

Manchester Courier 26 June 1852

Factory informations at Glossop

Several charges of infringement of the factory laws were investigated at Glossop, in Derbyshire, on Thursday last, which excited considerable interest. The investigations arose out of proceedings, instituted at the instance of the Home Office, in consequence of statements which had been made, to the effect that the factory acts were violated in that neighbourhood in a manner which called for the adoption of some extraordinary mode of procedure, so as to legally implicate the non-observers of the law. Mr Graham, of Manchester, the sub-inspector of factories for the district of which Glossop forms a part, was, it is alleged, unable to succeed in actually detecting infringements; and it was deemed desirable that sub-inspectors of two other districts should be employed for that purpose, because of their being unknown in the locality, and consequently unlikely to be recognised as sub-inspectors prior to entering the premises at which it was said the law was violated. The party accused on Thursday last was Mr Francis Sumner, the owner of a spinning and weaving concern, at which 1,300 operatives are employed, in Howardtown, Glossop Dale. The sub-inspectors whose services had been called into requisition on this occasion were Mr David Jones, of Bolton, and Mr Charles Patrick, of Rochdale, and they appeared as complainants. The charges preferred were heard at the Town Hall, Glossop, by Captain John White, and John Chapman, Esq, magistrates. William Sidebottom and George Andrew Esq, also magistrates residing in the neighbourhood, sat upon the bench, but being manufacturers themselves they took no part in the proceedings. Mr R.B.B. Cobbett, of Manchester, solicitor, attended on behalf of the sub-inspectors; and the defendant was represented by Mr Nicholas Earle, also a solicitor from Manchester.

The first case proceeded with was one in which Mr Sumner was charged with obstructing Mr Patrick in the execution of the powers entrusted to him whilst visiting the defendant's mill.

Mr Cobbett said there were five cases against Mr Sumner, two of which were for obstructing the sub-inspectors in the execution of their duty; one of the informations being laid by Mr Patrick and the other by Mr Jones. The other three cases were for employing females, some over the age of 18 years and other under that age, after six o'clock in the evening, contrary to the law. He ventured to make mention of the whole of the cases in commencing the first, because in detailing the facts which occurred in the first case, he should of necessity be obliged to involve in his statement all the facts relative to the other cases; and by mentioning the whole at once it would save the trouble of going over them again.

Mr Earle here objected to the introduction of matter not bearing upon the present case, as being calculated to create a prejudice against his client. Captain White did not think the minds of the magistrates would be prejudiced, 'whatever was advanced' but he considered it desirable that Mr Cobbett should confine his observations as much as possible to the matter under immediate consideration.

Mr Cobbett did not propose to go into the facts of the other cases, further than to allude to them, so far as they were involved in that case. The sub-inspectors had, on that occasion, adopted an unusual course of procedure. Their being represented in the court by himself, or by any other legal gentleman, was quite out of the ordinary mode of proceeding; and that course had been adopted under the special directions of Mr Horner, inspector for that district., on account of peculiar circumstances. He was specially instructed, for the consideration of the magistrates, that those were cases in which it was absolutely necessary, in order that the law might be maintained, that the highest penalties should be inflicted, if convictions were obtained. It was necessary to urge this, not only because two government officers had been obstructed in the execution of their duty, but because it was a matter of complaint by these officers in general that the law was not observed as it would be if the magistrates generally were to inflict more serious penalties than, in their discretion, they had hitherto done. In the present instance, the proceedings at the factory of the defendant, out of which the investigation arose, took place at the direct instance of the Secretary of State; and they took place by reason of communications made to him previously but which, of course, it would not be proper for him (Mr Cobbett) now to go into. Two gentlemen, both sub-inspectors, but neither of them sub-inspectors of that neighbourhood, were sent there under special directions on account of representations previously made that individuals whose persons were not known in the neighbourhood should be sent, inasmuch as it had been found that the person of Mr Graham, who had charge of the district as sub-inspector, was so well known that an effectual inspection by him was almost impossible. The two gentlemen in question came on the 9th instant, having with them a letter written by Mr Horner, and addressed to Mr Sumner, which was tendered by Mr Jones to him (the defendant) who, however, refused to read it. It was as follows:-

Factory Office, London, 7th June 1852

Sir, Representations having been made to the Secretary of State that the provisions of the Factory Act are not duly observed at Glossop, he had directed me to use the utmost vigilance to have the law strictly obeyed. Statements have been made to me that you are in the habit of employing young persons and women for longer time than the law allows, both by making them come before six a.m. and keeping them after six p.m., and also by working them during the times set apart for meals. I have therefore directed Mr Sub-Inspector Jones and Mr Sub-Inspector Patrick to make a strict inquiry into the truth of these charges. I am, sir, your obedient servant,
Leonard Horner

Messers Jones and Patrick (said Mr Cobbett) took that letter with them to the defendant's mill, and placed it in his hands before he was guilty of the obstruction of Mr Patrick, for which he was summoned. The two sub-inspectors, it appeared, arrived at Glossop some little time after five o'clock in the evening of June 9th, but did not examine the factory until after six o'clock. They arrived at the mill at seventeen minutes past six; and as they were going over a bridge which led to it, they saw something take place which he (Mr Cobbett) would not particularise, as his friend Mr Earle was anxious that the minds of the

magistrates should not be prejudiced. They make the best of their way into the loom-shed, the whole of the looms in which were going, some of them being attended to by females, who had no right to be there after six o'clock. Immediately on their entering the shed the females vanished in all directions and as they vanished men collected about the sub-inspectors in a manner which led the latter to be somewhat apprehensive as to their safety. The sub-inspectors did their best to secure the names and identify the persons of some of the females; and for that purpose they stopped some of them as they were going out, but did not succeed except in three instances. At this period Mr Sumner entered the loom shed evidently in a state of excitement, and demanded who the gentlemen were, stating that they had no right to come into the factory at that time; upon which Mr Jones told him who and what they were, and offered him the letter which he (Mr Cobbett) had read. After that Mr Jones found himself outside against his will, but he (Mr C) would not be allowed by Mr Earle to state under what circumstances. His friend Mr Patrick went outside too. When they were outside, Mr Patrick was wishful that there should be no mistake, and took out of his pocket his appointment to the office of sub-inspector, which he had received from the Secretary of State, and proposed to read it to Mr Sumner; he began to read it, and Mr Sumner gave it a violent blow, and tried to knock it out of his hand. It was under these circumstances that he (Mr Cobbett) had to ask for the infliction of serious punishment, if the law could be said to amount to that. The defendant was not a poor or ignorant person, or in any circumstances of life which would justify such conduct, and should be one of the last to be guilty of it. After the document of the Secretary of State had been shown, and treated by Mr Sumner as stated, Mr Sumner retreated into the loom-shed; Mr Patrick followed him, still reading to him the appointment from the Secretary of State, and endeavouring to enter the shed, for the purpose of carrying out his duties as sub-inspector. When he had got into the doorway, Mr Sumner violently thrust him back, ordered the doors to be shut and directed the men inside to stand there, watch the doors, and keep the inspectors out. He (Mr Cobbett) should be at a loss to discover how he could by possibility, if he had the choice of all the facts in the world, bring a set of facts before the magistrates more conclusively proving against the defendant, not only violation of the Factory Act, but a violation under such circumstances of aggravation, that he merited not merely the infliction of a penalty of £10, but a very high punishment, if it could be inflicted. It might now be convenient to read the clause of the act of parliament under which the offences came. He then referred to the 3rd section of the act 7 and 8 Victoria c 15, which provides – “That every inspector and sub-inspector shall have the power to enter every part of any factory at any time, by day or by night, when any person shall be employed therein; and to enter by day any place which he shall have reason to believe to be a factory, and to enter any school in which children employed in factories are educated, and at all times to take with him into any factory the certifying surgeon of the district hereinafter mentioned, and any constable or other peace officer whom he may need to assist him; and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a factory, within two months next preceding the time when he shall require him to be examined, touching any matter within the provisions of this act; and the

inspector or sub-inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every inspector and sub-inspector shall have power to examine the registers, certificates, notices, and other documents kept in pursuance of this act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name, or affix his mark, to declaration of the truth of the matters respecting which he shall have been examined, or who shall in any manner attempt to conceal, or otherwise prevent any child or other person from appearing before, or being examined by, an inspector or sub-inspector; or who shall prevent, or knowingly delay the administration of an inspector or sub-inspector to any part of a factory or school, or shall prevent an inspector or sub-inspector from examining any register, certificate, notice or other document kept in pursuance of this act, shall be deemed guilty of wilfully obstructing the inspector or sub-inspector in the execution of the powers entrusted to him." Mr Cobbett then proceeded to call evidence.

Mr David Jones, sub-inspector of factories, stated that in consequence of instructions which he had received, he came to Glossop on the 9th of June, being accompanied by Mr Charles Patrick. They arrived at twenty-five minutes past five in the afternoon, when they compared their watches with the clock at the railway station, that being the clock by which Mr Sumner's factory was regulated. They got to Mr Sumner's factory at 17½ minutes past six, by the railway clock. When at the bridged they observed several men about, one of whom raised his hand towards the direction of the loom-shed the moment he saw them. He saw two women, who passed quickly into the shed. When he got into the shed he saw the whole of the machinery going, and men and women at work. The shed was a very large one. By far the greater number of persons employed were females, and when he and Mr Patrick entered they dispersed in all directions. Several of the males (about five or six) came and stood round him. Seeing the females going away, he made efforts to detain two or three of them, and got hold of their arms for that purpose, and obtained one name. He used no threatening language more than that he would put them in the hands of the police if they refused to give their names. Mr Sumner came and asked "Who are you? What are you doing at my mill?" His answer was, "I am a sub-inspector of factories, and have come here by the direction of Mr Horner; here is a letter which he gave to me". [Mr Jones here handed to the court the letter read by Mr Cobbett and said it was in Mr Horner's handwriting.] Mr Sumner would not read the letter; he would not look at it. Mr Patrick had got about twelve or fourteen feet higher up the alley, and appeared to be endeavouring to ascertain the names of the women. After he (Mr Jones) had made the reply to Mr Sumner, Mr Sumner seized him by the shoulders and put him out of the shed. Mr Patrick followed, and began to remonstrate with Mr Sumner; he produced the letter which he had received from the Secretary of State, and Mr Sumner said, "You have no business in my mill at this time." Mr Patrick told Mr Sumner the letter was his letter of appointment, and authority from the Secretary of State; he proceeded to read it, upon which Mr Sumner struck the paper with one of his hands, and re-entered the mill. Mr Patrick followed him as far as he could; but when he reached the door of the shed Mr Sumner had got there and he closed it, and put men there to keep it shut. An iron bar prevented the door from shutting quite close. After Mr Patrick was shut out

he (Mr Jones) heard Mr Sumner, in the inside, say, "let no one come in." Afterwards, he (Mr Jones) and Mr Patrick went away, unable to get in. By Mr Earle: The entrance of himself and Mr Patrick to the factory was by large doors leading to the yard, and at some distance from the shed. Did not know whether these doors were closed when the hands came out, or whether they were closed when the people were at work. Was not at first aware that there was an entrance by a lodge, but saw the lodge when at the shed door. It was a small entrance. Should suppose that when there was a lodge entrance to a mill it was for persons coming on business. None of the factory hands were coming out on the occasion in question. Made no inquiry, before entering the mill, which was the proper entrance. Did not know whether the man's hand which he had spoken of was for the purpose of causing a stoppage of the mill. Had not been at the mill previously; did not suppose the man ever saw him in his life before. Had the man thought proper, there was scarcely ample time for shutting the door and preventing their going in at all. He (Mr Jones) got hold of the girl whom he had referred to, by the authority which he received from his superiors, to enter the factory. The whole of the people in the factory ought to know that Mr Graham was the sub-inspector. Mr Graham was the regular sub-inspector. It was about a minute and a half after he (Mr Jones) entered the mill that Mr Sumner entered. He meant to swear solemnly that he presented Mr Horner's letter to Mr Sumner, and told him it was such a letter, and his authority; this was when he first saw Mr Sumner. Mr Sumner did not look at it at all; he did not know, further than from his (Mr Jones's) representation, that it was a letter from Mr Horner. He (Mr Jones) had now got the instructions from Mr Horner. Mr Cobbett objected to the production of these instructions. Mr Earle submitted that they ought to be produced to show by what authority Mr Jones went to the mill. Mr Cobbett said that if a sub-inspector were called upon to produce instructions or communications taking place between himself and his superior officer, there would be an end of all confidential communications between the government and the officers of the government. As to the sub-inspector's right to enter the factory, he referred him to the act of parliament. Captain White called attention to the 3rd section of the 7th and 8th Victoria (before given). Mr Earle believed there was no law which gave Mr Jones permission to enter the mill of Mr Sumner on the day in question. The magistrates, after consulting, arrived at the opinion that Mr Jones had sufficient authority for entering the mill, and the instructions were not produced. The cross-examination of Mr Jones was resumed: he (Mr Jones) did not, when at the factory, on the 9th of June, hear Mr Sumner make any remark that Mr Graham was the sub-inspector. Visited the mill two or three days afterwards, but did not say we are not imposters. Said to the book-keeper, "You can see we are true men." The manager had said there had been short-time committee there. Did not go into the entrance, where the notices were hung up. The law required notices to be put up, stating who were the inspector and sub-inspector for the district. On the 9th of June Mr Horner was the inspector and Mr Graham the sub-inspector. He (Mr Jones) was the recognised sub-inspector at Bolton and other places.

Mr Charles Patrick corroborated the evidence of Mr Jones as to what took place at the mill on 9th inst., and stated that, in endeavouring to get the names of females, he obtained one. He produced in court the document from which, on the

9th of June, he read to Mr Sumner. It said: "Whitehall, 22nd May 1852. Sir, I am directed by Mr Secretary Walpole to inform you that he has been pleased to appoint you under the authority of the 19th section of the 3rd and 4th Will 4th cap 103, to be a sub-inspector of factories in the district of which Mr Horner is inspector." [This was from the Under-Secretary of State.] When he (Mr Patrick) followed Mr Sumner into the loom-shed he got part way through the door, but Mr Sumner shut it in his face, and caught him at his left side; the door was not quite closed. Four or five minutes afterwards he (Mr Patrick) asked to be let into the room, and two men stationed there said they had orders not to let anybody enter. By Mr Earle: The visit of himself (Mr Patrick) and Mr Jones to Mr Sumner's mill was to try and detect him violating the Factory Act. He did not know, at the time, that there was a lodge at the mill, and went straight through the gates, which he believed to be the proper entrance. Made no inquiries of any person whether there was a lodge, nor whether Mr Sumner was in. Mr Earle wished to see the letter of appointment of Mr Patrick but Mr Cobbett objected to its being read any further than extracts before quoted [Another portion of the document was as to terms &c] It was quite sufficient, said Mr Corbett, that Mr Patrick presented himself at the mill, under the act of parliament. Mr Earle submitted that the document ought to be read, none but the strictest evidence being sufficient under a statute so highly penal as the one in question; and he contended that the announcement of a person being appointed to an office, as in the case of Mr Patrick, according to the preceding extract of a letter from the Home Office, did not amount to an absolute appointment. Mr Jones and Mr Graham, being referred to, said they were appointed in a similar way to that set forth in regard to Mr Patrick; and the magistrates considered the document, as produced by Mr Patrick, satisfactory. Mr Patrick's cross-examination resumed: When at the mill he (Mr Patrick) had a stick, and attempted to use it to Martha Ratcliffe, the person whose name he obtained. When he took his stand he wanted to enclose three or four. Three ran past him, and he put up his stick to stop them, but could not do so. He took Ratcliffe by the wrist. She struggled violently. He asked her name, and she refused to give it, still struggling to get away. He told her that if she would not be quiet and give him her name, he would give her a knock on the head. He then got her name from her, with the stick. He held it up, but did not strike her. Went into the mill the same way two or three days after the 9th of June, as on that day.

Mr Sumner stated to the court that the proper entrance to the mill was by the lodge, where a man was kept to bring any communications to himself from parties who wanted him; the large doors being only for the hands to pass through at the closing of the mill.

Mr Earle then addressed the magistrates on behalf of Mr Sumner, remarking that the case was one of the greatest importance, not only to his client, but to the whole of the manufacturing districts. On this account, and knowing that Glossop had been pointed out in the House of Commons, as well as in that locality, as a place in which the Factory Act was infringed with the utmost impunity, he approached the case with the greatest diffidence. He trusted he should show, however, that the case must fail, both upon the facts and on the law. With regard to the 3rd section of the act 7 and 8 Victoria, he argued that it was erroneous to

suppose that it gave an inspector or sub-inspector power to go into mills in any district other than the one to which he was actually appointed; and he should have to go through the various sections in which inspectors and sub-inspectors were named, to show that such was not the intention of the legislature. In reference to the facts, he might say that he had expected, after the opening of the case by Mr Cobbett, to have seen some special authority of the Secretary of State, which had been send down from London. The notion that had presented itself with respect to a man who raised his hand, for the purpose of stopping the mill, and which Mr Sumner repudiated, had nothing whatever to do with the present case, which must stand or fall by itself. The sub-inspectors represented that they entered Mr Sumner's mill and found people at work; that they did not go in by the regular entrance but by the large doors, and rushed in as quickly as possible. They went, not to find out what had been done before, but to see if, at that moment, they could catch the millowner in violation of the law; and they stated that when they met with Mr Sumner they exhibited a letter which had been produced, and by which, by the way, was, of itself, nothing; and that Mr Sumner was unknown to them. The whole affair occupied a very short space of time, and was such, he apprehended, as to show that Mr Sumner regarded the two gentlemen as trespassers upon his mill. Even if he had known them to be sub-inspectors, all the facts taken into account, as the way they entered the mill, appeared to point to palliation of his conduct on the occasion rather than to aggravation. He looked upon the two individuals as perfect strangers – men who had no authority whatever – who walked into his mill for the purposes of informers; and it was admitted that up to the time of Mr Jones stating that he had a letter, Mr Sumner was ignorant who the parties were, and that they had come for the sole purpose of infliction penalties for certain offences respecting which the guilt or otherwise of the defendant had yet to appear. With respect to those offences, he (Mr Earle) had to state that his client had done what he could to avoid them He (Mr Earle) had advised him years ago to observe the factory laws as far as possible, but he knew that neither Mr Sumner nor any man living could always observe them, owing to the control of the mill being, in some measure, in the hands of other parties; and he recommended that the parties actually culpable, in case of a breach of the law, should be held responsible. He submitted that it was the duty – the particular duty – of Mr Jones, with a letter from Mr Horner, to have walked into the proper entrance of the mill, calmly, and to have told Mr Sumner for what purpose he had been send; and, if the latter had then attempted to interfere, he might justly have taken the consequences. He (Mr Earle) was instructed to say that, had the complainants walked into the proper place and shown their authority they would not have been interrupted, although interruption would have been justified in law. Mr Sumner had proper notices at his mill, showing Mr Horner to be the inspector and Mr Graham the sub-inspector; and he (Mr E) contended that no persons but the inspector and sub-inspector of that district had any right to go into a mill in that district, without some special and direct authority for the purpose. Notwithstanding the reading of the third section of the 7th and 8th Victoria, the intent was to be gathered from the act as a whole; and there were numerous instances in which the inspector and sub-inspector were referred to as the inspector and sub-inspector of the district. In the 28th section it was provided that an abstract of the act and certain notices should be hung up on mills, including the names and addresses of the

“inspector and sub-inspector of the district” according to directions given in schedule C, which, with distinctness, alluded to these two officers. The following sections also spoke of these officers as the officers of the district, viz., the 8th, 15th, 23rd, 39th, 49th, 66th, 69th and 70th. The names of these officers were put up in the mills as a guide to the master, and every person in his employment; and how was it possible for an act of parliament of this description to be carried out, except there were some clear and special directions as to what the parties were to do? With an act of so restrictive and penal a character it was necessary to have explicit directions as to who were to be obeyed in a district, or any person might be entrapped into the violation of the act by the sending of persons who had no authority, and whom they were not bound to obey in any shape whatever. Mr Earle then left the case in the hands of the magistrates, feeling confident that it would receive justice at their hands.

Mr Cobbett rose to ask the bench whether it was considered necessary that he should make a reply on the question of this construction of the act of parliament? The magistrates appeared to consider this unnecessary, and they retired from the court-room, from which they were absent for some time. On their return to the bench –

Captain White said, “It might be thought that it had taken them a long time to come to a decision upon the case; but they were anxious to give it their most mature consideration. They could not, for a moment, suppose that the document produced by Mr Patrick [which had been handed to the magistrates at their request] was not a proper appointment from the Secretary of State. They were quite sure that Mr Sumner would not, in his calmer moments, have used the sub-inspectors in the way he did use them; and from this and some other considerations they had agreed to convict in a mitigating penalty, there appearing to be circumstances which, in some degree, went to extenuate. In order to give Mr Sumner an opportunity for appealing, if he thought proper, the penalty must exceed the sum of £3; and they should, therefore, fine him £4 and costs.

Mr Earle said his client had made up his mind to appeal, and it was intended not merely to go to the sessions, but to bring a special case, if possible, before the Court of Queen’s Bench, so as to obtain a decision as to the proper construction of the act of parliament.

On the case of Mr Jones against Mr Sumner for obstruction, being called, - Mr Earle suggested that it should be withdrawn. - Mr Cobbett said that, acting upon instructions he had received on the subject, he should decline to withdraw it. The court recommended that the case should not be proceeded with, unless it was expected to be something different from the preceding one. Mr Cobbett said there was no difference whatever between the two cases, but his instructions gave him no discretion in the matter. Were he, however, to be consulted upon it, the nature of the case was such that he thought the second charge ought to be pressed. It was considered that one case would be sufficient to appeal upon and, the advocates on both sides consenting that he depositions in Mr Patrick’s case should apply to that or Mr Jones, the case of the latter gentleman was disposed of

by the bench inflicting a penalty of £3, the lowest amount to which the full penalty of £10 can be mitigated.

A charge was then preferred against Mr Sumner of employing Margaret Sidebottom, a female above 18 years of age, after six o'clock in the evening. – Mr Jones proved the case, stating that he saw the female working at a loom in the defendant's shed at 17½ minutes past six o'clock on the evening of 9th inst. A summons having been obtained by Mr Sumner against John Jackson, an overlooker, as the actual offender, Mr Earle called John Collier, a bookkeeper, who said Jackson had the charge of the room in which Sidebottom worked. The witness also produced a notice, date April 21st and signed by Mr Sumner, a copy of which he (Collier) served upon Jackson on April 22nd. The notice warned the overlooker against breaking the law in various ways, one of which was employing women after six o'clock in the evening, and that, in case of non-observance of such a warning, he would be liable to penalties and expenses incurred.

Mr Johnson, solicitor, appeared for Jackson and pleaded guilty on his behalf. Mr Corbett claimed the right to cross-examine the witness, which was opposed by Mr Earle, who submitted that, after the plea of guilty from the overlooker, the witness had nothing to do with Mr Corbett. The latter gentleman argued that the witness was opposed to him, and that cross-examination was necessary, in order to ascertain whether there had been collusion between the master and the servant. The court decided that Mr Corbett had a right to proceed, and it was stated that Mr Earle would have the opportunity of replying. In cross examination, their witness Collier states that on a former occasion he appeared in that court, when Mr Sumner got a servant convicted, and he (Collier) came to prove a notice. He stated that he was at the factory on 9th of June, was in the warehouse at half past seven o'clock, the time for stopping, and had seen the master in the counting house before seven. Might have seen him between one and two o'clock. He was in and out, backwards and forwards, perhaps five or six times. Did not recollect seeing him between five and six. Had seen him just before tea. Went to tea at half-past four. Believed he saw the master at half-past four. Witness could hear the looms from the counting house, when they were at work. Men and women were employed upon them; could not say whether the greater portion were women or not. He (Collier) kept the wage books, but could not say particularly as to the numbers of men and women without looking. Could not tell the difference between the sound of half of the looms and of the whole; it was a thing he never observed. There might be a difference. Jackson had been in the service twice; the second time commencing only a short period before June 9th. – By Mr Earle: Weavers were paid by the piece – tenters by the week. Mr Corbett argued that it was probable there had been connivance on the part of Mr Sumner, and Mr Earle contended to the contrary. – It was agreed to take a decision upon the two remaining cases of overworking – those of Catherine Boradbrick and Martha Ratcliffe – upon the facts in the one now before the court.

The magistrates again retired. On their return into the court, Captain White said that, under the peculiar circumstances of the case, they were of opinion, that although there had been no direct proof against Mr Sumner of connivance, still it

was a strong impression upon their minds that there had been connivance between himself and his servant; and under that impression, the man having pleaded guilty, they should inflict upon him the highest penalty they possibly could, £3 and costs in each case.