

The Murder of Huddersfield's Head Constable

By COLIN JACKSON

With a cat-like bound, the man leapt out from the back of his cell with a clasp-knife in his hand, such as gardeners used for pruning. The three policemen, who had been standing in the cell door, turned and ran in different directions, one towards the house and the other two around the police station yard, until they heard their comrade cry out "Oh, Lord!" and turned to see him with his back against the wall of the house, and the prisoner cutting at him somewhere about the thighs with the knife. They rushed at him and tried to pull him away, and they all went down together.

In the struggle a second policeman received three very severe wounds in the thigh, side and back. The third officer finally wrested the knife from the attacker by striking him across the hands with his stick. "I told you I would show you what it was to meddle with a Scotchman. I've done for two of them. I'll do for 50 more, and then England will be free," said the prisoner to the remaining policeman as he called for assistance to secure him in one of the cells. By this time the second policeman, whose name was John Danson, was very faint and sick from his wounds, and the first, William Duke, the Head Constable of

the Huddersfield Force, was lying on the ground unable to speak, bleeding profusely from a wound in the thigh.

Duke was removed into the house but died within a few minutes. He had received no fewer than five dreadful gashes. There was a wound in the left groin nearly six inches long and two deep, another across the right hip backwards, about nine inches in length. One wound divided the muscles of the right arm. Another wound outside the right thigh was about eight inches long, and one divided the femoral artery on the inside of the right thigh, the bleeding from which had caused his death.

Danson's wounds also were very severe, and he was to spend a month in the local infirmary.

The time was about 6 o'clock on Tuesday evening, April 28th 1840.

The incident had started innocently enough, shortly after 3 o'clock that same afternoon, when Alexander M'Gaichan Smith, a gardener-cum-labourer of Elland had visited the market at Huddersfield with a man named Tait.

A market gardener named William Lennard had some plants on a stall in Cloth Hall Street. A man named Thomas Shepherd had just bargained

for one of the plants, when Smith came up and asked the price of the whole lot upon the stall. Mr. Shepherd begged Lennard to remember that one of the plants was purchased and paid for. "Very well," said Smith, "you can put it aside, and I'll try and buy the remainder, if we can agree about the price." It would appear, however, they had not been able to agree on this point and an altercation ensued.

John Danson was on duty in nearby New Street, and hearing the commotion came up to enquire what the problem was. Lennard made a complaint that Smith was refusing to pay the price asked for one of his plants, had taken possession of it and would not return it. The policeman advised him to go before the magistrates who were then sitting in petty sessions, and that they should decide the matter.

The three went off down the street in the direction of the lockups, where Head Constable Duke then resided, the cells being in a small enclosure, part of which was formed by the rear of Duke's house. Danson directed Lennard to go forward and see if the magistrates were still sitting. He found that they were not, and on his return to the lockups found that the prisoner had been searched in the

yard, and there was lying near him a snuff box, a pocket-book, two pencils, and a clasp-knife. It would seem that he managed to conceal a second knife from the officers.

He was very violent, and still refused to give up the plant of which he had taken possession. The policemen were endeavouring to wrest it from him, and Duke struck him over the knuckles with his constable's staff. Smith kicked at Duke repeatedly, saying he would let him see what it was to meddle with a Scotchman, but a chain was procured and attached to Smith's left arm and left leg and he was locked up. It is difficult to see what the purpose of the chain was, as it was not secured to anything in the cell. To fasten it to an arm and a leg, instead of both legs or both arms even, appears to have served no useful purpose whatsoever, only perhaps to further antagonise Smith.

This occurred between three and four o'clock in the afternoon. About six o'clock Duke and Danson, with another constable named Francis Burton Dalton, were in Duke's house when they heard a knocking at the door of the cell where the prisoner was confined. They went out and crossed the yard. In the meantime the noise ceased. Duke opened the door and flung it back, saying, "You blackguard, what are you making this noise about?" The prisoner was sitting on the wooden bed at the back of the cell, with his hand behind his back. To Duke's question he replied, "I'll let you see," and it was then that he launched the fatal attack upon the officers.

Smith did not seem to display the slightest remorse for what had occurred. While the constable Dalton was removing him in the evening to another cell he said, "D---m you - you with the red stick; I'll do for you too."

Dr. Wrigley, who also attended the two wounded policemen immediately

after the attack, saw Smith that evening in the cell, and asked him if he did not regret what he had done? He replied, "Not a bit," saying that he only regretted he had not done more, and done for the fellow with the red stick. During the evening he was quiet in his cell, except when he saw the Dalton, at which point he became very violent.

The Coroner's inquest was held at The George Hotel the following day. Smith was taken there in a carriage, escorted by Dalton and an additional constable named Clough. The crowd outside shouted and jeered as he arrived. Throughout the hearing he was chained to a settle and was comparatively tranquil, and listened with much indifference to the proceedings before the coroner. The jury was described as the most distinguished ever seen in Huddersfield. Their verdict - Wilful Murder.

Smith declined saying anything on the subject of the charge against him, and on being informed that he would be committed to take his trial, he asked the coroner, Thomas Dyson, if he was satisfied. The latter replied "Yes." Then, said Smith, "Be doing."

Following the inquest he was removed to York to await his trial, taking the two o'clock coach from Huddersfield with his escort of two constables, Dalton and Clough. On the way to Leeds he seemed cheerful and indifferent, talking about gardening and speaking of the various gentlemen's houses which they passed on the way.

At Leeds he was put in the lockup until it was time for the departure of the train for York. This was about six o'clock, and when an officer went to check on him in the cell he was found sitting sullenly with his head bowed down and refusing to speak. He was lifted up by the neck and taken into the yard. But once there he kicked

violently, so the officers finally threw him down and tied his hands behind his back; they had been handcuffed before. He had shackles on his feet and they now proceeded to tie them together.

In this way he was conveyed to York. Though repeatedly spoken to, he continued his silence throughout the journey until his arrival at the York station, when he said in reply to being asked whether he wanted anything to eat, "I see nothing."

On being taken to the Castle prison he had some conversation with Mr. Buxter Barker, the Deputy Governor, and Mr. John Noble, the Governor, and told them he had bought a plant in the market, and the gardener would not let him have it, but gave him into custody. He was told he should not have taken away the life of the constable who was only doing his duty. He had, he said, "been ill-used."

On Tuesday, July 23rd Alexander M'Giachan Smith appeared before Mr. Baron Rolfe at York Assizes, charged with the wilful murder of William Duke, a police officer, at Huddersfield, on the 28th day of April 1840, by stabbing him with a knife.

The prosecution was conducted by Mr. Baines and Mr. Lister; the prisoner was defended by Mr. Wortley.

Mr. Wrigley, the surgeon who first saw him after the occurrence took place, and who attended at the inquest, stated that in his opinion on the evening of this occurrence and at the inquest the prisoner was perfectly sane.

Mr. Baines said, if his Lordship thought proper, he would call witnesses to the state of the prisoner's mind as it appeared insanity, caused by epilepsy, was to be set up as a defence. He would either do so at this stage of the case or give much evidence in reply.

His Lordship thought the former the most proper course. It was for



Scene of the inquest

the prosecution to make out the prisoner's guilt, and his sanity at the time was necessary to constitute the crime.

Mr Greenwood, surgeon from Huddersfield, and Mr. Champney and Mr. Anderson, surgeons to the gaol, gave it as their opinion that the prisoner was perfectly sane so far as they could see. It appeared, however, that he had had several epileptic attacks in the gaol. Epileptic mania is a form of insanity well known to medical men. The patients are usually violent with tranquil intervals. The regime and discipline of the gaol would tend to prolong these.

The other witnesses were Constables Danson and Dalton; William Lennard and Thomas Shepherd, who had been present at the market stall; Mr Noble and Mr Barker, together with turnkey John Abbey from York Castle Prison.

Godfrey Whitehead Mann from Elland had employed Smith as a gardener prior to his arrest.

They all expressed a similar opinion that Smith was not insane. Mr. Wortley addressed the jury for the defence, and contended that at all events the arrest was illegal, and that the crime, being committed in heat of blood, would amount not to murder, but manslaughter. He would show, however, that the prisoner was not a responsible being, that he was afflicted, and had been for a long time, with the dreadful disease of epilepsy, which had induced paroxysms of frenzy, in which he was incapable of distinguishing right from wrong.

Thomas Noble from Elland, with whom the prisoner had lodged, was called as a witness and described the attacks of epilepsy as having been very frequent. After their recurrence Smith was for several days unable

to go to work, and was very violent. He was at all times subject to fits of ungovernable passion, in which he seemed to have no control over his actions. On one occasion he got up and walked about his room naked, talking very loudly. He was at that time put under the care of the parish surgeon, Dr William Brook of Stainland, by whom he was bled, and a blister applied to the back of his neck. He was returned to the guardians as "temporarily insane."

John Worth, in whose house he lodged last - from the Saturday up to the Tuesday when this occurrence took place - said that during all that time he looked very wild, and talked violently.

A chemist and druggist at Elland named Walter Smith and another medical gentleman, Doctor William Maude, who had prescribed for him, gave similar testimony. They

perceived that he had been frequently bled, and there was the mark of a seton at the back of his neck.

Caleb Williams, who had the general management of the Quakers' Retreat near York, stated that he examined the prisoner in the gaol, and thought that his intellect was impaired and his moral sense weakened by the disease to which he was subject. He seemed to be labouring under delusions as to alleged communications from Jesus Christ.

The Judge's summing up took an hour and a half, in which he directed the jury that they should convict the prisoner of murder or of no offence at all.

The jury, after a consultation of upwards of an hour and a half, acquitted the prisoner on the grounds of insanity, whereupon the Judge ordered that he be detained during

Her Majesty's pleasure.

One writer described Smith thus:

The prisoner is about thirty-four or thirty-five years of age, with sandy hair; he stands about five feet seven inches high, is strongly built, and very broad in the chest; he has a peculiarly savage aspect. He is a native of Scotland (Dunkeld, Perthshire), and has a wife and two children at Stirling, in indifferent circumstances, from whom he has long been absent. During the whole of this tragic exhibition he manifested the utmost callousness and indifference, even approaching to scorn. Not even the bloody knife or the bloody soaked clothes, when produced in court, had any apparent effect on him; and to all appearances the probability of a violent death has no terrors to him. From first to last he remained unmoved! On his road to York he was the same, and unreservedly stated, that he thought no more of killing men that acted to

him as the police had done than of killing bullocks.

The wretched man during his confinement in York Castle exhibited such symptoms as could leave no doubt of his insanity, and the necessary precautions against his doing any further mischief were taken.

His victim, William Duke, was 48-years-old, married with no children of his own but one dependant niece. He had been a constable at Huddersfield for about three years.

Sources

Wakefield Journal & West Riding Herald, 1 May 1840 and 24 July 1840; *The Times*, 23 July 1840; *The Newgate Calendar*, 1891.



COLIN JACKSON retired from West Yorkshire Police in 1986 after 36 years service - Cadet to Chief Inspector,

VICTORIAN POLICING

By Gaynor Haliday

What was life like for the Victorian bobby? Gaynor Haliday became fascinated with the history of the early police forces when researching the life of her great, great grandfather; a well-regarded, long-suffering Victorian police constable in Bradford. Although a citation claimed his style of policing was merely to cuff the offender round the ear and send him home, press reports of the time painted a much grimmer picture of life on the beat in the Victorian streets.

Handwritten Watch Committee minutes, historical newspapers and police records combine to reveal an account of how and why the various police forces were set up; the recruitment, training and expectations of the men, the issues and crimes they had to deal with, and the hostility they encountered from the people whose peace they were trying to keep.

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