

The Kildwick Rail Crash of 1875

Part 3 – The trial of Harrison Palfreeman and the Calvert family claim for damages

Introduction

This is Part 3 of Farnhill and Kildwick Local History Group's investigation into the Kildwick rail crash of August 28th 1875, in which seven passengers died and around 50 others were seriously injured.

In Part 1, we looked at the accident and its immediate aftermath; in Part 2, we considered the various inquests, inquiries and reports that followed the crash. In this part, we will look at the final act in this tragedy: the farcical trial, for manslaughter, of Harrison Palfreeman. We also look at the claim for compensation made by the members of the Calvert family against the Midland Railway company for the loss of William, the head of the family, and his son John.

A quick recap – How we came to this point

Harrison Palfreeman was the driver of the mail train which ran into the back of an excursion train, returning from Morecambe to Bradford, as it was about to make an unscheduled stop at Kildwick in order to re-light the rear tail-lamp – which had been observed to be out as the excursion had passed Cononley station.

An inquiry by the Board of Trade² found that responsibility for the crash laid with: the traffic management system in operation at the time, that allowed the mail train to leave Skipton very soon after the excursion; the signalman at Cononley who, after signalling Kildwick to stop the excursion, should have signalled the mail train to slow rather than to have shown an All Clear signal. Finally, it sanctioned Harrison Palfreeman for not being in control of the mail train after the Danger/Caution signal had been shown 800 yards from Kildwick station.

A coroner's inquest ruled that there was no blame to be attached to the staff at Skipton – who had followed the regulations for train despatch – and, although it criticised the signalman at Cononley, it found Harrison Palfreeman alone guilty of manslaughter. This verdict was confirmed by a hearing in front of Skipton magistrates that committed Palfreeman to trial at the crown court.

The trial – 25th March 1876

The trial was heard before Mr. Justice Mellor, at the 1876 Leeds Spring Assizes¹. The prosecution was led by Mr. Lockwood; and Mr. Waddy, QC, appeared for the defence. (Palfreeman had not been represented either at the coroner's inquest nor at the Skipton magistrates.)

Although Skipton magistrates had committed him to stand trial on six counts of manslaughter, for some reason Palfreeman appeared indicted for the manslaughter of just five of those who died at Kildwick. The name of William Muckle, who died a few days after the crash, was not included in the indictment.

The case

Mr. Lockwood began proceedings with a brief outline of the relatively non-contentious events leading up to the crash. He did, however, state **as fact** that the excursion train had left Skipton station at 11:05 pm and the mail-train followed it at 11:17. This is unlikely to have been the case. The Board of Trade inquiry² could not determine precisely when the excursion left Skipton, but it was followed just five minutes later by the mail train. In a sworn statement to the inquiry, Henry Cockshott (signalman at Robinson's sidings, between Skipton and Cononley) reported that the excursion passed his box at 11:12 pm, and the mail train at 11:17.

The court then heard evidence from:

- Richard Staveley – signalman at Kildwick
- Albany Renton – driver of the excursion train
- Thomas Doidge – guard on the excursion
- William Dobson – fireman on the mail train
- William James Wiggins – guard on the mail train
- Edward Moore Needham – Midland Railways' line superintendent

For the most part, the submissions provided were very similar to those given to earlier inquiries and can be found in Part 2 of this article – but see later for new evidence provided by Edward Needham.

After the evidence had been given, Mr. Lockwood was about to start his summing-up when the judge made a rather remarkable intervention.

The judge's intervention

His lordship interrupted proceedings to say that¹:

... he did not think there was a particle of evidence to show that the prisoner had been guilty of culpable negligence. He had two or three things to: he had to whistle, to turn off the steam, and put on the brake, all of which required some time. But what was there to show that the prisoner, who was not asleep, who had just as much interest as anyone else, when he saw the danger signal [the Kildwick distance signal], did not do everything he could to bring up his train ?

He thought it was a very odd thing, knowing that there was another train following immediately after, to pull up the excursion train for the mere purpose of examination without giving some sign to the train following. He thought it was a very dangerous thing to send an excursion train so shortly before an express train, and the persons who arranged these local trains ought to take care that they allowed sufficient interval. He could not help thinking that there was a great want of judgement in sending the express so soon after the excursion train.

Addressing the jury, his Lordship said that, to convict the prisoner, he must be guilty of negligence that was culpable – that was, that partook of a character of recklessness or indifference. But if he was not so sharp at some particular spot as he ought to have been, or might have been, he was not liable to be criminally indicted.

He agreed that when human life had been sacrificed by the fault or want of an arrangement by somebody, it was always desirable to pursue the inquiry till they could come to some definite conclusion. But, if they had come to the conclusion that it was no use for counsel to address them, the case need not go any further.

The jury consulted amongst themselves and the foreman then announced that:

... they were all of the same opinion, that there was no case at all.

The judge then declared Harrison Palfreeman to be Not Guilty on all counts, and the case was dismissed.

So who was responsible ?

If Harrison Palfreeman wasn't responsible for the crash, who was ?

The short, judicial, answer is – nobody. The only person who was found to have any case to answer was Harrison Palfreeman, and that was shown to be no case at all. If you want a case that proves that “the law is an ass”, then this one certainly has long grey ears and makes a loud braying sound.

But we might look back at the evidence and wonder:

- Two trains were sent out of Skipton station a short time apart: one was a scheduled mail train, running just 10 minutes late; the other was a much-delayed excursion. Might it not have been better to allow the mail train to leave first ?
- Could not the driver of the second train have been informed, officially, at Skipton that it was travelling close behind another, most likely slower, train ?

- Cononley signal-box sent forward notice to Kildwick to stop the excursion, but then made no serious attempt to warn the mail train that it was heading towards danger. In fact, the signal that could have done this was switched to All Clear ahead of time. The Skipton coroner suggested that this *“had not led to the accident, and the jury could hardly look upon it as an act of culpable negligence”*. Really? Even at a distance of almost 140 years this seems to be a staggering thing to say. It is an interesting counterfactual to ask what Mr. Justice Mellor might have said about Jonathan Baldwin, the Cononley signalman, had *he* appeared before him on a charge of manslaughter. Harrison Palfreeman had three things to do, and he did them all. Baldwin had just one thing to do to stop the mail train – and he failed to do it.
- Finally, we might wonder about the positioning of the Kildwick distance signal. Difficult to see, it had already been moved once but this had not improved matters. On the foggy, drizzly night of August 28th 1875, Albany Renton, the driver of the excursion, saw the signal at 300 – 400 yards; Harrison Palfreeman and his fireman did not see it until they were within 100 yards of it – just 700 yards from the point of impact. But, tests carried out by the Board of Trade showed that the minimum stopping distance was in excess of 800 yards.

Once the excursion train had been signalled to stop, but the mail train was not given any indication of a train on the line ahead, before the Kildwick distance signal, a collision was inevitable.

Did Edward Needham perjure himself?

One piece of evidence presented to the Leeds assizes that had not been available to any of the earlier proceedings was the results of stopping-distance tests carried out by Capt. Tyler of the Board of Trade², performed after Palfreeman had appeared before Skipton magistrates court in September 1875.

These tests were carried out specifically to determine the accuracy of the claim, made to the magistrates by Edward Needham (the Midland Railways' line superintendent), that Palfreeman could have brought the mail train, travelling at 50 mph, to a full-stop within 400 yards.

Four tests were carried out and found that a minimum of 800 yards was required (see Part 2 for details). This information is crucial as the distance from the Kildwick signal, set at Danger, to the point of impact was just 600 yards.

Needham knew the results of these tests when he gave evidence to the assizes but, while referring specifically to them, provided incorrect information. He said that³:

... it was found that at 40 mph, 650 yards were required; at 60 mph, 800 yards.

These comments went unchallenged in court but, strangely, neither are supported by the published results of the tests. There is no report of tests being done at any speed other than 50 mph, and Capt. Tyler concludes his report by saying quite clearly:

The engine driver of the mail train, who awaits his trial for manslaughter, was therefore placed under a disadvantage as a result of the evidence referred to. Instead of 400 yards, upwards of 800 yards should, apparently, have been the distance given.

That is, 800 yards at **50 mph** not 60 !

So where did Needham get his figures from ? Did he make a series of innocent errors in his submission; did he misinterpret Tyler's report and somehow think that tests had been carried out at 40 mph and 60 mph, even though the only speed mentioned is 50 mph; or did he set out to deliberately mislead the court ?

Claim for damages – Calvert vs. Midland Railway Company

One of the most tragic features of the Kildwick crash was the death of the father and eldest son, William and John Calvert – not simply the fact of the deaths themselves, but also because the death of the breadwinner left a family with no means of support.

A compensation claim was made against the Midland Railway by Mrs. Calvert, on behalf of her family, and was reported in the Leeds Mercury³:

There were two suits by the plaintiff, Mrs. Calvert, who lives at Bradford, against the defendants, one for the loss of her husband, W.H. Calvert, and the other for the loss of her son, John Calvert, aged 14. ... The husband of the plaintiff at the time of his death was earning between 24s. to 30s. a week in a soapworks. The plaintiff has now four children dependent upon her.

The jury returned a verdict in each case in favour of the plaintiff, assessing the damages as follows: W.H. Calvert (husband), £340; John (son, aged 14), £70; Elizabeth Ann (12), £30; Alfred (three years old), £80; Clara (twelve months), £80 – a total of £600.

Note: £600 in 1876 would be worth £48 000 in 2013.

What next ?

This part concludes our investigation into the circumstances, causes and responsibilities surrounding the Kildwick rail crash. In the final part we will ask the question: why was the crash so bad ? Why did so many people die, and why were there so many injuries ?

Acknowledgements

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References

- 1 Craven Herald, April 1st 1876
- 2 http://www.railwaysarchive.co.uk/documents/BoT_Kildwick1875.pdf
- 3 Leeds Mercury, March 27th 1876