

‘Unwomanly practices’: Poaching crime, gender and the female offender in nineteenth-century Britain<sup>1</sup>

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Abstract

Studies of poaching in the nineteenth century have tended to understate the involvement of women in this archetypal rural crime. This article will suggest that female offending was both more significant and widespread than previously assumed, but it will also highlight how in a variety of complex ways dominant conceptions of gender shaped perceptions of female poachers and often influenced their treatment before the courts. It will argue that alongside more widely effectual assumptions about appropriate male and female spheres and behaviours, the response of the authorities to female poachers was also shaped by powerful and increasingly culturally embedded notions about the sexually exclusive nature of hunting per se.

The poacher is a totemic figure for historians, a social criminal reflecting the disjunction between elite and popular conceptions of the law as it applied to wild property and a figure whose activity has often been taken as an expression and barometer of acute rural poverty. A secure consensus among historians that poaching was both the embodiment of the concept of social crime and a routine strategy within the makeshift economy of the rural labouring poor has not however precluded the development of an increasingly nuanced understanding of the crime within this framework.<sup>2</sup> Although poaching often provided direct sustenance, it was also a commercial activity and for some offenders a form of employment as well as a source of pleasure and identity.<sup>3</sup> Poaching was conducted within a shifting environmental context and poaching conflict itself was inextricably related to game preservation, itself spatially and temporally variable in intensity.<sup>4</sup> Although to poach was not regarded by the bulk of the rural population to be criminal, and while most offenders were otherwise law-abiding and some were perhaps even the ‘Village Hampdens’ or ‘Don Quixotes’ that early writers imagined them to be, perhaps predictably, as John Archer has demonstrated, criminals poached.<sup>5</sup> As an activity poaching was highly stratified and multi-faceted. It encompassed night poaching for high-status winged and ground game as well as daylight offences, often focused on rabbits, and at certain seasons, the eggs of game birds. Poaching practices varied and while guns were frequently used by those who raided woodland coverts for pheasants or trespassed on moors for grouse a great deal of offending relied on the use of dogs, nets, traps and snares. In some areas trout and salmon were also routinely taken at various life-stages and seasons with

implements of varying technical complexity, although most, like those used by game poachers, were relatively simple and potentially discreet.

Certainly more is known about the poacher than almost any other contemporary law-breaker and there is a good deal of consensus about the typical characteristics of those prosecuted. Perhaps the most unambiguous finding to emerge from virtually all academic studies is that the poacher was invariably male. The sexual exclusivity implicit in Joseph Arch's contemporary assessment that 'every other man you met' was a poacher has been reaffirmed by historians such as David Jones and Tim Shakesheff who have argued that 'poaching was a male-dominated crime', despite the fact that women were often prominent in what might be regarded as comparable kinds of petty offending in rural areas such as wood and crop theft and the stealing of poultry.<sup>6</sup> Not surprisingly perhaps, the strength of this archetype has contributed to the neglect of female poachers by historians or at least perfunctory treatment, with their involvement often overlooked or relegated to apparently subordinate roles. The number of women convicted for poaching offences was certainly small, but an examination of their activity and experience is possibly long overdue. Reintegrating female offenders back into the historical record highlights a number of themes relating to both the practice of poaching itself and women's participation in it and the reach and sometimes paradoxical influence of contemporary gender ideologies and constructions.

This article will draw on a range of material including parliamentary enquiries, contemporary published accounts and newspaper reports of court proceedings, primarily from the period 1840-1890, in order to explore three principal observations or arguments. Firstly, that female involvement in poaching crime was probably more common than has been previously assumed or acknowledged. While women were certainly much less frequently prosecuted for poaching offences than men they were often nonetheless deeply involved in poaching crime although a range of factors determined that females were much less likely to be detected and punished than their male counterparts. Secondly, that the response of authority to female poachers reveals the fluidity of the law, specifically in the application of justice, by highlighting a far wider spectrum of experience than male offenders typically encountered. Legal responses to male and female offending, even when the same crime was committed, often differed significantly across virtually all categories of criminality during the late-eighteenth and nineteenth century and this is also evident in the case of poaching crime.<sup>7</sup> Female poachers were often treated with leniency, although at times they could also be subject to censure for involvement in an activity which was perceived to unsex them. In this sense they were

sometimes perceived, to apply Lucia Zedner's phrase, as 'doubly deviant'.<sup>8</sup> At times their illegal hunting activity was also the focus of incredulity and incomprehension which occasionally extended to uncertainty as to whether the law even allowed for the prosecution of women for such a 'male crime' as poaching at all. These reactions were the product of wider cultural assumptions about appropriate male and female spheres. The response of rural magistrates to female poachers highlighted not only a habituated and restricted view of femininity, but also pervasive and deeply-held ideas about how men, particularly middle and upper-class men, should be and how they should conduct themselves. It will be suggested that the performance and demonstration of gentlemanly virtues and behaviours on the part of rural magistrates toward female defendants may have had a particular resonance and importance in the countryside. Finally, the inclusion of women, writing them into the historiography of this form of rural crime, highlights the extent to which poaching was constructed and perceived as a specifically masculine activity, perhaps increasingly so as the nineteenth century progressed. While the increasing masculinisation of crime has been identified by historians as a more general feature of the late-eighteenth and nineteenth centuries, in the case of poaching this tendency also owed something to wider developing conceptions of many field sports as exclusively male outdoor-pursuits which served as arenas for the display and development of manly qualities.<sup>9</sup> Ideas about gender shaped women's engagement in poaching crime from the outset, but contemporary shifts toward increased gender exclusivity in many forms of elite hunting also helped influence the varied but distinctive responses of some contemporaries to female participation in plebeian, illegal, hunting practices.

## I

David Jones, John Archer and Tim Shakesheff, among others, have convincingly argued that the overwhelming proportion of poachers in the nineteenth century were male.<sup>10</sup> Much of the available evidence bears this out. Inspectors of prisons reported rarely encountering females imprisoned due to Game Law convictions.<sup>11</sup> Prosecution statistics for England and Wales, at least for the period for which they are consistently available, demonstrate that women constituted a very small proportion of those brought before the courts. In 1871, for example, of 10,768 summary prosecutions under the Game Laws in England and Wales only 33 were of females.<sup>12</sup> This pattern, in terms of the proportion of women among those convicted, was broadly consistent throughout the mid to late Victorian period. Between 1860 and 1898 typically just over 20 women annually were summarily prosecuted under the Game Laws, consistently comprising less than 1 per cent of all cases.<sup>13</sup> Most of these female prosecutions

were divided between the two most common categories of poaching offence, trespass in pursuit of game by day and, after 1863, for offences under the 1862 Poaching Prevention Act which granted police new powers to stop and search persons suspected of poaching offences on public roads. Indeed, by the 1880s the Poaching Prevention Act accounted for the majority of game cases involving females. Women were rarely prosecuted for night poaching, although they were more consistently summonsed, although again in low numbers, for illegally selling or buying game. Although the small numbers of prosecutions against females makes it impracticable to identify any meaningful long-term statistical trends, it is clear nonetheless that whereas the numbers of summary prosecutions under the Game Laws as a whole declined perceptibly toward the end of the century, the low level of female prosecutions reflected this experience less and evidenced no marked decline toward the end of Victoria's reign.<sup>14</sup> Females constituted a slightly higher proportion of those prosecuted for poaching offences under the Salmon Acts during the mid to late Victorian period, typically featuring in 1 in every 130 cases in England and Wales, but again the actual number of women prosecuted annually for this very spatially concentrated poaching activity was small, usually less than ten annually throughout the period 1862-1892.<sup>15</sup>

However, it is certain that the judicial statistics, which provide an even less secure guide to the real level of poaching than almost any other category of criminality, considerably understate the true level of female involvement in poaching crime. Such an assumption can be based on factors specific to poaching itself, principally because of the types of poaching offence that women typically committed, and also those relating to the punishment and measurement of contemporary female criminality more broadly. Historians agree that in general women were prosecuted in fewer numbers than men in England and Wales throughout the eighteenth and nineteenth centuries and that the criminality of women was consistently less well recorded, possibly in part because female offenders were more likely to be subject to informal sanctions and leniency. Contemporary understandings of the criminal as essentially male and crime as essentially a male phenomenon may also have had some influence in contributing to the undetected and unrecorded level of female offending. Lucia Zedner, for example, has argued that the low level of recorded female crime in Victorian England may be 'at least partly attributable to the pervasive designation of women as non-criminal'.<sup>16</sup> Furthermore, as Robert Shoemaker has suggested, if female criminality was in both contemporary perception and experience less problematic than male offending then this may have made prosecutors less zealous when faced with female law-breakers. Since prosecution and punishment was designed

in part to deter and set an example to others, informants and prosecutors may have felt less compunction to initiate formal measures where female offending was perceived as low-level or unthreatening.<sup>17</sup> This may be particularly relevant in the context of poaching where female offending was less significant than male transgression and rarely associated with the violence synonymous with the 'long affray' and where prosecutions tended in any case to be initiated by a relatively limited group within rural society, consisting almost exclusively of gamekeepers, watchers, landowners and after 1862 the police.<sup>18</sup>

Most contemporary observers, while cognisant of the male dominated nature of illegal plebeian hunting activity, expressed largely in offences such as night poaching and trespass in search of game by day, were however acutely aware of the central role that females played once the quarry was dead, principally in the transport and distribution of game or fish to home or to market.<sup>19</sup> In 1872, for example, the Chief Constables of Derbyshire, Lincolnshire, Somerset and Staffordshire reported that it was women who were chiefly responsible for transporting game from poachers in country areas to game dealers or local transport hubs for onward distribution. In Derbyshire women were apparently 'employed in different parts to bring home game' and deliver it to licenced dealers on behalf of male poaching gangs operating at night and primarily focused on ground game.<sup>20</sup> James Watson writing in 1891 observed that poachers were 'rarely met with game upon them' which was instead hidden in disused farm buildings, dry ditches, stacks and ricks 'until women can be sent to fetch the spoil'.<sup>21</sup> That male offenders, including John 'Posey' Gorley of Cockermouth in Cumbria who borrowed his wife Catherine's clothes for the occasion, sometimes dressed as women when transporting illegally procured fish or game, underlines how far femininity was perceived to offer an effective veil for criminality.<sup>22</sup> These observations reveal that, even after the introduction of the 1862 Poaching Prevention Act, which provided the police with wide-ranging powers to stop and search those suspected of carrying unlawfully obtained game, it was acknowledged by all sides that women were less likely to attract suspicion than men. Although females were heavily involved in this aspect of poaching crime, femininity, or its guise, acted as a potential buffer. Consequently women were less likely to be stopped and physically searched, not least because of related concerns for female propriety, whether coming off private land or on public roads, and were therefore less likely to be detected and prosecuted.

Nonetheless, some were. In July 1870 Mary Ann Borham of Coventry was convicted and fined after being observed collecting a bag containing a rabbit and partridge from a wheat field in the Warwickshire village of Baginton. The bag was apparently left by Borham's father, 'a well-

known poacher'.<sup>23</sup> Mary Campbell was fined £3 in February 1873 by Perth magistrates after being found with nine rabbits in her possession on the Dundee Turnpike road.<sup>24</sup> In August 1887 the bulky appearance of Ann Palfrey aroused the suspicion of police at Thornley in County Durham. Palfrey was found to be carrying a long-net of 100 yards and three rabbits, two still living, and confessed that she was transporting these on behalf of a man named Wakefield who had been out poaching the night before.<sup>25</sup> In September 1885 Ann Stubbs was prosecuted under the Poaching Prevention Act when stopped near Runcorn in Cheshire with four rabbits hidden in a basket, allegedly carried on behalf of her husband Charles.<sup>26</sup> Helen Connor of Perth was convicted under the same legislation in September 1892 when a police search revealed seventeen rabbits in her possession.<sup>27</sup> In March 1891, Andrew Coulson, a postman and regular poacher on the River Esk at Longtown in Cumberland, was seen to hide a freshly gaffed salmon behind a bush which was later collected by two women who carried the concealed fish back into town.<sup>28</sup> Nichol Corrie, a poacher of both salmon and game based in the Botchergate area of Carlisle, also Cumberland, used Jane Ann Hutchinson, and her mother's cart, to regularly transport his catch to dealers within the city.<sup>29</sup>

The transportation and distribution of game was a female specialism within the context of commercial poaching, but such activity should not be considered unimportant or entirely subordinate to male offending. These were important roles, reflecting gendered divisions of labour, often within poaching households. Nor did women simply act as couriers operating at the mid-point of an illegal trade whose hunting and retail ends were otherwise dominated by men. Agnes Boyd, alias Jane Scott, for example, who spent three months in prison after being convicted in December 1829 of poaching hares at Douglas in Lanarkshire, was said to deal in eggs and game for a living.<sup>30</sup> Phoebe Hankey of Northwich in Cheshire was alleged to keep "her house open to poachers and as a place for the collection and distribution of game".<sup>31</sup> Many other women occupied positions at the retail end of the trade in illegally obtained game, rabbits and fish; often selling within their own communities. That women often had a 'close relationship' with the disposal of illegally obtained goods of this type is perhaps not surprising given their consistently 'high profile' within retail and trading networks.<sup>32</sup> Martha Bartlett of Whitehaven was typical of the female hawkers who sold poached salmon and trout around the working-class districts of the coastal towns of West Cumberland.<sup>33</sup> So too Isabella Elland who was apprehended in Workington in November 1891 carrying thirteen trout hidden in a basket.<sup>34</sup> Transporting and selling poached game and fish was not exclusively a female activity, but it was nonetheless an aspect of offending where women were more likely to be involved and

often to the fore. Such subtle gendered differences in the precise kind of offence the sexes generally committed under the Game Laws had implications for how the judiciary responded to female offenders.<sup>35</sup>

These examples highlight women in roles which although illegal under the Game Laws or Salmon Acts were outside the hunting of fish or game itself. However, examples of women who hunted illegally are not difficult to find, despite the physical demands of some modes of poaching, which potentially precluded the less robust of either sex.<sup>36</sup> Sometimes such women were part of poaching partnerships involving fathers, husbands and partners, again reflecting the household basis of much offending. Frederick Rolfe, for example, the self-styled King of the Norfolk Poachers, reflecting on his experiences in the early 1880s, recounted that his first wife Anna was an equal partner in night poaching expeditions when they were both in their early twenties; ‘Many and many a night she came out with me...she could run and jump as well as me, and there was few that could beat me at running when I was a young man. She could carry as many birds too – and carryn birds is no light job’.<sup>37</sup> Many similar partnerships existed and were particularly important where the use of nets for trapping animals, birds or fish required two pairs of hands. Keswick magistrates convicted the fish poaching duo of Sarah Thompson and William Jackson during the early 1890s.<sup>38</sup> Similarly when in August 1883 a police constable named Eastaff interrupted Robert Warner netting trout at night in a tributary of the River Derwent in Derbyshire, Warner was trawling the river with a woman with whom he lived. Both were later charged in connection with an assault on Eastaff that left him bleeding and unconscious.<sup>39</sup> In May 1878 the Penrith constabulary apprehended Mary Jane Mounsey in possession of a net, which smelt strongly of fish, near the river Eamont. Mounsey appears to have been a poacher in her own right, but like many others she was also part of a poaching partnership. As Police Superintendent Fowler explained to Penrith magistrates ‘she cohabited with one of the most notorious poachers in the neighbourhood’.<sup>40</sup>

Other women appeared before magistrates in their own right. Some were clearly repeat offenders and also proficient hunters. When in December 1876 Sarah Cook of Andover made yet ‘another appearance’ before Hampshire magistrates she was described as ‘one of the most skillful ferreters in the neighbourhood’.<sup>41</sup> In February 1870, Margaret White, a dressmaker, was gaoled for 15 days following evidence from river watchers on the River Teith near Stirling that she had been seen to fasten a ‘cleek’ onto a ‘long branch cut from a riverside tree’, and ‘then hook a salmon and carry it away under her dress’.<sup>42</sup> Hannah Rushton, convicted in Derbyshire in 1861 was said by the gamekeeper bringing the case ‘to be the cleverest snare

setter he ever saw' who had been 'killing three or four hares a week for months'.<sup>43</sup> These were not entirely exceptional cases. Mary Killick was prosecuted for snaring hares at Cranborough in Sussex in April 1842.<sup>44</sup> Margaret Golightly was apprehended on the Colepike Estate outside Lancaster in the act of removing rabbits from snares in June 1876.<sup>45</sup> Mary Coopey was convicted in May 1877 after being caught by gamekeepers checking snares at five in the morning at Huntley in the Forest of Dean.<sup>46</sup>

Carolyn Darnell, alias Kitty Nash, of Welwyn in Hertfordshire was a repeat offender of a different order. In December 1892 she was convicted of trespass in pursuit of game and killing game without a license after being seen, wearing a 'man's hat and coat', firing into a covey of partridges with a double-barreled shotgun. Darnell was said to have 21 previous convictions, the last under the Poaching Prevention Act two years before. She had also served a period of penal servitude for shooting a policeman, who was only saved by the greatcoat he was wearing from serious injury from the discharge from Darnell's shotgun.<sup>47</sup> Darnell may have been an exceptional offender in a number of ways. Certainly accounts of women dressing as men are less commonly encountered in the context of poaching and social protest than the reverse.<sup>48</sup> It is probably unwise to speculate too much on the basis of a single case where details are limited, since it is unclear whether Darnell adopted a 'man's' attire for reasons of convenience, practicality or symbolism, but her masculine dress clearly struck a discordant note with those who prosecuted and reported the case alike. It may be too much to suggest that Darnell's adoption of male clothing consciously signified gender disempowerment, but there is little doubt that in the eyes of observers her masculine appearance grated and also amplified the extent to which traditional conventions of femininity and respectability were being openly subverted. Darnell challenged contemporary gender constructions in another way too, and to an even greater degree than most other female poachers. Most women committed for poaching offences did not use guns. Nor did females feature strongly in associated and recurrent contemporary fears about poaching violence, particularly those associated with nocturnal affrays and the threat posed by urban or rural poaching gangs. The possibility of physical violence was always inherent in encounters between male poachers and gamekeepers and frequently manifest in some form or another. The fact that women were only rarely associated with poaching-related violence unquestionably shaped wider perceptions of female offending.

Even these few examples highlight what was probably the most common type of hunting that female poachers were chiefly involved in, that is to say the setting of snares and traps for rabbits, hares and sometimes gamebirds and the use of nets or basic snagging or gaff-like



implements to capture trout and salmon. Where women were prosecuted for poaching offences, outside cases relating to the illegal possession or sale of game or fish, it was normally as a result of these relatively discrete and covert forms of hunting. Snaring in particular was probably the most common method of poaching more generally, for male as well as female offenders, and the hardest to detect, relying on gamekeepers finding carefully concealed 'wires' and then catching those who returned to them.<sup>49</sup> This type of hunting potentially suited the work-routines of women in rural areas, particularly those engaged in field work or animal husbandry, but also those involved more broadly in the maintenance of domestic economies. Snares or traps in hedgerows or furrows could be checked discreetly at points in the working day, or on journeys to and fro. Equally women were often to the fore in the informal economy and in the gathering of perquisites. Certainly collecting sticks for kindling and firewood offered both a real and ostensible justification for dawdling and trespass. Elizabeth Moss from Heaton in Staffordshire was prosecuted in December 1845 after gamekeepers watched her seemingly picking up sticks, but also returning, kindling still in hand, unerringly to the spot where a hare lay within her earlier set snare.<sup>50</sup> Mary Jones, Mary Wynne and Ann Gallimore initially claimed to have been gathering mushrooms when apprehended collecting rabbits and nets from a field at Denbigh in 1887.<sup>51</sup> The routine interaction that many rural women had with hedgerows and woodland fringes, particularly where the common right economy persisted or customary agreements to gather fuel existed locally, provided both an opportunity for poaching and a potential defence.

Patterns of informal and formal work and seasonal peaks in demand for female field-workers also provided women with particular opportunities within a specific sub-set of poaching crime, the theft of game bird eggs.<sup>52</sup> Egg collecting for home consumption served the domestic economy, but significant cash rewards were possible if opportunities existed locally to sell partridge and pheasant eggs on to specialist dealers. Evidence before a series of Select Committees in the nineteenth century demonstrated how vast and potentially lucrative the highly seasonal trade in eggs could be, with the eggs themselves retailing for up to 12s a dozen in urban markets where they were often purchased by game preservers themselves to hatch and enhance stocks. George Brooke, a poultry and game salesman at Leadenhall in London, estimated that between 60,000 and 100,000 dozen pheasant and partridge eggs came into the market annually during the early 1840s, although he reported that they were also sold in 'a very great quantity' in local country markets.<sup>53</sup> Contemporary writers claimed that egg theft was a species of poaching in which 'women and children (were) largely employed'.<sup>54</sup> Again self-

provisioning activities provided women with particular opportunities for finding the nests of game birds, but significantly the laying season coincided in arable areas with seasonal peaks in female field work, or at least with the period that weeding, a task that often fell to women, was conducted with most intensity in late spring. The 1845 Select Committee into the Game Laws took it for granted that the connection between egg collecting and females had much to do with the weeding of the 'corn at this season of the year by women'.<sup>55</sup>

## II

Female involvement in poaching crime was diverse, but it was also highly concentrated within certain forms of hunting and certain roles within the trade in illegally obtained game and fish, including acting as couriers or sellers. By their very nature these specialisms often carried lower risks of detection and prosecution than other types of offending where confrontation with gamekeepers and police was more likely and where male offenders predominated. Distinctions between the experiences of men and women and the related influence of contemporary constructions of gender were even more apparent when female poachers were caught and prosecuted. Their experience before the courts was often distinct and in terms of the contemporary meanings attributed to both gender and hunting, and the relationship between the two, quite revealing. It is evident from the findings of this analysis that female offenders, when detected and charged, were more likely to benefit from leniency, and a greater degree of leniency than that routinely extended to male offenders. Again this is a feature thought generally characteristic of the experience of women before the courts, in England and Wales at least, across almost all categories of crime.<sup>56</sup> The experience of female poachers provides further support for this thesis and also evidence for the more interesting question of how considerations of gender shaped cultures of punishment.

When in March 1885 Barbara Cumming, a domestic servant, was prosecuted for trespass in search of game on land at Durriss near Banchory in Aberdeenshire the procurator fiscal recorded that the only reason that had induced the estate in question 'to adopt the unusual step of prosecuting a woman for poaching was that she had often been warned on account of similar conduct on previous occasions and had even paid sums to the poor of the parish to condone such offences'. This admission itself highlights a possibly more general tendency, and certainly one previously experienced in this context, toward informal penalties. Despite Cumming's recidivist offending, it was reported that since the presiding Sheriff thought the case to be an unusual one 'he would rest satisfied with recording a conviction against her...the

ends of justice would be met by the publicity the matter would obtain'.<sup>57</sup>

Such public performances of leniency toward female poachers were, in the right conditions, common. When Mary Killick was convicted in Sussex in April 1842, even though she was clearly a practiced offender, with 'several wires found upon her', the Bench remarked that 'it was the first time they had heard of a female offender' and in consequence 'they only inflicted a small fine on her'.<sup>58</sup> Similarly when the poaching offence of Mary Coopey, again evidently no novice, was proved before magistrates in 1877, the Bench recorded that 'this was the first time a female offender had been brought before them and therefore the magistrates would show their leniency by inflicting a small penalty of 2s 6d only with costs'.<sup>59</sup> When Mary Ann Borham was convicted at Leamington in 1870 it was reported that the magistrates noted the 'novelty of seeing a woman charged with poaching, but they had no alternative but to fine her' although it was reported that 'the bench gallantly, contrary to custom, allowed her a week to pay the money'.<sup>60</sup> Efforts to invoke public demonstrations of 'gallantry' from magistrates were sometimes clearly part of the strategies of female defendants and their legal representatives. When Elizabeth Moss, described in court as the 'wife of a respectable cattle dealer', was convicted at Leek in 1842 of taking hares, her solicitor, 'as a last resource with their worships...appealed to them on behalf of his fair client on the score of gallantry'. Moss was still fined £4, but the Chairman of the Bench observed that 'to prove the days of chivalry were not altogether obsolete he hoped that the further penalty of a £20 fine for sporting without a license would not be levied in this case'.<sup>61</sup>

The extent to which female defendants benefited from lenient sentencing depended, as with male offenders, on a range of factors including past offending, social status, age, behaviour and attitude in court, and perceptions of their respectability or otherwise. As D'Cruze and Jackson have argued 'notions of respectability were a key reference point in the Victorian court room'.<sup>62</sup> Leniency was doubtless also conditional on the extent to which women defendants could demonstrate other characteristics, some associated with contemporary conceptions of femininity, such as submission, compliance and fragility. Appeals for leniency for married female offenders could also be based on husbands' claims of ignorance of their wives' offending behaviour or indeed other explanations for a lack of patriarchal supervision.<sup>63</sup> Assessments of 'work-family relations', female responsibilities for children, husbands or parents, also undoubtedly shaped sentencing.<sup>64</sup> But possibly equally as important as these factors at times, and powerfully interacting with them, was the associated propensity of male magistrates, already working within a system which allowed considerable discretion, to

demonstrate and perform behaviours and attitudes consistent with contemporary conceptions of chivalry. The playful comments made after the conviction of Elizabeth Moss by the Chairman of Leek Petty Sessions concerning the apparent obsolescence of chivalry invite further reflection. If anything historians have argued that ideas of chivalry were in fact increasingly important to nineteenth-century constructions of masculinity and formed part of a shift, evident from the middle of the eighteenth century, from what Michele Cohen has described as a 'hegemonic ideal of politeness to a new ideal of gentlemanliness incorporating elements of a revived chivalry'.<sup>65</sup> Poaching cases involving female defendants bore witness to not only the rigidities, and sometimes also the tensions, surrounding contemporary social constructions of femininity, but also to manifestations of socially constructed masculinity within which chivalry was an increasingly powerful idea. Chivalry, within which an elevated regard for women and the responsibility of gentlemen to protect the weak and vulnerable were key themes may have been a more than usually easy performative response for male magistrates in the context of female defendants whose poaching activity was often regarded by middle and upper class men in particular as idiosyncratic and which usually appeared to pose no serious social threat.

The fact that most female poachers were tried, where at all, at rural petty sessions is also potentially particularly significant when considering the influence that chivalric ideas played in shaping highly gendered interactions in court. Until very late in the nineteenth century the rural magistracy was dominated by those who were part of local landed society or aspirant to be identified as such.<sup>66</sup> As Howard Newby has argued, for men of this social background, the need to be recognised as a gentleman came to assume a fundamental importance. The rural landed-classes invested more than any other group from the early-nineteenth century onward in the revival, refashioning and appropriation of chivalry and its incorporation within a wider gentlemanly ethic. Gentility marked the rural elite apart. It was a code that conferred acceptance within landed society and underpinned the legitimacy of landowners' claims to exercise authority in rural society as a whole.<sup>67</sup> That qualities of generosity and mercy were key concerns within this system of manners may not be entirely irrelevant to considerations of why rural magistrates responded to female poachers, usually of relatively humble social status, in the way that they sometimes did.<sup>68</sup>

Public performances and projections of chivalry and gentility, which enabled men to be seen to be acting as gentlemen, were potentially no small matter in terms of reputation and presentations of the self in a context where the proceedings of rural petty sessions were,

particularly after mid-century, widely reported and read in provincial and national newspapers. This is perhaps particularly significant in the case of court reports covering the prosecution of female poachers, which, because of their relative novelty and occasionally vaguely prurient character, often tended, like other elements of sensational news content, to be widely syndicated, often resulting in national circulation, within the Victorian press.<sup>69</sup> Literacy, newspaper circulation and the expansion in the availability of provincial newspapers were all in the ascendancy after 1840 particularly following the gradual fiscal deregulation of newspapers in the mid-Victorian period. Court reports were a key attraction in the provincial press particularly after mid-century and justices operating at formally constituted courts of petty sessions would have been aware that reporting of their adjudications could reach a substantial readership within their own locality and potentially well beyond. A failure to demonstrate sufficient leniency toward female offenders, particularly in the context of matters as already controversial, within both rural and urban communities, as the Game Laws and game preservation could lead to very public censure.

An indication of the potential level of public sensitivity is provided by the case of Mary McGibbon who was successfully prosecuted in October 1859 for killing grouse at Kilmalcolm in Renfrewshire. The case against McGibbon was fairly robust. She had been observed by gamekeepers on two occasions retrieving grouse caught in snares, deliberately set for the purpose around corn stooks, while on her way to put cows out to morning pasture. She was later found to have set no fewer than 52 snares to entrap the grouse which came down to feed on the small farm where she lived from the neighbouring moor of Sir Michael Shaw Stewart, the MP for Renfrewshire. McGibbon was arguably treated with some leniency by the presiding justice, but she was nonetheless gaoled for a month for killing game without a license in default of payment of a fine of £10. The fine was not inconsiderable, but it was half the normal penalty for such an offence and the prison term imposed in default was significantly below the maximum term allowable of six months imprisonment.<sup>70</sup>

Nonetheless, such was the subsequent furor over the case that in December 1859 the procurator fiscal for Renfrewshire, Thomas Campbell, felt compelled to write an open letter to the press, directed primarily against the editor of the *Glasgow Herald* concerning the way in which he and the prosecuting justice Archibald Campbell had been traduced at the 'bar of public opinion' for their prosecution of what the 'fourth estate' had apparently contended was 'a simple-looking highland girl'. As far as Thomas Campbell could see there were no legal grounds for contesting what was in his view an aggravated offence and one which had in fact been treated

leniently to a degree ‘almost to error’; ‘rather the gravamen of the complaint’ against the prosecuting authorities, as he put it, ‘seemed to consist of the fact that the offender is a woman’.<sup>71</sup>

It is not sufficient to explain the ire directed at those involved in prosecuting Mary McGibbon entirely in terms of perceptions that they had not demonstrated sufficient leniency toward her based on considerations of her sex, although they were clearly embattled within a very public debate in which a highly idealized construction of rural femininity, which Campbell rather uncharitably publicly suggested was some distance from the reality of McGibbon herself, had been mobilized against them. This was a debate within the context of the Game Laws, controversial in themselves, and whose very legitimacy was widely contested. Campbell’s complaint against his public vilification acknowledged this, arguing ‘why all this clamour on behalf of a woman subjected by her own act to the penalties of a revenue statute, when no sympathizing voice is ever heard on the plea of sex, when widow, wife or maid incurs the same by selling spirits without a license, or contravening any other of that numerous class of public laws’.<sup>72</sup>

Procurator fiscal Campbell of course had a point, but he also acknowledged another issue in his attempt to defend what, in his assessment at least, was the ‘almost unprecedented’ prosecution of a woman for a poaching offence. The fact that the prosecution was ‘unprecedented’ was, in Campbell’s opinion, not just because women were rarely prosecuted for poaching, but because they rarely participated in what he described as such ‘unwomanly practices’ in the first place. This assessment was partly erroneous, a manifestation of the distance that existed between rural women and their social superiors on both sides of the argument.<sup>73</sup> But, it also reflected a perception, held particularly among middle and upper class men that most forms of hunting, illegal or otherwise, were completely outside a woman’s realm, that is to say entirely inconsistent with contemporary constructions of femininity. McGibbon may have experienced relative judicial leniency in sentencing, but in Campbell’s published riposte to the *Glasgow Herald* she was presented as doubly deviant, as both a criminal and a woman who hunted.<sup>74</sup>

These kinds of assumptions about gendered behaviour are illustrated in a curious way by a case heard by Pontefract magistrates in October 1882 when Elizabeth Grant was charged under the 1862 Poaching Prevention Act after being apprehended coming from private land with nets and other poaching implements in her possession. The case was discharged after her solicitor

successfully argued that the Act, and specifically the clause directed against ‘any person having in *his* possession any guns, or nets, or engines for the killing or taking of game’, ‘did not contemplate females being guilty of such offences’, and ‘that the Act referred to males only’. The bench agreed and ordered the return of the seized nets to Grant even though it was acknowledged that she was ‘the daughter of one of the most notorious poachers in Yorkshire’. Metropolitan newspapers subsequently castigated the Pontefract bench for a ‘bluntness of perception rare even among country justices’ pointing out that under the Interpretation Act of 1850, relating to the language used in Acts of Parliament, it was expressly provided that ‘words importing the masculine gender shall be deemed and taken to include females’. ‘According to a decision of the Pontefract magistrates it would seem that females can indulge in poaching with impunity’ observed the *Pall Mall Gazette*. It was surely obvious, as the *Liverpool Mercury* highlighted with some derision, that ‘a female poacher can no more claim immunity than a female pickpocket’.<sup>75</sup>

This was clearly true of course, but it is difficult to imagine that the Pontefract justices would have been drawn into such a misunderstanding except perhaps in an area where they held overriding and highly gendered assumptions about the disconnection between the nature of the crime and the sex of the defendant. These assumptions were highlighted in other cases, not least that of the previously mentioned Barbara Cumming, where at its conclusion, presiding Sheriff Brown remarked ‘had it not occurred to the ingenuity of the accused and her agent to suggest that poaching could not be committed by a woman’. He went on to suggest that a possible defence against the prosecution would have been to argue that ‘the temptation (of game) was not enough to overcome the tender sex’.<sup>76</sup> Brown was teasing the defendant and her legal representative and playing to the gallery, but his observations also reveal something deeper, something beyond reflexive allusions to female delicacy.

### III

The notion that game was of special temptation to males reflected powerful assumptions underlying wider contemporary hunting culture which had, since the mid-to-late eighteenth century, increasingly come to define hunting, and the pursuit of game particularly, as a male pursuit. Writers such as John Mackenzie, Peter Munsche and Emma Griffin have all identified the development of greater sexual, as well as social, separation in field sports, particularly as hunting per se lost its subsistence and protective purposes and transformed into a sporting and symbolic activity.<sup>77</sup> Munsche suggests that while it was not unusual for high status women to

hunt, hawk and net game in the late seventeenth and early eighteenth-century, such participation declined markedly concomitant with the transformation of field sports between 1660 and 1830 which saw traditional forms such as hawking and netting disappear and others such as game shooting transformed as the battue style of driving winged game toward standing guns took hold. In this analysis gradual female exclusion was in part due to technological and structural alterations to field sports, including principally those focused on the hunting of game species, but equally owed something to a much more fundamental alteration in their nature whereby competitiveness between sportsmen, as opposed to simply contests between hunter and prey, became a prominent element.<sup>78</sup> Mackenzie also highlights the progressive transformation of hunting into a male pursuit, although is more inclined to identify the nineteenth century as the period when the construction of hunting as an exclusively male activity was fully realised and also much more disposed to explicitly link this development to the greater separation of masculine and feminine worlds more generally at this time.<sup>79</sup> Indeed, as hunting became increasingly culturally incompatible with emergent ideologies of domesticity and notions of female delicacy it became increasingly celebrated as an environment for the development and exercise of distinctive male virtues. When elite women joined elite men on the shooting or coursing field in the nineteenth-century it was increasingly not as participants but as spectators of male hunting feats.

Plebian female hunters, operating outside the law, did not fit this developing paradigm on any level. Their occasional appearance in the courts, and more persistent unrecorded activity as offenders and subsistence hunters, disrupted both contemporary constructions of femininity, in which an idealized vision of the countrywoman played an increasingly important part, and perceptions that to hunt game, at whatever level, was part of the male realm.<sup>80</sup> These ideas were undoubtedly increasingly present in the communities from which female offenders originated although whether they were shared to quite the same extent is another matter. It is evident that women had a limited role in hunting across all classes throughout the nineteenth century. Illegal plebian hunting like legal elite hunting was also dominated by men and participation was heavily gendered. But the strict sexual exclusion increasingly characteristic of the hunting ethos of the British elite probably took longer to completely permeate the hunting culture of the labouring classes. Plebian hunting practices, overwhelmingly defined as poaching offences, were in any case more widely incompatible with and often antithetical to elite hunting ideologies. More significantly, for many participants, poaching was a commercial enterprise, a criminal conspiracy, which encouraged the adoption of rational strategies to avoid



detection, including women's frequent employment as couriers because they attracted less suspicion. Such strategies both played to assumptions about gender and yet also subverted them. Equally, for the rural poor in the nineteenth century, hunting had not lost its subsistence function. In these circumstances, and where opportunities existed to illicitly procure game and fish to support the domestic economy through either consumption or sale, it is hardly surprising that, while their participation often differed in scale and stratification to men, women were not altogether absent from the ranks of poachers and plebian hunters.

#### IV

This discussion has sought to highlight a number of issues relating to the involvement of women in one of the most common crimes committed in the British countryside in the nineteenth century. Perhaps chiefly it has simply sought to integrate women into the historiography of poaching crime and arguably for good reason. Up until now the involvement of women in poaching has been largely neglected, but it is clear that despite the relatively infrequent appearance of females in the judicial record their involvement in this crime was widespread and potentially significant. Women were rarely to the fore in those violent and often bloody aspects of the 'poaching wars' that frequently caused such contemporary anxiety and that have often captured the attention of historians, but they were sometimes hunters in their own right and more consistently featured in what was often a household activity with gendered divisions of labour.<sup>81</sup> They were certainly integral to the operation of what was a vast illicit trade in game and fish. Women were also those most likely to prepare or process illegally obtained game, rabbits and fish within the home.<sup>82</sup> More generally women, as much as men, if not more so at times, interfaced with game preservation, and the full implications for rural communities of the Game Laws and Salmon Acts as part of their daily lived experience. Even where their involvement in poaching crime was restricted to familial relationships with offenders they experienced the very real risk of temporary separation and the attendant financial, social and emotional consequences for families of the conviction of fathers, husbands and sons. These perspectives suggest the possibilities for a deeper exploration of both male and female relationships with poaching crime as well as potentially other forms of rural crime and protest. Recent work by Iain Robertson and Carl Griffin has highlighted not only women's role as protesters, but the complex set of relations that underscored even many ostensibly male acts of protest and also the gender politics potentially inherent in episodes of rural disorder.<sup>83</sup>

The experience of female poachers also reinforces some well-established general understandings about women and criminality during the nineteenth century. It is certain, for example, that, mirroring broader patterns, women were much less likely than men to commit poaching crime, although the paucity of female prosecutions makes temporal trends in particular difficult to establish or estimate. Prosecutions of women for poaching offences were always rare and although female offenders never entirely vanished from the record it is probable that real levels of female offending were influenced by the same social, environmental and economic changes that ultimately contributed to a general reduction in poaching toward the end of the century. It is also clear that female offenders were, as with many other categories of crime, less likely to be prosecuted than men and that even if convicted were more likely to experience relatively lenient punishment. As in other contexts legal responses to men and women were markedly different even where the offence was identical. Explanations for this difference can be primarily located within contemporary gender ideologies and the ways in which assumptions about gender roles and traits shaped understandings of criminality and cultures of penalty. The effect of gender on the judicial experience was complex, but poaching cases appear to reinforce Deirdre Palk's observation that differences between the experiences of male and female defendants may have been most strongly influenced by the fact that "the criminal act was itself gendered before it came within range of the judicial system".<sup>84</sup> In the context of poaching the influence of contemporary beliefs about appropriate male and female spheres and behaviours on the experience of women defendants was varied and potentially more far reaching than normal. The Game Laws already sought to reinforce elite conceptions of how hunting could be carried out and in social terms by whom. The treatment of poaching offences within the judicial system, specifically in terms of the distinctive treatment of female offenders by magistrates in rural areas, ultimately also reinforced similarly hegemonic ideas about the sexually exclusive nature of hunting. The agency and independence of female poachers demonstrates that these ideas were subject to contestation, even if notions about the sexual exclusivity of hunting were also present and perhaps increasingly prevailed within labouring communities as the century progressed, particularly under the influence of economic improvement and internal cultural shifts. Such questions undoubtedly require a deeper analysis, but for the authorities in particular, poaching was imagined as a masculine activity.

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<sup>2</sup> J.G.Rule, 'Social crime in the rural south in the eighteenth and early nineteenth centuries', *Southern History*, No. 1, 1979, pp.135-53. D.J.V.Jones, 'The poacher: A study in Victorian crime and protest', *Historical Journal*, Vol. 24, No. 9, 1979, pp.825-60. P.B.Munsche, *Gentlemen and Poachers; The English Game Laws, 1671-1831*, (Cambridge University Press, 1981). J.E.Archer, 'Poachers Abroad', in G.E.Mingay (ed.), *The Unquiet Countryside*, (London, 1989), pp.52-64. J.E.Archer, 'By a Flash and a Scare': *Arson, Animal Maiming and Poaching in East Anglia, 1815-1870*, (Oxford, 1990). T.Shakesheff, *Rural Conflict, Crime and Protest: Herefordshire, 1800-1860*, (Woodbridge, 2003).

<sup>3</sup> H.Hopkins, *The Long Affray, The Poaching Wars in Britain*, (London, 1985). J.E.Archer, 'A Reckless Spirit of Enterprise: Game Preserving and Poaching in Nineteenth-Century Lancashire', in D.W.Howell and K.O.Morgan (eds.), *Crime, Protest and Police in modern British Society*, (Cardiff, 1999), pp.149-72.

<sup>4</sup> H.Osborne, 'The seasonality of nineteenth-century poaching', *Agricultural History Review*, Vol. 48, No. 1, 2000, pp.36-37. H.Osborne and M.Winstanley, 'Rural and urban poaching in Victorian England', *Rural History*, Vol. 17, No. 2, 2006, pp.187-212. T.Williamson, *An Environmental History of Wildlife in England, 1650-1950*, (London, 2013), pp.122-126.

<sup>5</sup> J.L and B.Hammond, *The Village Labourer 1760-1832, A study of the Government of England Before the Reform Bill*, (Stroud, 1987), p.194 and p.239. J.E.Archer, 'Poaching Gangs and Violence; The Urban-Rural Divide in Nineteenth-Century Lancashire', *British Journal of Criminology*, Vol. 39, No. 1, 1999, pp.25-38.

<sup>6</sup> J.Arch, *The story of his life told by himself*, (London, 1898), p.13. Shakesheff, *Rural Conflict, Crime and Protest*, p.148 and p.125. Jones, 'The poacher', p.843. T.Shakesheff, 'Crop and Wood Theft in Rural Herefordshire, 1800-60', *Rural History*, Vol. 13, No. 1, 2002, pp.1-17.

<sup>7</sup> C.Conley, *The Unwritten Law: Criminal Justice in Victorian Kent*, (Oxford, 1991), p.68. S.D'Cruze and L.Jackson, *Women, Crime and Justice in England since 1660*, (Basingstoke, 2009), pp.16-22. P.King, *Crime, Justice and Discretion in England, 1740-1820*, (Oxford,

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2000), pp.279-286. D.Palk, *Gender, Crime and Judicial Discretion, 1780-1830*, (Woodbridge, 2006).

<sup>8</sup> Quoted in D'Cruze and Jackson, p.25; L.Zedner, *Women, Crime and Custody in Victorian England*, (Oxford, 1991).

<sup>9</sup> J.Mackenzie, *The Empire of Nature: Hunting, Conservation and British Imperialism*, (Manchester, 1997). J.Mackenzie, 'The Imperial Pioneer and Hunter and the British Masculine Stereotype in Late Victorian and Edwardian Times', in J.A.Magan and J.Walvin, *Manliness and Morality: Middle-Class Masculinity in Britain and America, 1800-1940*, (Manchester, 1987). E.Griffin, *Blood Sport: Hunting in Britain since 1066*, (Yale, 2008).

<sup>10</sup> Jones, 'The Poacher', p.843. Archer, 'By a Flash and a Scare', p.233. Shakesheff, *Rural Conflict, Crime and Protest*, p.148. Munsche, *Gentlemen and Poachers* and J.M.Beattie, 'The criminality of women in eighteenth-century England', *Journal of Social History*, Vol. 8, No.4, 1975, p.80.

<sup>11</sup> BPP 1846 IX [C.463-I], Report from the Select Committee on the Game Laws, Part 1, Session 1845; Minutes of Evidence, Captain William John Williams, p.310.

<sup>12</sup> BPP 1872 LXVI [C.600], Judicial Statistics 1871 (England and Wales), pp.75-82.

<sup>13</sup> 903 females were prosecuted in England and Wales for offences under the Game Laws between 1860 and 1898. Comparisons with summary prosecutions for larceny are revealing. In the period 1870 to 1879 alone 42,799 women were prosecuted for larceny (under the value of 5s). Females consistently represented over a third of those prosecuted for larceny offences between 1860 and 1892. BPP 1863 LXV.437 [C.3181], Judicial Statistics 1863 (England and Wales); BPP 1900 CIII.1 [C.123], Judicial Statistics 1898 (England and Wales).

<sup>14</sup> Osborne and Winstanley, 'Rural and urban poaching in Victorian England', pp.187-212.

<sup>15</sup> BPP 1863 LXV.437 [C.3181], Judicial Statistics 1863 (England and Wales); BPP 1893-94 CIII.1 [C.7168], Judicial Statistics 1892 (England and Wales).

<sup>16</sup> Zedner, *Women, Crime and Custody*, p.27.

<sup>17</sup> R.B.Shoemaker, *Gender in English Society, 1650-1850*, (Harlow, 1998), p.297.

<sup>18</sup> Even after the 1881 Ground Game Act granted tenant farmers the inalienable right to kill the rabbits and hares on their land, most cases relating to game trespass still tended to be instigated by landowners, gamekeepers, watchers and after 1862 the police. Popular sympathy for offenders and widespread disaffection with the Game Laws meant that late into the century many otherwise respectable members of rural communities continued to turn a blind eye to relatively minor poaching offences. See BPP 1873 XIII (C.285) Report from the Select Committee on Game Laws; Minutes of Evidence, Joseph Arch, pp.317-346.

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<sup>19</sup> Under the 1831 Game Act 1 & 2 Will IV Cap. 32 (Sections 25-28) it was an offence to sell game or offer game for sale without a licence and to purchase game from unlicensed persons. Until the passage of the 1862 Poaching Prevention Act 25 & 26 Vic Cap. 114 it was still possible nonetheless for unlicensed persons found in possession of game to escape prosecution where it could not be demonstrated that the game (or rabbits) in question had been illegally killed. The 1862 Act provided however that constable could search and summons for prosecution those found in possession of game (including rabbits) in public places where there was reasonable suspicion that it had been unlawfully obtained. The possession of game or salmon out of specified seasons was an offence regardless under the 1831 Game Act and 1861 Salmon Act 24 & 25 Vic Cap. 109 (Sections 14 and 15).

<sup>20</sup> BPP 1872 X.1 (C.337) Report from the Select Committee on Game Laws; Minutes of Evidence, Capt. W.Congreve, V.Goold, W.Fox and Capt. P.Bicknell, p.34.

<sup>21</sup> J.Watson, *Poachers and Poaching*, (London, 1891), p.29.

<sup>22</sup> *Carlisle Journal*, 11 January 1881. See also J.Humphrey, *More Tales of the Old Poachers*, (Newton Abbot, 1995), pp.71-72.

<sup>23</sup> *The Hull Packet and East Riding Times*, 22 July 1870.

<sup>24</sup> *Dundee Courier and Argus*, 28 February 1873.

<sup>25</sup> *Northern Echo*, 30 August 1887.

<sup>26</sup> *Cheshire Observer*, 12 September 1885.

<sup>27</sup> *Dundee Courier and Argus*, 27 September 1892.

<sup>28</sup> *Carlisle Journal*, 6 March 1891.

<sup>29</sup> *Carlisle Journal*, 22 September 1891.

<sup>30</sup> *The Morning Chronicle*, 17 December 1829.

<sup>31</sup> *Cheshire Observer*, 12 September 1896.

<sup>32</sup> C.Walker, *Crime, Gender and Social Order in Early Modern England*, (Cambridge, 2003), p.165.

<sup>33</sup> *Carlisle Journal*, 5 April 1878.

<sup>34</sup> *Carlisle Journal*, 4 December 1891.

<sup>35</sup> See King, *Crime, Justice and Discretion in England*, p.283 and Palk, *Gender, Crime and Judicial Discretion*, p.66 for discussions of how differences in male and female roles, even within similar categories of crime, and variances in modus operandi may have implications for sentencing.

<sup>36</sup> BPP 1873 XIII (C.285) Report from the Select Committee on Game Laws; Minutes of Evidence, Joseph Arch, pp.327. Arch claimed, for example, to know of night poachers who

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had retired from the practice because of age and infirmity, or more specifically because they had lost ‘speed in running’ an essential attribute for any poacher who wished to remain at liberty.

<sup>37</sup> L.R.Haggard (ed.), *I Walked by Night, being the life and history of the King of the Norfolk Poachers*, (Oxford, 1982), p.52.

<sup>38</sup> *The Lancaster Gazette*, 10 December 1890.

<sup>39</sup> *Berrows Worcester Journal*, 15 September 1883.

<sup>40</sup> *Carlisle Journal*, 17 May 1878.

<sup>41</sup> *Hampshire Advertiser*, 2 December 1876.

<sup>42</sup> *Dundee Courier and Argus*, 4 March 1870. ‘Cleek’ is a Scottish term for a large hook or crook. In border counties of northern England the term ‘click’ was also widely used, as in ‘click hook’ or ‘clicking salmon’, presumably this derived from the predominantly Scottish term ‘cleek’. White was imprisoned for 15 days for failing to pay a fine of £2.2s.2d.

<sup>43</sup> *Cheshire Observer*, 30 March 1861.

<sup>44</sup> *Freeman’s Journal*, 30 April 1842. Killick’s offence was said to have been committed in ‘Sweethouse Wood, near Cranborough, Sussex’. I am grateful to the editor of this journal for highlighting the possible misidentification here and for the suggestion that the Cranbrook on the Kent and East Sussex borders is the more probable location.

<sup>45</sup> *Blackburn Standard and North East Lancashire Advertiser*, 17 June 1876.

<sup>46</sup> *Western Mail*, 6 June 1877.

<sup>47</sup> *The Illustrated Police News*, 21 January 1893.

<sup>48</sup> A.Howkins and L.Merricks, “‘Wee Be Black As Hell’”, *Ritual, Disguise and Rebellion*, *Rural History*, Vol. 4, No. 1, 1993, pp.41-53. D.J.V.Jones, ‘The Second Rebecca Riots: A Study of Poaching on the River Wye’, *Llafur*, Vol. 2, No. 1, 1976, pp.32-56. *Glasgow Herald*, 14 October 1849.

<sup>49</sup> Snagging or ‘snatching’ refers to the technique of drawing a large hook, or bundle of hooks, across the body of a salmon in order to impale or ‘foul hook’ the fish. Hook and line could be easily hidden about the person and even within matchboxes. In West Cumberland this popularity of this basic technique led to the epithet ‘the Cumberland fly’.

<sup>50</sup> *Morning Post*, 24 December 1845.

<sup>51</sup> *North Wales Chronicle*, 24 September 1887.

<sup>52</sup> Osborne, ‘The seasonality of nineteenth-century poaching’, pp.36-37.

<sup>53</sup> BPP 1846 IX (C.463-I) Report from the Select Committee on the Game Laws, Part 1, Session 1845; Minutes of Evidence, George Brooke, pp.482-484

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<sup>54</sup> Watson, *Poachers and Poaching*, p.31.

<sup>55</sup> BPP 1846 IX (C.463-I) Report from the Select Committee on the Game Laws, Part 1, Session 1845; Minutes of Evidence, Frederick Gowing, p.638. Gowing, a professional poacher, was much less certain than the Committee members about the link between weeding and the theft of game bird eggs although he conceded that women employed in the fields often passed the eggs onto their husbands and thence to him.

<sup>56</sup> D’Cruze and Jackson, *Women, Crime and Justice in England*, p.17 and p.22.

<sup>57</sup> *Aberdeen Weekly Journal*, 21 April 1885.

<sup>58</sup> *Freemans Journal*, 30 April 1842.

<sup>59</sup> *Western Mail*, 6 June 1877. Coopey had been observed by a gamekeeper visiting a wire set in a hedgerow on earlier occasions. The offence which led to her prosecution involved the setting of a metal trap which was found to bear the identifying mark of the local landowner, Major Probyn, and which had been previously stolen from a wood close to where Coopey had formerly lived.

<sup>60</sup> *The Hull Packet and East Riding Times*, 22 July 1870.

<sup>61</sup> *Morning Post*, 24 December 1845.

<sup>62</sup> D’Cruze and Jackson, *Women, Crime and Justice in England*, p.24.

<sup>63</sup> *Western Mail*, 6 June 1877. Mary Coopey’s husband made a direct appeal to the magistrates on the occasion of her trial in June 1877 ‘urging that he knew nothing of the affair’. *Freeman’s Journal*, 30 April 1842. Hannah Rushton’s husband was said at the time of her offence, by way of mitigation, to have been bedridden for the past thirty weeks due to an industrial accident.

<sup>64</sup> *Freeman’s Journal*, 30 April 1842. For a modern perspective see, K.Daly, ‘Rethinking Judicial Paternalism: Gender, Work-Family Relations and Sentencing’, *Gender and Society*, Vol. 3, No. 1, 1989, pp.9-36.

<sup>65</sup> M.Cohen, ‘“Manners” Make the Man: Politeness, Chivalry, and the Construction of Masculinity, 1750-1830’, *Journal of British Studies*, 22, 2, 2005, p.325.

<sup>66</sup> C.Zangerl, ‘The social composition of the county magistracy in England and Wales, 1831-1887’, *Journal of British Studies*, Vol. 11, No. 1, 1971, pp.113-125. F.M.L.Thompson, *English Landed Society in the Nineteenth-Century*, (London, 1980), p.287. E.Bujak, *England’s Rural Realms: Landholding and the Agricultural Revolution*, (London, 2007), pp.112-121.

<sup>67</sup> H.Newby, *Country Life: A Social History of Rural England*, (London, 1987), pp.58-69. See also M.Giroud, *Return to Camelot, Chivalry and the English Gentleman*, (New Haven and London, 1981). H.French and M.Rothery, *Man’s Estate, Landed Gentry Masculinities*, (Oxford, 2012). Palk, *Gender, Crime and Judicial Discretion*, pp.167-172.

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<sup>68</sup> The relatively few detailed accounts of female poachers obtainable through the newspapers that can be analysed in conjunction with census do not lend themselves well to a comprehensive survey of social and occupational characteristics. However, an examination of 30 identified individuals suggests that female offenders shared many characteristics with their male counterparts. They were drawn from primarily working-class and/or agricultural occupations; encompassing domestic servants, housekeepers, dressmakers, higglers, farm servants and farmer's wives (the latter particularly represented among those accused of unlawfully killing game). A good number of offenders were also simply described in newspaper accounts as labourer's wives, married women, widows or as the wives and daughters of poachers. Those prosecuted were of varying ages, with one as young as 10, although most were aged between 20-40 years. Some of those prosecuted were single, but the majority were married or widowed and of these many had children at the time of their offence.

<sup>69</sup> Vaguely prurient is understating the attention often paid in newspaper reports to the issue of where and how female offenders sometimes concealed game intimately on their person or beneath their garments. See *Hampshire Advertiser*, 13 February 1841 and *Ipswich Journal*, 23 September 1887. *North Wales Chronicle*, 24 September 1887 and the same case in J.Humphries (ed.), 'The Uses of Petticoats' in, *Poachers Tales*, (Newton Abbot, 1991), p.46.

<sup>70</sup> Procurator Campbell argued that the law allowed the maximum £20 penalty to be reduced by half, but no less, and that in default of payment a term of up to six months imprisonment was permitted. In this case the period of imprisonment had been fixed at the lowest allowable, 1 month, which was significantly less than the 3 months typically applied in other cases of this kind of which he had experience. *Glasgow Herald*, 24 November and 12 December 1859.

<sup>71</sup> *Glasgow Herald*, 2 December, 6 December and 12 December 1859.

<sup>72</sup> *Glasgow Herald*, 12 December 1859 and Census 1861; 28 year old Mary McGibbon was described as housekeeper and farm servant to Hugh Gibb, a farmer of 20 acres at Kilmalcolm. As part of his attempt to contest McGibbon's sympathetic portrayal in the press, Procurator Campbell also claimed that she was mother to two infants, William and Elizabeth Gibb, both resident in Hugh Gibb's household in which Mary McGibbon was the only other adult. The insinuation was clear.

<sup>73</sup> K.Sayer, *Women of the Fields, Representations of Rural Women in the Nineteenth-Century*, (Manchester, 1995), p.172.

<sup>74</sup> *Glasgow Herald*, 12 December 1859.

<sup>75</sup> *York Herald*, 2 October 1882. *Liverpool Mercury*, 7 October 1882. *Pall Mall Gazette*, 2 October 1882.



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<sup>76</sup> *Aberdeen Weekly Journal*, 21 April 1885.

<sup>77</sup> Griffin, *Blood Sport*; Munsche, *Gentlemen and Poachers*; Mackenzie, *Empire of Nature*; Mackenzie, 'The Imperial Pioneer and Hunter and the British Masculine Stereotype', pp.179-181. Both Griffin and Mackenzie note the relatively exceptional trajectory of modern fox-hunting which although subject to a substantial contraction in female participation in the eighteenth-century witnessed women return to the field in sustained and significant numbers in the late nineteenth-century, particularly from the 1870s onwards. Fly-fishing for salmon, which emerged as a significant elite sport during the late-Victorian and Edwardian periods with an ethos and system of etiquette as elaborate as game-shooting was also characterised by the participation of women. See also H.Osborne, 'The Development of Salmon Angling in the nineteenth-century' in R.Hoyle (ed.), *Our Hunting Fathers*, (Lancaster, 2007).

<sup>78</sup> Munsche, *Gentlemen and Poachers*, pp.37-39 and p.200 footnote 64.

<sup>79</sup> Mackenzie, *Empire of Nature*, p.21; Mackenzie, 'The Imperial Pioneer and Hunter and the British Masculine Stereotype', pp.179-181.

<sup>80</sup> Sayer, *Women of the Fields*, p.178.

<sup>81</sup> Hopkins, *The Long Affray*.

<sup>82</sup> *Dundee Courier and Argus*, 6 December 1898.

<sup>83</sup> C.Griffin, *Protest, Politics and Work in Rural England, 1700-1850*, (Basingstoke, 2014), p.173; C.Griffin, *The Rural War: Captain Swing and the politics of protest*, (Manchester, 2012), pp.211-231; I.Robertson, 'The role of women in social protest in the highlands of Scotland, c.1880-1939', *Journal of Historical geography*, 23, 2, 1997, pp.187-200.

<sup>84</sup> Palk, *Gender, Crime and Judicial Discretion*, p.156.