

The seasonality of nineteenth-century poaching*

by Harvey Osborne

Abstract

Historians have generally explained the pronounced seasonal pattern of nineteenth-century poaching in economic terms, emphasising the apparent correlation between annual peaks in offending and cyclical periods of unemployment and poverty. There has been little acknowledgement of the role nature played in determining that most poaching activity occurred in the autumn and winter months. This paper will use evidence from case studies of salmon and game poaching in Victorian Cumberland, Westmorland and Suffolk to suggest that ecological and environmental factors played a fundamental part in shaping the annual pattern of offending. Poaching was a crime often linked to poverty, but its seasonal timing usually owed more to practical considerations concerning both the suitability of the natural environment for hunting and the availability, maturity and marketability of the quarry.

Recent studies by Neeson and Freeman have used an interdisciplinary approach to bring nature into the foreground of rural social history in a fashion rarely encountered outside the texts of American environmental historiography. In Neeson's case the result is an essentially symbiotic portrait of the relationship which eighteenth and nineteenth century commoners had with the natural environment, while in Freeman's work this same group are cast as both victims and predators in a case study of the social consequences of long term ecological change in a woodland environment.¹ Both studies demonstrate the relevance of White's dictum that 'physical nature does, at any given time, set limits on what is humanly possible', whether in terms of determining the viability of certain forms of social organisation as is Freeman's concern, or, as Neeson illustrates, by dictating the availability of natural resources throughout the seasons.²

The interplay between human activity and the natural world has, of course, long been recognized by historians examining seasonal patterns of marriage, work and leisure.³ But a proper understanding of how far nature determines the possible has been largely lacking from explanations of the periodicity of offences like poaching which involved the 'theft' of living natural resources. Indeed, as Freeman has argued, citing work on eighteenth-century forest

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¹ J. M. Neeson, *Commoners. Common right, enclosure* (1997), pp. 137–149.

and *social change in England, 1700–1820* (1993) and M. Freeman, 'Whichwood Forest, Oxfordshire. An episode in its recent environmental history', *AgHR* 45

² R. White, 'American environmental history. The development of a new historical field', *Pacific History Rev.*, 54 (1985), p. 335.

communities by Thompson and others, all too often studies of poaching and other forms of rural crime appear to assume that the natural environments for offending were 'ecological constraints against which human agency operates'.⁴ There has certainly been little acknowledgement of the way in which nature may have determined the availability of those creatures which were the poachers' quarry and thus helped shape the pattern of offending.

This discussion of the seasonal pattern of nineteenth-century poaching will suggest, however, that natural cycles often had a fundamental role in determining the times of the year at which this crime could occur. Poachers themselves may have had particular economic and social motivations to offend during certain periods, but an examination of poaching prosecutions from Cumberland, Westmorland and Suffolk suggests that factors relating to the availability, maturity and marketability of the quarry were often the key determinants of why offending exhibited such a marked seasonal pattern. Nature shaped the seasonal round of offending in different ways according to the fish, animal or game bird concerned, but in some way regulated the activity of all poachers, whether those who made all or a substantial part of their living from the crime, or casual offenders poaching occasionally for the pot.

Traditional explanations of poaching's distinct seasonal character do of course acknowledge the role of natural cycles, but only in so much as they had an obvious impact on human economic activity. In the rural and arable south and east of England especially, where most of those prosecuted were agricultural labourers, historians have always considered it particularly significant that the majority of offences were committed between October and March, a period when outdoor labour was most prone to interruption, demand for farm labour was slackest and therefore poverty most acute.⁵ This marked seasonal pattern is seen as affirmation of the widely accepted link between poaching and the periodically acute underemployment and poverty that often characterized labouring life in the agrarian counties. Indeed seasonal peaks in poaching prosecutions largely mirror those Snell has identified in rural poor relief applications and have led historians to assume that the periodicity of the crime throughout the year was closely 'connected with the seasonal nature of employment'.⁶

I

We may begin to challenge the seasonal connection between unemployment and poaching by surveying the seasonality of salmon poaching in the Lake Counties. Even outside the agrarian south and east, poaching remained largely a winter activity. In Victorian Cumberland and Westmorland, for instance, where the structural winter unemployment associated with arable areas was obviously less apparent, most salmon poaching offences were still committed between September and February. Those prosecuted were overwhelmingly working class males, usually

³ A. Kussmaul, *A general view of the rural economy of England, 1538-1840* (1990); E. L. Jones, *Seasons and prices. The role of the weather in English agricultural history* (1964).

⁴ Freeman, 'Whichwood Forest', p. 137.

⁵ A. Howkins, 'Economic crime and class law. Poaching and the Game Laws, 1840-1880', in S. B. Burman and

B. E. Harrell-Bond (eds), *The Imposition of Law* (1979). J. E. Archer, *By a Flash and a Scare. Incendiarism, animal maiming and poaching in East Anglia* (1990) and D. J. V. Jones, 'The Victorian Poacher. A study in crime and protest', *Historical J.* 22 (1979), pp. 825-860.

⁶ K. D. M. Snell, *Annals of the Labouring Poor* (1985). Howkins, 'Economic crime', p. 280.

employed as miners, iron workers, village craftsmen and general labourers.⁷ Virtually all appear to have viewed poaching as something of a sport, but these were nonetheless poor men who had clear economic motives for poaching.⁸ Some consumed the salmon they caught, but others poached for profit, either selling the fish directly within their own neighbourhood or passing them, normally via the rail network, to consumer markets in Carlisle, Penrith, Manchester and even London.⁹

However, the presence of poverty as a motive for offending should not lead us to confuse the periodicity of salmon poaching with distress. Indeed, the fact that the salmon is a migratory creature should indicate that explanations of the seasonal pattern of offending cannot rely on economic variables alone. In the case of the salmon, the highly idiosyncratic habits and life cycle of the fish itself were equally important determinants of why poaching occurred when it did. Three important points of the year on any salmon river are particularly significant in this context; the late spring, when the young fish migrate out to sea; the late summer or autumn, when the salmon return as adults to freshwater; and the winter, throughout which breeding occurs.¹⁰ Of these, perhaps the last two were of the greatest importance to the poacher, for it was only at these times that the opportunity to obtain the adult salmon arose.

Some indication of just how seasonally concentrated the annual migration of adult salmon back into their natal freshwater can be is provided in Figure 1, courtesy of the Environmental Agency's fish counter on the Cumberland Derwent.¹¹ These figures relate to the number of salmon that passed through the lower river on their way to breed in the upper reaches in 1983, although in the case of the Derwent, the timing of this early autumn run has remained unchanged from Victorian times. The majority of other salmon rivers similarly receive the bulk of returning adult fish during the late summer and early autumn months, although there are also a significant number (including the Border Tweed and Cumberland Eden) that have traditionally enjoyed additional spring runs of fish. On any river, however, long or short term changes can occur in both the scale and timing of migrations, with obvious consequences for the viability and progress of commercial and leisure fishing as well as poaching.¹² Summer

⁷ Of 267 Cumbrians prosecuted for salmon poaching between 1880 and 1882 whose occupation is known, the largest proportion (83) were described as general labourers. Other significant groups included coal and iron ore miners (45), village craftsmen (54), farmers and farm servants (12), iron workers (10), and railway workers (12). The remainder were mainly a mix of clerks, retailers, millers, mariners, domestic servants, factory and textile workers. Source, petty session reports in the *Carlisle J. and Cumberland Pacquet*, 1880–1882 and 1881 census.

⁸ For salmon poaching as both sport and a response to poverty, see J. M. Denwood, *Cumbrian Nights* (1932). In the case of 142 prosecuted Cumbrian poachers, additional information on their characteristics and circumstances can be obtained from the 1881 census. All were male, typically between 25 and 35, with just over half married. The majority were born locally and resided in a household whose average size was 5–6 persons. The

married men tended to have three or more children.

⁹ For the trade in Cumbrian salmon to Manchester and London, BPP, 1873, XIX, *Twelfth annual report of the inspectors of salmon fisheries*, p. 42. Smolts or adult fish taken during or after the spawning period were more likely to be either consumed by poachers or hawked locally. J. Thistlethwaite, *Cumbrian women remember, Lake district life in the early 1900s* (1995), p. 180. *Carlisle J.*, 5 Apr 1878.

¹⁰ D. Mills, *Ecology and management of the Atlantic Salmon* (1982), p. 10.

¹¹ This figure is based on information provided by Mr S. R. Douglas, E. A. Fisheries Manager (North Cumbria) in private correspondence of 29 Dec. 1995.

¹² A. S. Gee and N. J. Milner, 'Analysis of 70-year catch statistics for Atlantic Salmon in the River Wye and implications for stocks', *J. of Applied Ecology* 17 (1980), pp. 41–57.

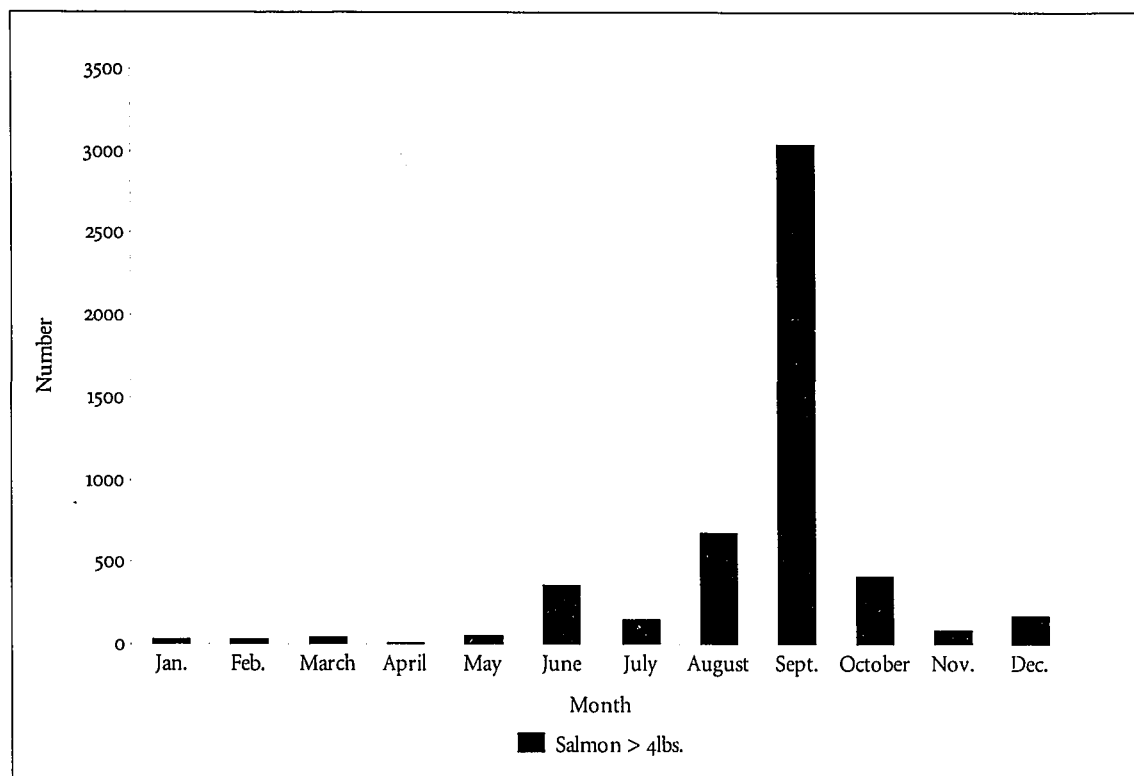


FIGURE 1. Numbers of Salmon entering the River Derwent by month during 1983.

Source: Environmental Agency.

droughts usually delay the migration upstream and tend to reduce the number of fish that complete the journey to the spawning redds.¹³ Disease among the spawning fish, freshwater pollution or high mortality rates among the fish at sea can also have a deleterious impact on salmon populations in subsequent years.¹⁴

In terms of the recurrent seasonal pattern of poaching it was the timing of both the migration and breeding of the adult salmon that were consistently most influential. This is clearly demonstrated by the pattern of 270 prosecuted poaching offences on the Cumberland Derwent and Eden during the period 1880 to 1882 shown in Figure 2.¹⁵ The increase in prosecutions during the autumn months reflects what might be termed the first phase of poaching which followed the entry of the adult salmon into the rivers. The much higher numbers of prosecutions on both the Derwent and Eden during December, January and February reflect the second and more concentrated round of poaching which occurred as the salmon spawned during the winter months. That winter poaching tended to outweigh autumn offending was entirely a consequence

¹³ J. S. Alabaster, 'River flow and upstream movement and catch of migratory salmonids', *J. of Fish Biology* 2 (1970), pp. 1-13.

¹⁴ S. Mills, 'Salmon. Demise of the landlord's fish', *New Scientist*, 11 Feb. 1982.

¹⁵ This figure is based on 270 summary prosecutions

for poaching on the Eden and Derwent reported in the *Carlisle J. and Cumberland Pacquet*, 1880-1882. The dates used to form this figure relate to the date of the offence rather than that of the arrest or trial of the culprit. Newspapers are used in the absence of a complete series of original court records.

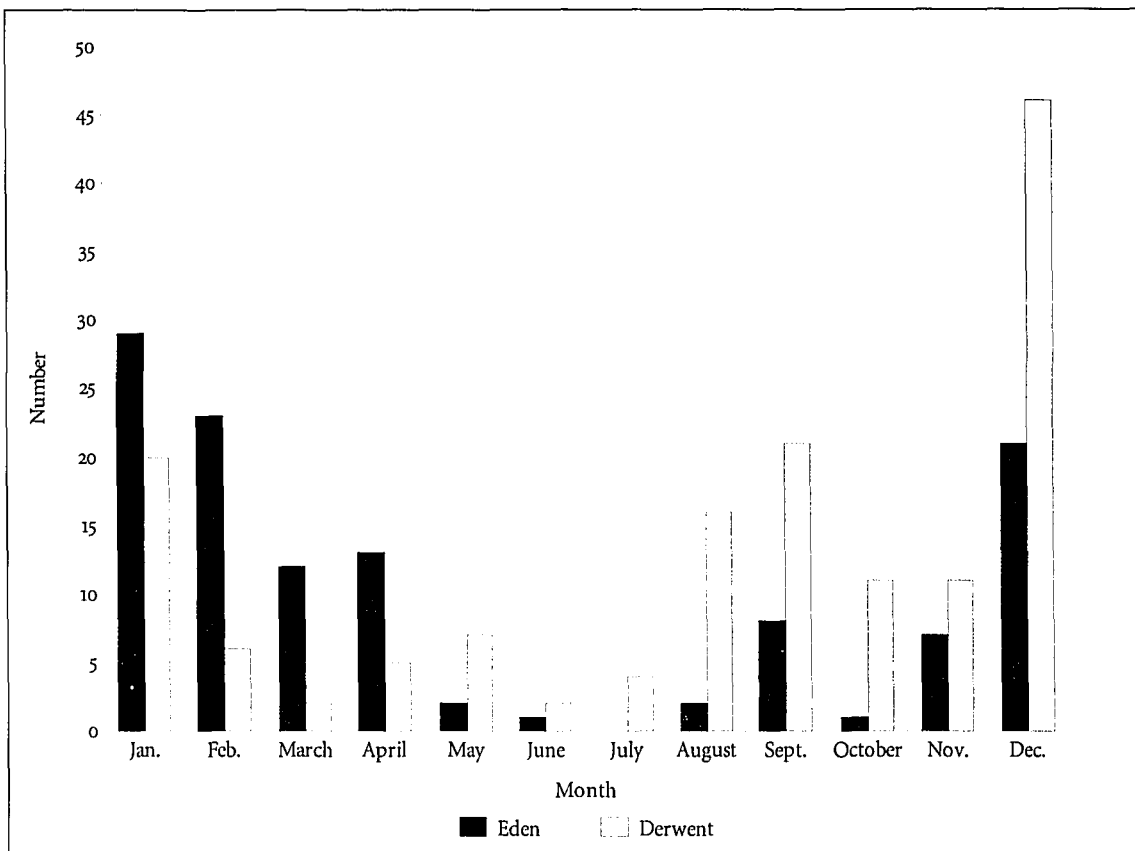


FIGURE 2. Salmon Poaching Prosecutions, Rivers Eden and Derwent, 1880-82.
 Source: *Carlisle Journal* and *Cumberland Pacquet*, 1880-82.

of practical considerations. To attempt to take the salmon during their first weeks in freshwater, when the fish were travelling through the deeper lower reaches and when commercial and leisure fishing was at its peak, often required considerable expertise and guile and was usually an activity restricted to those poachers with access to nets. Most poaching, therefore, occurred in the winter following the arrival of the adult salmon in the higher reaches to breed, and for equally compelling practical reasons for it was at this time that the fish were most vulnerable and easily caught.

During reproduction, typically occurring in December, salmon assemble on their spawning beds in the shallow and narrow streams of the upper river. At this stage the fish are often gathered in numbers and usually become much more visible than in previous months. Contemporaries claimed, for example, that such was the density of salmon on the spawning redds of the Cumberland Derwent at times that it was often possible to 'see literally dozens of salmon fins out of the water'.¹⁶ After spawning, exhausted by the exigencies of reproduction and their long period in freshwater without food, a high proportion of the spent fish, known as kelts, slowly die.¹⁷ The remainder, however, gradually recuperate and eventually journey,

¹⁶ Thistlethwaite, *Cumbrian women*, p. 180.

¹⁷ Anywhere between 75 and 90% of salmon die after spawning. Those that survive are mainly hen fish.

assisted by spring freshets, back out to the sea from whence they will return again in following years to repeat the reproductive process.

It was at this stage of the salmon's life cycle, either as a spawning fish in the December shallows or a dying or recuperating early spring kelt, that the adult salmon were most easily taken by poachers. In a weakened state and often in shallow water, the fish fell victim to a variety of poaching implements including spears, pitchforks, gaffs, nets, snatches and even stones or clubs.¹⁸ Unlike fish that were fresh from the sea, which were often passed to more demanding consumer markets, many of these poorly conditioned spawning or spent salmon were sold or distributed among the poor. The flesh of the spawning fish might also be a secondary consideration for commercial poachers who extracted salmon roe to sell as an illegal angling bait.¹⁹ Nonetheless, such was the affinity between poaching and this breeding activity and its aftermath that some Cumbrian salmon poachers earned the epithet of 'kipper catchers' from local magistrates, owing to their association with the thin and darkened winter fish.²⁰

Spawning and its immediate aftermath certainly witnessed the bulk of poaching activity on almost every salmon river, but it is clear that the life-cycle of the fish also determined the periodicity of offences in other ways. For instance, many rivers also experienced poaching activity during the late spring and summer. Some of this was directed at trout which appear to have been taken mainly during the summer months when the rivers were low enough to allow the netting of pools to be effective.²¹ But the remainder, particularly during the late spring, again centred on salmon, although this time in their juvenile form. For in April and May, young salmon, known as smolts at this stage, move downstream in shoals on their first seaward journey and it was in response to this annual migration that poaching on the Eden and Derwent as well as on the Lancashire rivers Lune and Ribble often resumed. Usually however, the poaching of smolts was on nothing like the scale of the criminal activity that attended the adult salmon. The rewards were not necessarily less, but the migration was short and concentrated and usually required the use of nets fine enough to intercept the 4-6 inch fish as they made their way, often moving by night, down to the sea.²²

At whichever point of the year however, whether during the months of spring, autumn or winter, it is clear that the migrations and habits of the salmon played a large part in dictating the seasonal pattern of poaching. The motivation to offend may have remained economic, particularly during winter. But the claim of one Cumbria poacher, 'that when work is not always to be had for the asking, the fish are then the most plentiful', helps demonstrate how far it was the arrival of the adult salmon to spawn that made poaching a viable response to winter poverty.²³

¹⁸ A snatch was a line with hooks at one end which was thrown across the salmon and then retrieved fiercely to impale the hooks in its side.

¹⁹ Salmon roe, mainly the eggs from hen fish, was made into a paste for which there was an extraordinary demand among unscrupulous anglers as a fishing bait. BPP, XIII, 1902, *RC on the Salmon Fisheries*, pp. 114-7. The financial rewards of roe, which was said to fetch between 5s. and 10s. per lb., were comparable to

those made from the body of the salmon itself, which tended to cost between 1s. and 3s. per lb. at provincial markets.

²⁰ *Carlisle J.*, 24 Jan. 1882.

²¹ *Carlisle J.*, 1, 8 June 1880, and also J. Watson, *Poachers and Poaching* (1891), pp. 13-16.

²² BPP, 1861, XXIII, *RC into the Salmon Fisheries*, pp. 258, 265. *Carlisle J.*, 14, 26 Apr 1881, also 3 May 1881

²³ Denwood, *Cumbrian nights*, p. 60.

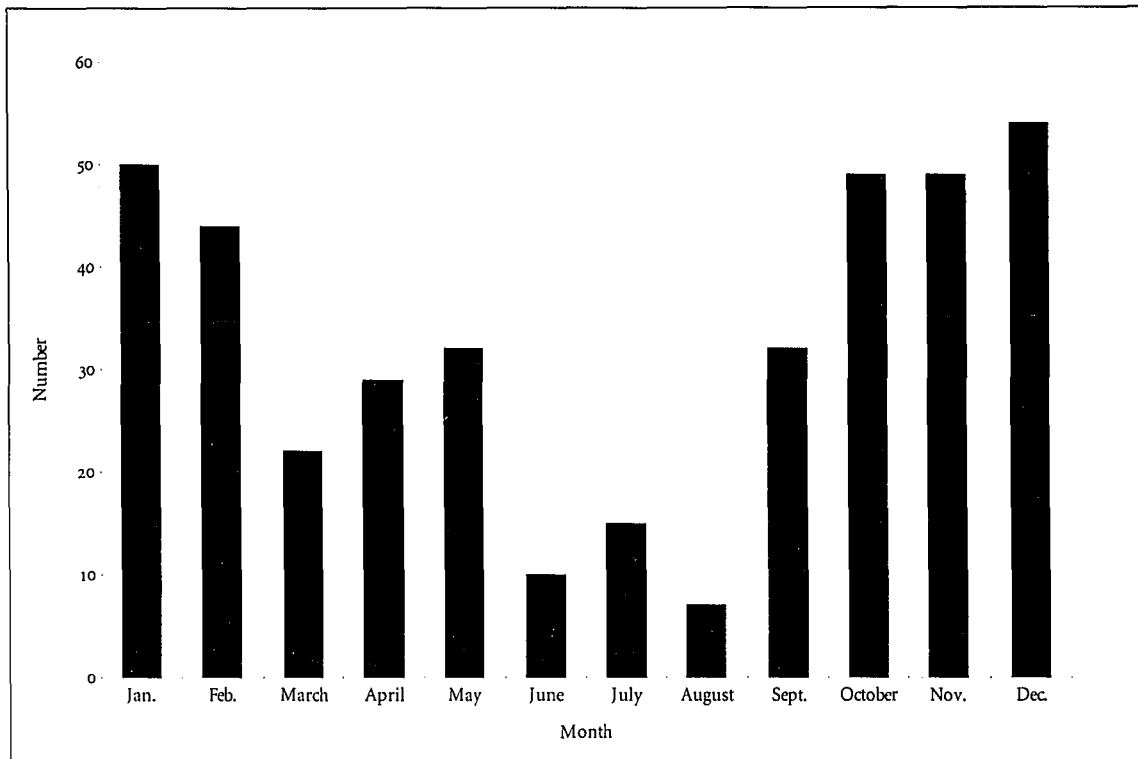


FIGURE 3. Poaching Prosecutions; 1847–55, East Suffolk, Woodbridge Petty Sessions.
Source: SRO, Ipswich, BB11/1/2/1–3.

II

It is perhaps easier to show how poaching's seasonal pattern was shaped by nature in the case of a migratory creature like the salmon, than it is with the nineteenth century poacher's more usual targets, winged and ground game. Unlike the adult salmon, pheasants, partridges, rabbits and hares were ever present, albeit in varying numbers, throughout the year. Nevertheless, despite their constant presence, factors relating to the natural life cycle and environment of these creatures still appear to have shaped the seasonal pattern of game poaching crime in ways not usually recognized by social historians.

Figure 3 shows the aggregate monthly incidence of 393 prosecuted poaching offences in East Suffolk during the period 1847–55.²⁴ This was an area with a high density of sporting estates and a predominantly agricultural labour force who were often intermittently employed during winter.²⁵ As such, it can be viewed as typical of the rural and arable environment with which economic explanations of poaching's seasonal pattern are most commonly associated, with the

²⁴ The prosecutions in fig. 3 occurred within a part of East Suffolk under the jurisdiction of the Woodbridge Petty Sessional Division. see Suffolk RO (Ipswich), Woodbridge petty session minute books, BB11/1/2/1–3, 1

Jan. 1847 to 13 Mar. 1855. Again, the dates used to form this figure and those that follow relate to the date of the offence rather than that of the arrest or trial of the culprit.

²⁵ J. Glyde, *Suffolk in the nineteenth century* (1856).

causation for winter peaks being mainly attributed to the increased poverty experienced by agricultural and other labouring groups at this time of the year.

The fact that most prosecuted offences in East Suffolk were committed between September and March would again appear to support this kind of interpretation. But even though poverty undoubtedly encouraged many to poach, it does not appear to have been the sole determinant of the crime's seasonality. A more detailed examination of the prosecutions in East Suffolk reveals that even within an already seasonally marked pattern of offending there were further sub-patterns according to which particular game bird or animal was involved.²⁶ These sub-patterns would appear to indicate that, like salmon poaching, the annual periodicity of game poaching was as much determined by nature, in terms of practical considerations about the availability and marketability of the creature concerned, as by cycles of rural unemployment and poverty.

The seasonal nature of the poaching, sporting and commercial activity which centred on England's principal game birds, pheasants and partridges, perhaps illustrates the point. Both species could only be legally shot and, following reform in 1831, sold, during the statutory game season which began in September for partridges and October for pheasants and ended in February for both. It seems likely that the majority of poachers targeting winged game, for which the rewards and risks were often greater, had commercial motives. Most poaching for these birds occurred between September and February due in part to the marketing opportunities which the statutory game season provided. But, it is important to recognize that the game season was not merely an incorporeal legal or cultural concept. The season's temporal span at least was fundamentally shaped by an understanding of nature. It reflected an understanding of when, for instance, it was actually practical or even possible to hunt and shoot in the countryside and, indeed, of when the birds were at a stage of maturity to suit the requirements of all concerned.

Maturity, for example, was a critical determinant of when the season began. It was not until the autumn months that the young partridges and pheasants raised in the preceding summer were strong enough to fly at a level to test the sportsmen's guns. Nor until this time were they of a sufficient size to sell or satisfactorily eat, a matter which certainly concerned game dealers and poulterers as well as commercial poachers. Frederick Gowing, for example, a commercial poacher from East Suffolk, only began taking partridges a week or two before the beginning of September on the grounds that before then 'the young would not be big enough'.²⁷

Coincidentally, pheasants and partridges also reached maturity at a time of wider seasonal change in the natural and farming landscape which, for practical reasons, was equally influential in determining when poaching (or equally legitimate shooting) could begin. The shooting and poaching of partridges, for instance, were both critically dependent on the completion of the harvest, for it was only when the corn was gathered and the stubbles laid bare that these ground roosting birds became accessible or even visible.²⁸ Before then they remained hidden in the standing corn for much of the time and were thus beyond the reach of either the licensed shooter or the poacher with nets.

²⁶ Of 393 prosecutions it was possible to identify the quarry in 222 cases, of which 109 related to Game birds and eggs, and 113 to Ground Game.

²⁷ BPP, 1846, IX, *SC on the operation of the Game Laws*,

p. 630.

²⁸ Jones, *Seasons*, p. 33. R. Jefferies, *The Gamekeeper at home* (1978), p. 40. Carlisle J., 30 Aug. 1881.

Such was the relationship between harvest and partridge shooting that in Ireland the game season for these birds opened 20 days after that in England to account for the fact that crops consistently developed later than on the British mainland. Even in England however, backward harvests necessarily delayed the hunting activity of both poachers and shooters at times, although rarely to the extent witnessed in the 1790s, when, after a series of late harvests, parliament had to intervene to put back the beginning of the partridge season in order to prevent impatient sportsmen trampling down much needed corn.²⁹ The pressure from sporting interests to restore the season's traditional start date once harvests recovered, on the grounds that the legitimate gun 'should be allowed a fair start with the encroaching poacher' serves to illustrate just how far each group understood the importance of this habitat change.³⁰

Pheasants did not rely on the standing corn for cover to quite the same extent, but for legitimate shooting to be effective, it was necessary that the fields were clear. Driven pheasant shooting of the battue style often required the guns to be situated in the fields adjoining woodland coverts and to do this while the crop was still standing would have antagonized farmers and led to the loss of a good deal of the shot game. These were obviously not issues that directly concerned poachers, but changes in the landscape and the habits of the birds themselves after harvest also benefited their activity. The increasingly large numbers of pheasants reared artificially were released from their woodland pens in the late summer, and during the autumn months that followed both reared and wild birds assumed a greater visibility. This was in part due to the pheasant's natural tendency to stray from its coverts, which was encouraged further after harvest by the feeding opportunities on the stubbles and the abundance of natural food in the hedgerows.³¹ Once out of the coverts they provided a tempting target for the opportunistic offender. The commercial poacher, however, still often waited until the autumn gales had removed the leaves from the trees in which they roosted before attempting to take sizeable hauls from the coverts by night.³²

The degree to which poaching and the statutory game season coincided, perhaps based on these kinds of understandings of quarry and environment, appears to be reflected in the pattern of East Suffolk prosecutions related to game birds shown in Figure 4.³³ Contemporary sources suggest that these figures understate the amount of poaching activity, especially in the early autumn, but they seem nonetheless to indicate that poachers closely followed the statutory game season.

It may well be, however, that Howkin's suggestion that poachers often 'followed in the wake of the fashionable shooting parties of the rich' needs some reappraisal.³⁴ In East Suffolk at least there is some evidence to indicate that commercial poachers in particular often pre-empted legal sporting activity, beginning their criminal predations shortly before the statutory game season opened in both cases. To start poaching a week or two before the opening of the statutory season (if conditions allowed) made good practical and commercial sense. Partridges and pheasants on sporting estates had not yet been disturbed or dispersed by the beaters and

²⁹ F. Snell, *The autobiography of a poacher*, edited by Caractacus (1901), p. 215.

³⁰ P. B. Munsche, *Gentlemen and poachers. The English Game Laws 1671-1831* (1981), p. 46.

³¹ Watson, *Poachers*, pp. 20-1. Jefferies, *Gamekeeper*,

p. 115. Snell, *Autobiography*, p. 134.

³² G. Baldry, *The rabbit skin cap* (1984), p. 129. Watson, *Poachers*, p. 22.

³³ SRO (Ipswich), BB11/1/2/1-3.

³⁴ Howkins 'Economic crime', p. 281.

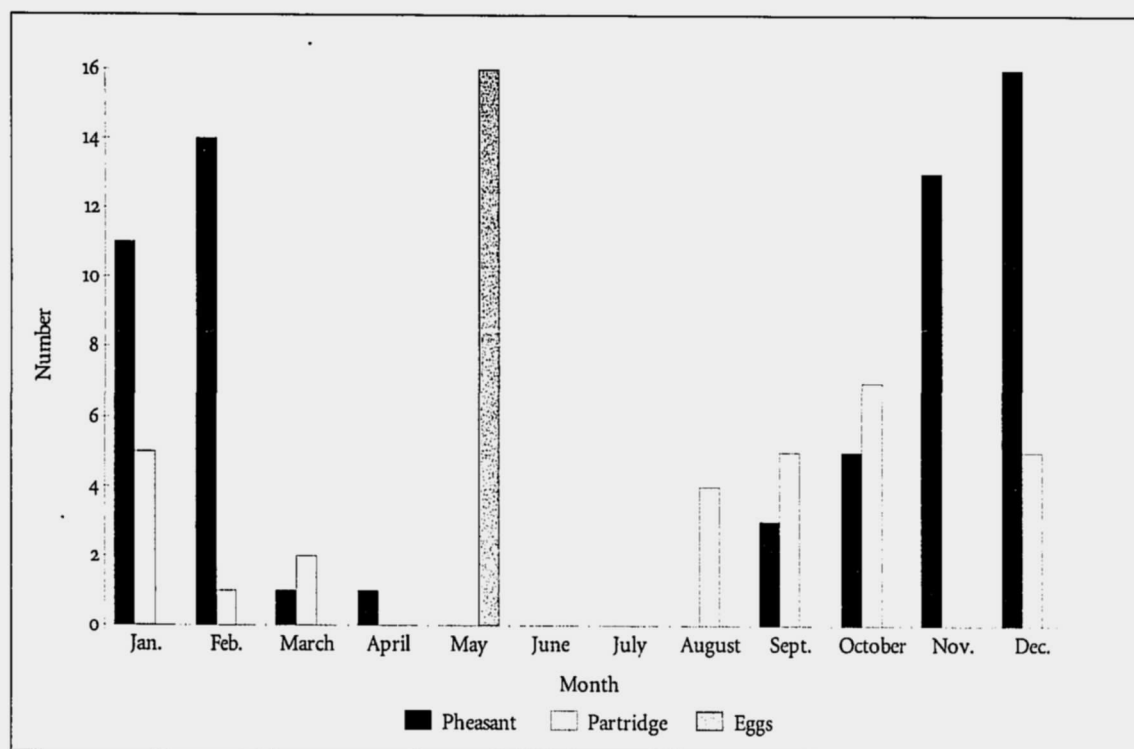


FIGURE 4. Poaching Prosecutions relating to game birds (Pheasant, Partridge, Eggs), 1847-55.

Source: SRO, Ipswich, BB11/1/2/1-3.

guns; those birds which reached the urban markets during the first days and weeks of the season always fetched the best prices. In this sense the legal boundaries of the statutory season clearly had a significant influence on the timing of poaching activity. But it is still necessary to recognize that these were boundaries essentially determined by nature, to which poaching largely conformed even before their legal enforcement in the market place.

Details of the game supplied to one London poultry salesman during 1827 may provide some illustration of this (Table 1). At this time, and until the 1831 Game Reform Act, the entire trade in pheasants, partridges and hares was completely illegal, although it was nonetheless still carried out in the London markets of Newgate and Leadenhall where poulterers were almost completely dependent on commercial poachers for their supply. As the annual pattern of this salesman's deliveries confirms, however, the supply of game birds from poachers was still seasonally marked with few arriving in the summer months. This is despite the fact that the poacher's incentive to follow the legal boundaries of the shooting season was less compelling given that the entire trade in game was illegal. It is also hard to believe that commercial poachers would not have supplied the markets with game birds during the summer months should this have been possible and profitable. That they did not only affirms the degree to which poaching was considered viable only when the birds met certain conditions of maturity and when they could be extracted from their natural environment in sufficient numbers.

TABLE 1. Returns of game received by G.H. during 1827.

	<i>Pheasants</i>	<i>Partridges</i>	<i>Hares</i>
January	232	601	312
February	115	204	143
March	111	76	265
April	24	9	49
May	6	0	28
June	1	0	49
July	0	2	74
August	3	473	108
September	44	2579	267
October	137	971	180
November	293	815	300
December	327	626	204

Source: BPP, 1828, VIII, SC on the Law Relating to Game, App. 1.

The alignment between poaching activity and natural cycles is even more obvious in the context of offences involving partridge and pheasant eggs. These were taken from the nest during April or May either for food or to be sold in the illegal trade in 'live' game. This trade was carried out extensively on a both a local and national level with the active complicity of gamekeepers and sportsmen who purchased eggs to hatch under domestic hens, as well as live adult birds, to bolster the stock of game on their estates.³⁵ Poachers charged with this kind of offence were likely to be either commercial poachers, or women and children who discovered the eggs while engaged in field work. Whatever the character or motivation of offenders, the timing of this form of poaching was, as the pattern of prosecutions in East Suffolk suggests, entirely a matter determined by the nesting season of the birds (Figure 4).

Undoubtedly the greatest proportion of all poaching offences, whether committed by habitual or occasional offenders, involved rabbits and hares. These offences appear to have been much less seasonally marked. Ground game seems to have been almost always available at market. Even the often low numbers of prosecutions that can be positively linked to these creatures in the East Suffolk sample shown in Figure 5 appear to suggest that they were taken by a variety of methods all year round.³⁶ This was possible because neither rabbits nor hares were inaccessible for long periods of the year because of habitat or breeding considerations whilst both existed in large numbers, on such a scale as to constitute a menace to agriculture, well beyond the confines of sporting estates.

³⁵ BPP, 1828, VIII, p. 17. BPP, 1846, IX, p. 630.

³⁶ SRO (Ipswich), BB11/1/2/1-3. The actual number of prosecutions in fig. 5 undoubtedly understate the amount of poaching that was related to ground game. Unfortunately magistrates appear to have been less inclined to record the quarry concerned in those cases, usually the most common, which involved hares

and rabbits. The absence of prosecutions relating to rabbits in August and October is therefore more a consequence of a failure to identify with absolute certainty the quarry involved in 34 cases during these months, than a reflection of the amount of poaching involving hares and rabbits that occurred at these times.

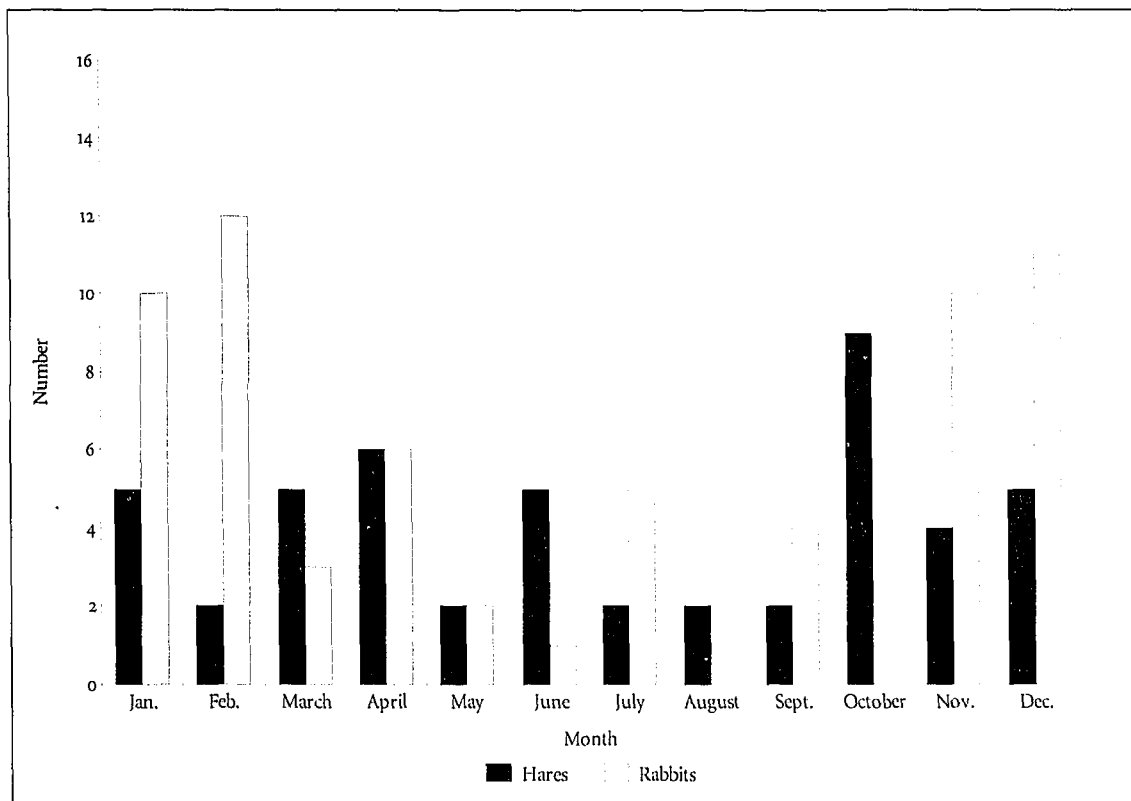


FIGURE 5. Poaching Prosecutions relating to ground game (Hares and Rabbits), 1847–55.

Source: SRO, Ipswich, BB11/1/2/1–3.

Nonetheless contemporary sources suggest that even the more sustained annual round of poaching activity which attended these creatures was still subject to seasonal variations which were again partly determined by factors relating to environment and life cycle. Like game birds, rabbits appeared in greater numbers after harvest and, as with partridges, it was also necessary for the fields to be clear before certain forms of poaching such as coursing or netting could be effective.³⁷ Practical considerations also governed the timing of other forms of hunting. Poachers and commercial warreners, who took rabbits from beneath ground, usually did so between November and February during the brief winter pause in the rabbit's reproductive activity, in acknowledgement of the fact that at all other times using ferrets to bolt burrows containing pregnant does and young was fraught with difficulty. Game dealers, who received the majority of their rabbits between October and March, also claimed that winter tended to see more killed because of the additional value of the animals' thicker winter pelt.³⁸

Hares also appear to have been taken in the greatest numbers during the autumn and winter months, although again the breeding habits of the animal may have had some bearing on the timing of poaching activity. Most adult hares were received by game dealers between September

³⁷ Jefferies, *Gamekeeper*, p. 79.

³⁸ BPP, 1872, X, *SC on the Game Laws*, p. 154. BPP, 1873, XIII, *SC on the Game Laws*, p. 64.

and March, but very few were sold during the period from late April to early June when the young leverets were born, although, until the Hares Preservation Act of 1892, it appears that the leverets themselves were in considerable demand in many areas, being regarded as a particular delicacy among the urban middle classes.³⁹ However, both market returns and contemporary observers suggest that a great many adult hares were killed in the early spring months when the animals exhibit uncanny boldness as they box and pair up to breed.⁴⁰

Even for these most accessible of game animals, the seasonal pattern of poaching was often shaped by conditions in the natural world and changes in the agricultural landscape. There were certainly greater opportunities for poaching ground game throughout the year than game birds and salmon, but the period from early autumn to late winter was still usually the optimum time for poaching. While, however, this period was also often one of acute poverty for the labouring poor, economic distress itself was not responsible for the timing of poaching. It would be mistaken in any case to assume that rural poverty, low wages and temporary unemployment were only confined to the winter months. In many of the areas where poaching was an important crime, distress was often a constant feature of labouring life. It is significant, however, that even when distress was clearly apparent during the summer months, poaching was not usually a strategy that the poor could adopt.

Evidence of this can again be provided by events and conditions in Suffolk. It was in the west of the county and in neighbouring parts of Cambridgeshire and Norfolk that recurrent spates of incendiarism during the mid-1840s drew unprecedented attention to the problems of rural labouring communities. Several national journalists travelled to the area to report on the arson phenomenon. The correspondent for *The Times*, Thomas Campbell Foster soon became the most outspoken in his conviction that the fires were fuelled by labouring resentment over low wages, unemployment and the operation of the New Poor Law.⁴¹ Foster arrived in West Suffolk in June 1844 at the height of the fires and yet his reports indicate that even at this time of the year poverty and underemployment were prevalent. In some villages agricultural wages were little higher than in the preceding winter and in almost all cases spring and early summer farm work had been severely interrupted by the weather. Foster was accused by leaders of the county's farming establishment of being sensationalist and selective in his examples of poverty. But there can be little doubt that the distress he and others highlighted during the summer of 1844 was real and widespread.

Despite this there were very few prosecutions for poaching during the summer months of 1844, even in the distressed areas of West Suffolk which were at the very epicentre of the arson epidemic between May and July (Figure 6).⁴² The point here, however, is not to pursue a comparison between the periodicity of arson and poaching, but to stress how, even during a summer of clear economic distress, poaching appears to have remained tied to its familiar seasonal pattern.⁴³ Obviously the number of recorded committals will always understate the

³⁹ BPP, 1873, XIII, p. 64.

⁴⁰ BPP, 1828, VIII, App. I. Watson, *Poachers*, p. 6.

⁴¹ *The Times*, 3–21 June 1844. D. J. V. Jones, 'Thomas Campbell Foster and the rural labourer. Incendiarism in East Anglia in the 1840s', *Social Hist.*, 1 (1976).

⁴² The arson attacks shown in fig. 6 are based on a full

survey of the *Bury and Norwich Post, and East Anglian*, 1844, and the poaching figures correspond to warrants issued, by date and number, for poaching offenders subsequently housed in Bury St Edmunds Gaol. See SRO (Bury St Edmunds), Q/AGR 1, register of prisoners (Gaol Receiving Books), 1844–5.

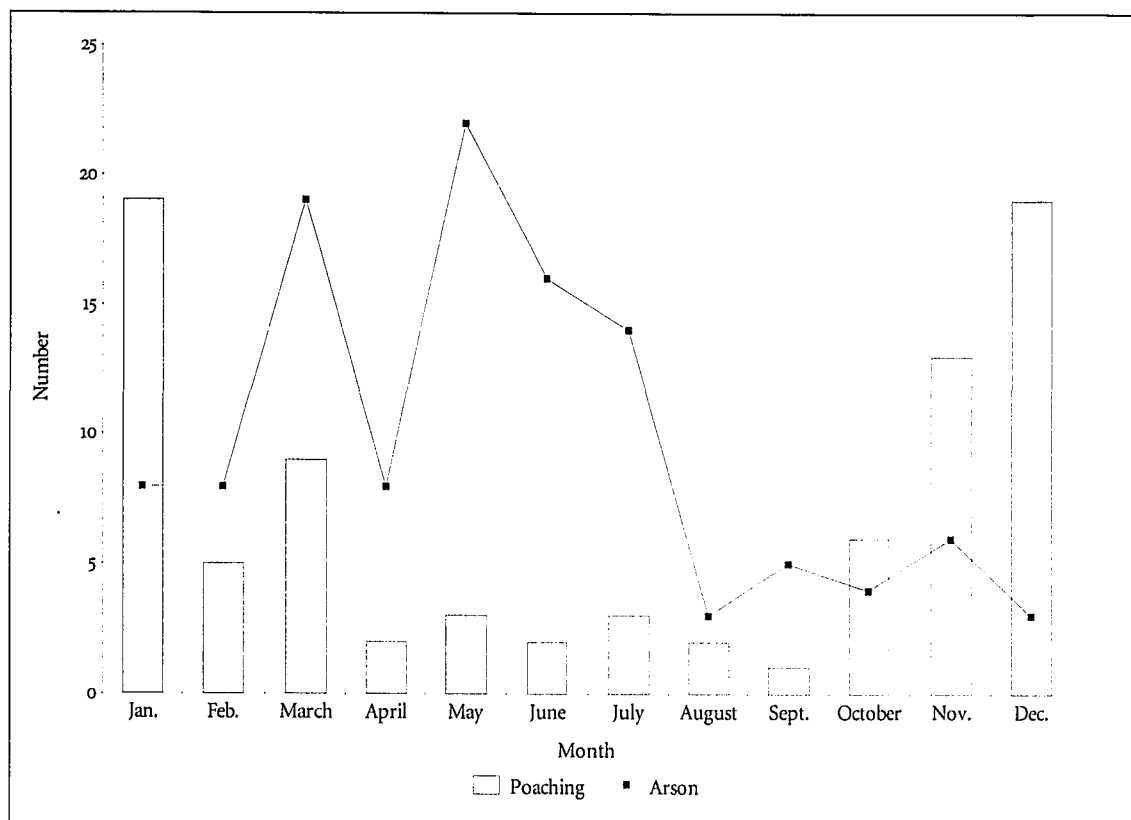


FIGURE 6. Reported poaching prosecutions and arson attacks, West Suffolk, 1844.

Sources: SRO, Bury, Q/AGR1. *East Anglian Times*, 1844.

true level of poaching activity, but nevertheless, the virtual absence of prosecutions during the summer months of 1844 would seem to underline just how far poaching was a crime whose seasonal timing was determined by natural cycles rather than merely periods of labouring poverty.

IV

It seems clear that historians cannot hope to fully understand the periodicity of crimes which involve natural resources without some understanding of nature itself. The motive of the criminal may have been predominantly economic, but in many cases the actual seasonality of the crime was determined rather more by the availability of the 'living' article which was taken than by the economic circumstances of the offender. Poaching provides perhaps the most obvious example of how nature determined the seasonal periodicity of offending, but it is conceivable that natural cycles may have also shaped the annual pattern of certain other 'rural' crimes, such as crop stealing, livestock theft and even some forms of criminalized wood

⁴³ For a full discussion of the seasonality of incendiarism in nineteenth century East Anglia, see Archer, *By a flash and a scare*, p. 132.

gathering. It is probable, for example, that larceny offences relating to fruit and vegetables in rural areas had a fairly fixed annual periodicity. And while the motives of the sheep rustler were often even more varied than those of the poacher, the fact that the 'seasonal movements of sheep were marked', in response to the demands of both husbandry and markets, raises the possibility that at times this may have been reflected in the seasonality of crime.⁴⁴

It is also possible that environmental factors may have had an effect on the long term periodicity of offending. The apparent decline of poaching toward the end of the nineteenth century, for example, is generally attributed to economic, cultural and demographic change, but it is also apparent that in some areas environmental factors played a part in undermining certain forms of the crime.⁴⁵ This was rarely evident in the context of those game birds and animals which could be easily reared and preserved, but on some salmon rivers the effects of long term environmental damage were becoming increasingly obvious as the century progressed. Effluent, obstructions and canalisation had caused the salmon to desert the Mersey and Thames completely by the 1850s and pollution from mines had made the once abundant salmon a rare visitor to many of the rivers of industrial South Wales and the South West of England.⁴⁶ By 1900 salmon numbers were also down significantly on the Border Tweed and the rivers of the industrial North East.⁴⁷ On the worst affected rivers poaching rapidly became a crime of declining significance, simply because, as riparian owners on the Devonshire Tamar reported in 1861, 'there has not been any salmon to poach'.⁴⁸

An environmental perspective is clearly a useful adjunct to other ways of interpreting the periodicity of certain types of rural crime. Traditionally, social historians in particular have tended to focus on the part played by economic cycles in determining seasonal patterns of offending. Poaching may have been a crime of economic motives, but its seasonal pattern was predominately defined by supply. It was a crime only viable when the rural environment allowed and when the mature quarry was available in sufficient numbers. The seasonal pattern of this particularly rural crime was largely determined by such factors.

⁴⁴ R. A. E. Wells, 'Sheep-rustling in Yorkshire in the age of the industrial and agricultural revolutions', *Northern Hist.*, 20 (1984), p. 132.

⁴⁵ I am grateful to Dr J. E. Archer for the suggestion that the growing commercialism of sporting estates may have also contributed to the decline in game poaching. Increasing numbers of shot game were legally sold by

landowners as the century progressed and this may have helped marginalize the commercial poacher.

⁴⁶ A. Netboy, *Salmon. The world's most harassed fish* (1980), pp. 77-82.

⁴⁷ BPP, 1902, XIII, pp. 24-5.

⁴⁸ BPP, 1861, XXIII, p. 457.