

The Ashby Football Manslaughter Case

William Bradshaw, aged 18, a leather worker was charged with the manslaughter of Herbert Dockerty on 28 February 1878. A football match was played at Ashby-de-la-Zouch on 27 February between Ashby and Coalville. The deceased man Dockerty played for Ashby and the defendant for Coalville. Play began around 4 o'clock, and after about quarter of an hour's play, Dockerty began to dribble the ball towards the Coalville goal. Bradshaw went to stop him. The deceased kicked the ball past Bradshaw who instead of stopping and following the ball continued to run towards Dockerty and charged him. Instead of merely running against his antagonist, when about two yards from him Bradshaw raised his knee and jumped on him. Bradshaw fell down and Dockerty staggered a few paces forward before collapsing. No foul was given by the umpire. Unable to play Dockerty was taken home. The next day he died, medical evidence showing that the force of the collision had ruptured his bowels. At the inquest, the jury came to the conclusion that Bradshaw had been guilty of undue violence. This the coroner held to be equivalent to manslaughter and was sent for trial at Crown Court. Numerous players and witnesses were cross examined along with John Turner, the umpire. Nathaniel Betts, a surgeon informed the court that Dockerty complained of great pain over the pit of his stomach and died in agony.

During his summing up the case to the jury, his Lordship said if they were satisfied that Bradshaw caused the death of Dockerty by an unlawful act, then he was guilty of manslaughter. Since there was no doubt that he had caused the death of the Dockerty, so the only question was to whether or not the act was unlawful or not. Since no rule could be made of any game to render lawful what was contrary to the law of the land, the jury needed to pay little attention to the rules and practices of association football. If they thought that Dockerty either intended to do injury or act in a manner which might produce injury, then they ought to find him guilty. Although there was no fault to be attributed to the prisoner charging, they need to determine whether he charged in an unlawful manner. People get very heated when playing football and *"it was possible that the prisoner got very angry when he found that the ball had just been kicked away from him; but it was to be remembered that he bore a good character for good temper, and also he would do an injury to his side by doing anything that was unfair"*. Although the judge would not criticise the game of football, he did say that he would be sorry to see the day when manly sports were banned. They ought to not to convict the prisoner unless they considered that he committed the act reckless of the consequences, or with the intention of doing a serious mischief; but if it was merely an unfortunate jump, then it was merely a misfortune, and not a criminal act.

The jury, after a momentary deliberation, returned a verdict of not guilty, and added a recommendation that the rules of the game of football as to charging should be altered. The judge said he could not quite agree with them on that point and that it should be left to the players themselves. He then ordered the defendant to be discharged.