14.	John Shackleton	Burglary.
10.	16.	Christopher Shepherdson	Perjury, in Cutting and Flaying, &c. &c. Intent to do some grievous bodily harm.

IV 'MUTTON TOWN'

Sheepstealing, and even organised rustling, were endemic in Yorkshire, which had a very large sheep population, as well as thriving markets at Rotherham and elsewhere. The records of the Assize trials in the County contain details of many cases similar to that in which Joseph Warburton, William Wigfield and George Hague were involved in 1822; and many of these cases involved theft on a far larger scale, and gangs whose crimes strike us as much more serious.

For example, a trial had taken place at York in 1802 which revealed the existence of a criminal fraternity operating in the Wakefield area of the West Riding. Two brothers, John and George Fielding, had involved their wives, and another man called William Batty and his wife, in numerous thefts of sheep. Rustling had become part of their way of life. They butchered the sheep they had stolen, consumed or sold the meat, fed the offal to their pigs, and disposed of the sheepskins in some convenient coal pit, as Warburton, Wigfield and Hague were to do. The Wakefield crew were quite brazen about their activities, George Fielding even daring to mock one of his victims publicly, when the latter offered a reward, in an attempt to put a stop to the gang's depredations.

In 1819, the Ecclesfield diarist had noted another incident which had occurred in South Yorkshire:

Geo. Jackson Detected Stealing 10 Fat Sheep From a Turnep field at Thriber near Rotherham March 6th.

He also recorded the outcome:

George Jackson Comited to Castle of York March 9th. Charged with Sheep Stealing.

In the winter of 1820, another part of Yorkshire had been in the news, for, according to the *York Courant*, 'a very deep laid and extensive.....system of robbery' was then in operation in the East Riding, with many farmers and others losing horses, sheep, corn, bacon and other articles.⁵¹

But although sheepstealing was very widespread, Thorpe Hesley must at some stage have gained particular notoriety for the crime, for in the early years of the

⁵¹ Northern History pp 134, 138.

twentieth century people in the adjacent communities sometimes referred to the village as 'Mutton Town'.

We do not know when this name was first used. The historian of Thorpe, Robert Chesman, mentions two traditions concerning its origin:

*Thorpe itself once had a nickname - Mutton Town - as its inhabitants had a reputation for sheep rustling. Raids were carried out on the farms in the "hills" around Grenoside! In 1893 the village "Bobby" had been warned to look out for rustlers in Thorpe, and he found one of the culprits in a way he least expected. Being on friendly terms with many of the inhabitants he called on one in Hesley Lane. He expressed surprise at seeing a cradle near the hearth and remarked that he didn't know about any new arrival. "Well", was the reply, "you know what t' neighbours are like i' Thorpe, so we've not talked about it much". After chatting for a time the policeman took his leave but in doing so disturbed the cradle - and its occupant - which turned out to be a lamb! Another source dates this story as 1822 when a Thorpe Hesley man was reputed to have escaped hanging for sheep stealing by hiding the animal in a cradle!*⁵²

We have seen that Warburton, Wigfield and Hague were tried in 1822, and they all escaped hanging, in various ways; but there is no mention in the records of their trial of a sheep being hidden in a cradle. Indeed, there is good reason to think that legends about lambs in cradles originate in a much earlier period, for there is just such a tale in the Wakefield Miracle Play known as *Secunda Pastorum* (The Second Shepherds' Play), which dates from the late fifteenth century. In that play the sheepstealer Mak abuses the hospitality of three shepherds on the moors at Horbury near Wakefield, by stealing one of their ewes. He announces his plan to the audience:

Though the flock be frightened, yet shall I nip

He takes the sheep home, where his wife Gill is at first horrified, telling him:

By the naked neck thou art like for to hang!

Gill nevertheless agrees to help her husband, by hiding the stolen animal in a cradle, and pretending that it is a baby, when the irate shepherds arrive to search the house. A comic scene then follows, centred on the cradle, with the shepherds commenting that the so-called 'infant' smells, and has a long snout, and Mak stoutly maintaining that it is his baby and not a lamb. Mak insists:

⁵² Chesman p 5. The source referred to is not known to me.

I am his father, and yon woman him bare

At last, the occupant of the cradle is definitely identified as a lamb, when one of the shepherds declares:

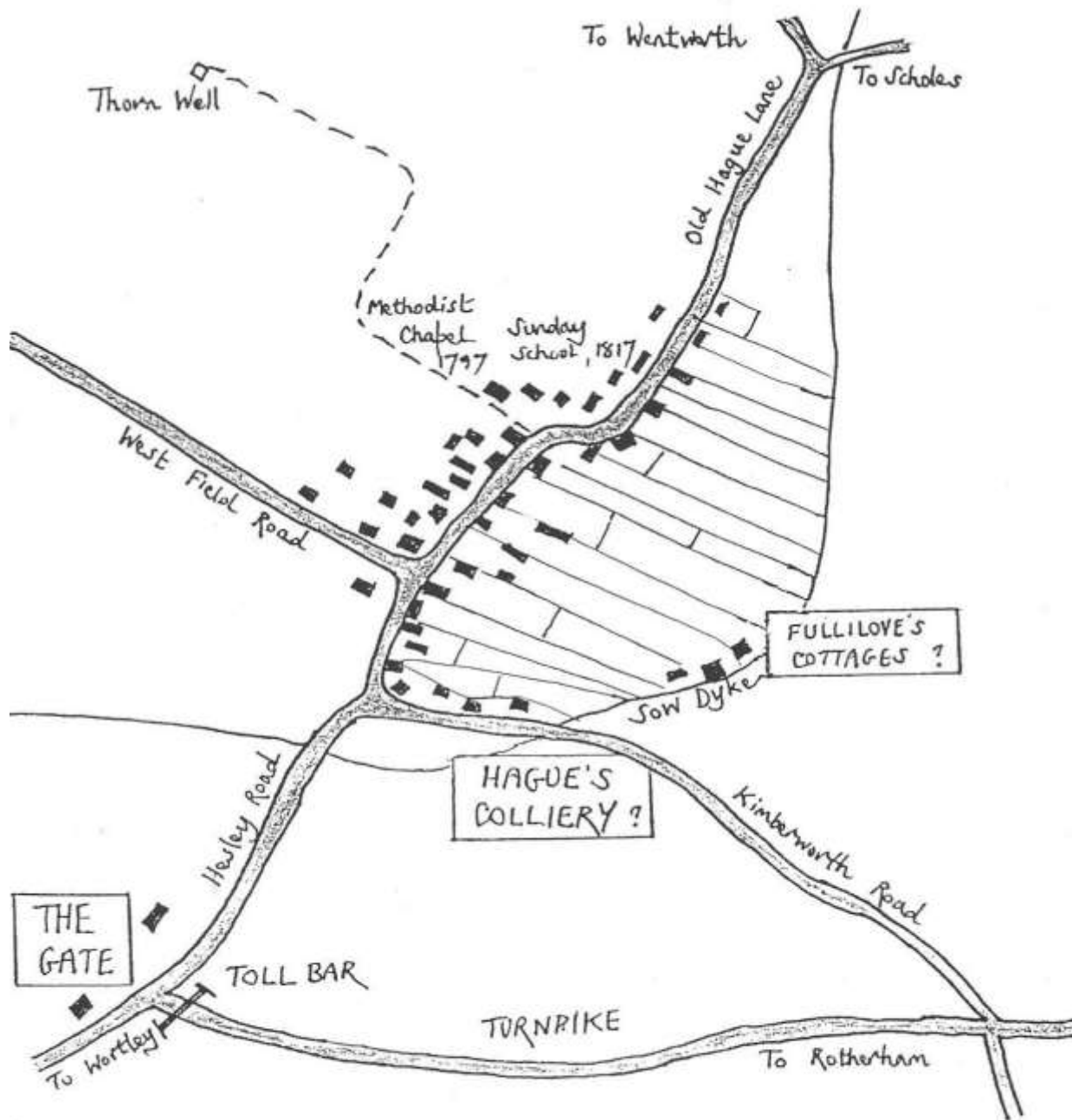
I know him by his earmark. That is a good notch!

Clearly, Thorpe Hesley is by no means the only place where a cradle is said to have been used in times past to hide a stolen lamb, and we must treat any explanation for its nickname along these lines with some scepticism.⁵³

Does the history of what actually happened to Joseph Warburton, William Wigfield and George Hague in 1822 throw any light on the question of how the village of Thorpe Hesley acquired its unsavoury reputation? It is not claimed that the arrest and trial of these three was the particular incident which gave rise to the name of 'Mutton Town'; but it is believed that their story is nonetheless instructive. It shows that when sheep went missing from the Manchester drove, or from an Ecclesfield farm, in the early nineteenth century, the finger of suspicion pointed in the direction of Thorpe Hesley - not without some justification. It also reveals certain geographic and social characteristics which made the village an ideal place for the sheepstealer.

The village adjoined the turnpike, where the drovers and their animals passed back and forth, and the pub next to the toll-gate, where they often stopped for refreshment, leaving their flock unattended in the road. The sheep had in all probability to be counted through Hesley toll-bar, but this process would not be repeated until the drovers got to High Green bar, two and a half miles further on: so, if any sheep went missing, their loss would not be noticed immediately. Then again, there were extensive local woods adjoining Hesley Bar, where crimes could be carried out unseen; and numerous old mine shafts, where incriminating evidence might easily be concealed. Last, and by no means least, the inhabitants of Thorpe formed a close community, where many people were either related, or knew each other very well, and could (usually!) be relied on to 'stick up' for each other, against the forces of law and order. These were perhaps the circumstances which made Thorpe Hesley a convenient base for sheepstealers to operate from, and a safe haven for them to retire to, after the night's work was done.

⁵³ See 'Notes on Miracle Plays' by Anne Malcolmson, Constable & Co, 1959.



Thorpe Hesley in 1821

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