

Don

Thomas Kettle's Story

It was a Sunday evening last November, that's 1842, and bright cold it was too. I'd taken an early lamb stew supper with the wife, Sarah, and Mary, the baby, and had gone off for my usual pint or so with the fellows at my favourite local.

We had just settled down in the Hare and Five Hounds for the evening, and as a game of darts was in the offing, I was keen to show that I was a right match for any of them. Being a game-keeper, I was a keen shot, and darts presented no difficulty for me at all.

As we waited for the board to be free, we had just settled down with our first pints, when Wally Nixon, being cheeky like, repeated the old line, 'So, if you're such a good game keeper, young Thomas, you'll be living on tender rabbit and venison the whole time, while we're stuck on stringy beef and occasional lamb.'

'Listen', I said, getting a little riled, 'I've had enough of your cheek. I'll bet you a guinea piece, that I can get a brace of rabbits on the table here within the hour. Then you can have some of that rabbit you're so keen about.'

'Not taking that', retorted Wally.

'Bet you a half gallon of the publican's best', Willy Johnson's offered.

'You're on'.

So, it's me, Joey Moore, Wally, Willy, Jimmy and a few hangers-on who took off down to the lane to the warren. Joe, of course, had his gin traps and nets with him, so I was pretty confident that we would be back in the snug without too much time being wasted out in the frost.

I led the way – down the hedgerow boundary to Lord Dartmouth's estate towards old Arthur Dawson's house, 'Yew Tree Piece', which he leases near that 'Chambers Rough Wood', just on the edge of Dartmouth's Sandwell Hall Estate.

'Being a gamekeeper, well, actually under-gamekeeper, to Lord Dartmouth, I knew just where to find the warren, so we eased ourselves through the hedge after the gate into Dawson's, which was when all hell broke loose.'

John Foster's Story

'Please give your full name, address and occupation' came from the Court Officer.

‘John Foster, Gamekeeper’s Number 2 cottage, Sandwell Hall Estate, and I am an under-gamekeeper.’

‘Please state in your own words for the court what happened on the night of Sunday, 6th November, 1842, between the hours of 7 and 8 o’clock.’ This from Mr Phillimore who was prosecuting the case.

‘Your Honour, me and young William Legge, begging your pardon, that is the Lord Lewisham, being Lord Dartmouth’s son, wanted to check the condition of his rabbit community, as his father had said that he wanted to provide some of his famous rabbit for supper when his Member of Parliament guest arrives next week.

‘We both wanted to make sure of the health and numbers there, so that Dartmouth would not be disappointed, so we’d taken a quiet walk down to the warrens to check on the health of the rabbits. Those warrens aren’t all that far from old Arthur Dawson’s cottage, so the way there along the hedgerow was easy to follow, if it please Your Honour.’

‘Yes, yes, please go on, this is a busy day, and there is a considerable number of other cases to be finalised today’, grumbled the Presiding Judge, Mr Justice Wightman.

His Honour was a regular visitor to our Circuit Court, and I was aware that he tended to be a bit short with his witnesses, but he rattled me a bit.

‘As we were heading down toward the nest, I could see that there were about six men walking along the road ahead of us; that is on the other side of the hedge. Then, blow me down; just after the gate, they squeezed through the hedge. Well, of course, I yelled at them, expecting them to scarper, but Kettle and Moore turned and faced me. All the others disappeared up the road at a great rate of knots.

‘Thomas Kettle, who I know as a fellow under-gamekeeper, came up with that heavy walking stick he carries, and thumped Lord Lewisham one. I was wrestling Moore as best I could, when I heard Lewisham yell at Kettle: “Damn your eyes, stand off!”

‘Kettle and Lewisham fell to the ground and struggled for some time together, until Kettle got on top of Lewisham and held him down.

‘But Moore kept at me so much that I feared for my life, and yelled out something like, “Murder, call the Master”.

‘This must have been when Arthur Dawson came up from his cottage and pulled Kettle off Lord Lewisham. Kettle then stood away from Lord Lewisham with his head down and tugged his forelock.

‘I suppose because Moore had the nets, he was immediately taken into custody by Lewisham to the lock-up at the Hall. Kettle was let go with a strong warning to make himself available to the magistrate when needed, and further, his game-keeping services were now no longer required at Sandwell Hall.’

That was the end of my story for the court, so the judge told me to step down from the witness box.

I found the whole experience rather upsetting, as I knew most of the jurors, some of whom had also been able to put additional food on the table, thanks to their own exploits on moonlit nights.

Mr Justice John Wightman's Recollection

I attend to this rural court-house in West Bromwich, Stafford, once per quarter on my rounds as Circuit Judge for the County Court.

There are many annoying cases at this court which take up my valuable time, this being one of them. And, as it's now four months since the offence, and I don't believe that there's much enthusiasm any more for this particular case locally.

I found in this case that the prosecuting Officer, Mr Phillimore, had not sufficiently studied the case, no doubt being familiar with this type of crime, if indeed that is what it is regarded as being, in this locale. There are rumours that there is a considerable amount of unprosecuted poaching from the estate of my friend Lord Dartmouth, mostly rabbit and fish I believe, rarely deer.

The main witness, Foster, possibly because of his injuries was less than reliable, and left the jury members in some doubt as to the real nature of the crime.

Joseph Moore had previously been convicted of poaching, and apparently had taken his poaching equipment with him to the warren that night, so sentencing him was not a problem, due to the serious nature of stealing property from a Lord of the Realm.

Kettle was a different issue. Yes, he assaulted the young Lord of the manor, which in my opinion is the major of the offences which Kettle committed that night, but he did not actually remove any of the rabbits from the Estate.

It was also necessary for me to impress quite strongly on the young person reporting for the local newspaper, that he must on no account mention Lord Lewisham in anyway whatsoever, on pain of contempt of court, which would involve him serving a prison sentence. He nodded in reply and stopped scribbling.

I was of course, most concerned that the mention of a Lord of the Realm, even in passing, in any newspaper, however insignificant, would no doubt be taken up by the major dailies and result in a ruined career for the young gentleman involved, even though he might be protecting his own property from thieves.

I am also aware that although fisticuffs might be considered somewhat a minor offence in this part of the world, it is nonetheless a crime, for which Kettle must be admonished, even though this might be part of his character, as I have heard tell. It was also an imperfect match, with Kettle being over six feet tall, and heavily built, while young Lewisham was a slightly built five feet ten. However, even if Kettle did indulge in some bare knuckle contests, he did have a clean record as far as poaching was concerned. By all accounts he was well regarded by the family of My Lord Dartmouth, who had also employed Kettle's father as a gamekeeper for quite some years.

During their deliberations, the jury requested some clarification of the nature of the charges and of the offences, which I duly gave, and they subsequently returned a guilty verdict for both prisoners. Some of them apparently believed that the charges against Kettle should be dropped, as young Lord Lewisham only got what he was giving out.

My sentencing then, for both Moore and Kettle, was straightforward, being for the illegal offence of 'Poaching in the night-time, armed' for which seven years transportation is mandatory in accordance with the *Night Poaching Act, 1828*.

I have since learned that Lord Dartmouth is prepared to make every effort to support the emigration of Kettle's wife and now two infant daughters to New South Wales in due course.